

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

**MEETING MINUTES
Tuesday, October 28, 2014**

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	X
Commissioner Dana Hennis	X	Trevor Kesner, Planner Technician	X
Commissioner Cathy Gealy	Absent		
Commissioner Joan Gay	X		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at **6:06 p.m.**

1. CONSENT AGENDA

- a. Approval of Planning & Zoning Commission Meeting Minutes for October 14, 2014
- b. Approval of Planning & Zoning Commission Meeting Minutes for October 21, 2014
- c. **14-01-SUP** (Special Use Permit): Jayme Huckins Daycare/Group Child Care, In-Home
-Findings of Fact and Conclusions of Law

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

2. NEW BUSINESS:

- a. **14-08-DR** (Design Review); Robert & Lisa Grigg (Owner) and Signs, Etc (Representative): Applicant requests design review approval of a 'Master Sign Plan' for a single building containing more than one (1) business entity . The existing structure is located at 762 E. Wythe Creek Ct. in Kuna, Idaho.

Trevor Kesner: Good evening Commissioners, for the record, my name is Trevor Kesner, planner with the City of Kuna. 763 W. Avalon, Kuna. The application before you tonight is for a design review of a master sign agreement, or rather a master sign plan, for proposed signage to be placed on the northern and eastern facing walls for the existing building located at 762 E. Wythe Creek Court in the Cement Falls commercial subdivision, this is also known as Lava Falls. The owner's, Robert and Lisa Grigg of Clarifey Eye Care Center and their representative applicant, Signs, Etcetera have chosen to submit the application for design review as defined in Kuna city code. A master sign plan may be submitted for a single business if the owner so chooses. It's designed to show the relationship of signs for any cluster of buildings intended for business occupancy, or in this case, any single building containing more than one (1) business.

An automated sign is defined as a sign with a fixed or changing display capable of displaying words, symbols, figures or images composed of a series of light emitting elements or moving panels or parts; including but not

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

**MEETING MINUTES
Tuesday, October 28, 2014**

limited to tri-paneled, digital, electronic message boards, light emitting diodes - which is what this is... or any other way move or create the illusion of movement.

A master sign plan requires a design review approval for the purposes of coordinating the signs, and to create a plan that establishes the building's overall sign design. The plan may be approved by the city with elements that require suspension or relaxation of the height, area, number of signs, or locations of the signs if the committee finds that extraordinary conditions exist which allow for such relaxation or suspension. This building, as you all probably know, was used to house the former uptown coffee and Laffler's salon. The owners have procured the necessary permits to improve the commercial space in order to move their eye care center business into the primary suite making an additional commercial space available for lease to some future business. As you can see in the staff report, there is really no room provided on the existing monument board sign which is there, and the applicant didn't want to crowd out any other businesses that had existing signage there.

They have already received administrative approval to place the lettering, logo and butterfly icon on the northern and eastern facing walls and they now wish to add a 2,673 square inch LED message center to the eastern facing wall just below the approved sign lettering and logo as referenced in the staff report. Staff determined that the addition of the LED sign would exceed the allowable 20% of the face of any sign as stated in code for a single business entity; however, the reason the applicant has chosen this route is because the LED portion of the wall sign will be shared advertising space to be used in rotation with the forth coming tenants within the building.

The future land use map designates this area as neighborhood and community commercial which is consistent with the applicant's proposed use. Since this is not a public hearing, the site was not required to be posted and public noticing was not needed. The applicant has followed city code and Idaho code for the application requirements. The applicant is here tonight, as well, and with that, staff will stand for any questions you may have.

C/Young: I guess, percentage wise, can you estimate how much over the applicant is on the building, roughly? Trevor Kesner: Um, the allowable sign face of the total sign area would be 1,417.8 square inches, so this LED sign would actually exceed that allowable square inches by about 1,256 square inches, so not quite double the 20% - but its area is not necessarily 40%.

C/Young: Ok. Does anyone have any other questions for staff?

C/Hennis: When you were figuring that total sign area that you just described, was that just in relation to the LED sign and the clarifeye sign and the butterfly? Or the future tenant that's indicated below that on the elevations?

Trevor Kesner: That's just what was submitted on the elevation from the applicant. I'm unaware of any intent or future tenants to put their signage there. Maybe they will, maybe they won't. Obviously, the owners and the applicant visualize that space as being available for future tenants, but as far as size wise, the code would allow for future tenants to add their sign to that, as long as it wasn't an automated wall sign. So it would not exceed any code requirements if they were to add to that.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

C/Hennis: Ok.

C/Young: Any other questions for staff?

C/Wierschem: I have nothing.

C/Young: Ok, thank you; and if the applicant wants to come forward or has anything to add? Just please state your name and address for the record.

Robert Grigg: Yes, Robert Grigg, 762 E. Wythe Creek Court, which is formerly the uptown coffee building. I have with me John Mark from Signs, Etc. I've brought him along because I thought that if there were any details, he would know a lot about it and could answer any questions you had. My wife and I are eye doctors here in Kuna. I'll just say, I grew up here; 1st grade through high school. We have another practice here over in the Falcon View Plaza. Over there's a dentist and a physical therapist. So we've been there for about 13 years and it's been a great place, but Kuna is growing and our practice is growing and we need some extra room for our patients to flow through and so when that uptown coffee building became available, we got it and we're really excited to expand into that building and provide services to the community; And that message board, we intend to have very appropriate, discreet advertising about events and things going on with the office. But we need a certain size so it can be seen as people come down Avalon headed west into town. Per code, if it was the current allowable size, it would be like a postage stamp and you wouldn't be able to read it so we're just asking for a little bit of leniency so people can see it coming down street.

C/Young: With the approved sign with the lettering and the logo, has that been ordered or is it under construction yet?

Robert Grigg: Yes, sign, lettering, logo ... that has been ordered; And apparently approved at this point. The message board, we're awaiting your approval.

C/Young: Ok.

C/Hennis: Just a quick question; you've read the staff report and that particular LED sign would conform to the illumination requirements?

John Mark: Yeah, when it's gets dark, there's actually a dimmer in the sign so it's a little more muted at night so it's not so bright as you're driving down the road.

C/Hennis: Right, ok. That's all I had.

C/Young: Anything else? Ok, thank you very much.

Well... to me... one and a half times over the allowable area is quite a bit over. And that's kind of why I was hoping they hadn't ordered the sign yet, then I'd have liked for them consider other sign sizes, but...

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES
Tuesday, October 28, 2014

C/Hennis: Well, that's why I was asking what the future tenant indicated would reduce that... because, I mean, if you're looking at the information that was provided, you know you are right in the ball park of about 30% and at that point, you're not too much over.

C/Young: It's just that... it's just going to compound itself over. I think that, at least in my opinion, it's too big for the space. I don't know... anybody else? How do they feel about that?

C/Wierschem: I think ... you know, if there was another tenant planning on moving in soon, there would be something to look at. We would know if they were willing to abide by that or use that sign, but you know, since we don't have that, any... (inaudible)... I don't have anything else.

C/Young: Ok.

inaudible commentary from someone in audience

C/Young: Well, this is not a public hearing so I can... if you have anything you'd like to add?

Robert Grigg: Just to add, as Commissioner Wierschem was saying, we are planning on having that future tenant with us in the building share that message board for advertising and hopefully, that gives enough reason for that size as well, not just to be seen from the street as you drive by but because we're sharing it with the other tenants who will be utilizing that sign as well. So if that helps...

C/Wierschem: So, could I just ask, in reference to issue at hand for the crowded signage that we have already in existence, then the new tenant would not put their sign on that and they would be faced with the same; so you're looking at addressing it currently? By confining it?

Robert Grigg: No, no. I would hope that the new tenant, as well, would want to put their personal signage on the space, but then we share that message board for messaging.

C/Wierschem: So then, what about the free-standing? ... that? You're opting out of that? Crowding the others out?

Robert Grigg: I guess... I'm not sure where that wording came from, um I purchased the building from Mike Young, the builder. I guess apparently, I'm paying the association dues as a business in that complex to own that sign. And I said, 'look, I don't have a space left for me to go on there' and 'where's my space?' And he said 'well, you can put your sign on the building'; Well, I'm paying for the sign and I don't get to go on it? And he says 'well, no but you can put your sign on the building' so that's kind of how that ended up. I certainly wouldn't want to crowd out, or I don't think I'd have the ability to crowd out other businesses on that other marquee sign because it's all filled up.

John Mark: Also, that building blocks the sign as well and it's in front of somebody else's building.

C/Wierschem: Right, right. Ok, well thank you.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

C/Hennis: I don't think it would be all that obtrusive anyways, I mean, given the position where it's at on the building. And it's only on the one side.

C/Wierschem: Looks like it's above the door. Is that correct?

C/Hennis: Well, yeah it's kind of on that side facing Walgreens. But that Walgreens sign should overpower anything on this one anyways. I don't mean to be too direct, I mean; I don't know...I don't... it's above what we're allowing them, but I think as long as we have the dimming at night.

C/Young: Well, my biggest fear is that it's not just over by twice, but we're at one and a half times the size, and if they start getting that big over what is allowable, then that is really stepping out of what the code says and it sets a bad precedence to me.

C/Hennis: Hm. Yeah.

C/Wierschem: So, let's say we had someone that he was planning on sharing that space with him. Then, would that signage be appropriate too?

C/Hennis: That's what I was saying, is...

C/Young: Well, I guess we can ask them really quick, but I think it was over for the entire elevation.

C/Hennis: No, he said it was just for the face. Just for the one.

C/Wierschem: One?

Troy Behunin (city staff): No, it's just for the one sign. Any additional signs would be subject to design review for the overall overage.

C/Hennis: That's why I was asking, if it was considering the future tenant indicated on here.

inaudible commentary from someone in audience

C/Young: If you would please step up to the podium.

John Mark: If they put another tenant up on that wall, that 20%, they'd probably be about 5% under what's allowable size of the dimensions for the message center.

C/Hennis: It would be close. Depending on the size.

C/Wierschem: Right.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

John Mark: Yeah.

Troy Behunin: Depending on the size of the future tenant's sign, yeah. Any sign that a future tenant puts up there would actually reduce the percentage of the LED sign portion, from what it is...

C/Young: From that portion of the other signage.

Troy Behunin: Yes, from that signage's overall appearance. So, what may be near 40% now, will be reduced substantially, well... it will be reduced comparatively, depending upon whatever the future tenant's sign is.

C/Young: Contingent on their tenant's sign size?

Troy Behunin: Yeah, correct.

C/Wierschem: Was there signage from the old business that was there previously?

C/Hennis: Yup. I don't remember how much, but I know that they both had signs on there.

C/Wierschem: Ok.

C/Young: Ok, well...any other thoughts or...?

C/Hennis: I think we base it on figuring that there is going to be another tenant's sign there. I mean, that's how it had been with the previously. And we know that they're going to have somebody else come in.

C/Wierschem: Um hmm, it's just a matter of time.

C/Young: Ok. Did you..?

C/Hennis: Maybe with what...

C/Gay: I'm just... I can't think of anything else other than what you guys have already brought up or said. Because I'm so new, I mean if we approve this, then it doesn't change the code, it just changes what we're... and someone else would have to talk to us if they wanted to do the same thing.

C/Hennis: Um Hmm.

C/Gay: And someday that whole street's going to be signage, you know?

C/Young: Exactly.

C/Gay: Yeah. Ok.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

C/Young: Ok. If there's no other discussion, I would stand for a motion.

Commissioner Wierschem motioned to approve 14-08-DR given the conditions of approval as stated in the Staff Report; Commissioner Hennis seconds, 3 in favor, 1 opposed and motioned carried 3-0.

3. PUBLIC HEARING

- a. **14-02-SUP** (Special Use Permit); Sara's Salon – Sara Kinghorn: Applicant requests approval to place a Beauty Salon in her home which will allow up to 2 clients in her home at any one time. The site is located at 2705 W. Gainsboro Drive; Lot 31/Block 10 in the 4th phase of Crimson Point Subdivision.

Trevor Kesner: Commissioners, again for the record, Trevor Kesner, Planner with the City of Kuna, 763 W. Avalon, Kuna. Tonight's application before you is a Special Use Permit (SUP) request from Sara Kinghorn to operate a Salon in her home at 2705 W. Gainsboro Drive. I think we may be going overboard with the location of this.

This is an in-home salon described in Kuna City Code 5-3-2 and 5-1-6-2 under beauty parlor which is defined as a facility, which offers personal service and hygienic treatment including massage, manicure, hair styling, facials and other day spa activities. The applicant, Sara Kinghorn is proposing to open the salon and provide a variety of services including cuts, colors and shampoos. I am unaware of any kind of spa services or manicure services that she would provide, but she is here tonight so she could answer to the extent of services which she'll be providing. Business operations for the salon will be Monday through Saturday from 10:00 a.m. until 7 p.m. The site is currently zoned Medium-Low Residential (R-3).

An in-home salon use requires a Special Use Permit to establish this type of business in this zone. The parcel currently has a residence on site with three (3) possible parking spaces and a six (6) foot vinyl fence around the backyard perimeter.

The salon includes one chair, one shampoo bowl, and will only service one client at a time with the potential for two clients at the salon in rare instances. The business is intended to be full-time in nature and all potential clients will be utilizing the existing driveway parking spots. The comp plan and future land use map identifies this site as medium density residential and staff views this proposed land use request as consistent with the surrounding and approved future land use map designations.

All required procedural items have been completed as shown in the staff report. This land use was given proper public notice in the Kuna Melba News. A public meeting was held on the property itself and the applicant followed the requirements set forth in Kuna code and Idaho code. We've determined that the application complies with the comprehensive plan and future land use map and forward a recommendation of approval subject to the Commission, subject to the recommended conditions of approval set forth in the staff report. With that, I will stand for your questions.

C/Hennis: I just have one real quick one. On page 2 of 6 of your staff report under history, the last sentence, you had stated this was zoned medium-density residential R-6? But you'd stated in your...

Trevor Kesner: Yeah, that's actually R-3, so that is a typo. It should be medium-low residential R-3. That will be corrected in the findings of fact.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

C/Hennis: Ok. Thank you.

C/Young: Anyone have any questions for Trevor?

C/Wierschem: I have nothing.

C/Gay: I have nothing.

C/Young: Ok. Thank you.

Trevor Kesner: Thank you.

C/Young: And if the applicant would like to come forward and please state your name and address for the record.

Sara Kinghorn: My name is Sara Kinghorn. I live at 2705 W. Gainsboro Drive in Kuna, Idaho 83634. Thank you for hearing my application tonight. My request is pretty straight-forward. I'm just proposing to convert my residence into an in-home salon in the third bay of my garage. We've talked to the neighbors and the homeowner's associations, and they were ok with it as long as we had no signage which is fine, I'm not proposing any signage. I have read through the staff report and I am OK with the conditions, and with that said, do you have any questions for me?

C/Young: Ok. Does anyone have any questions for the applicant?

C/Wierschem: I have none.

C/Hennis: During the neighborhood meeting, that was the only thing that came up; was just the opposition to any signage?

Sara Kinghorn: Yes, just no signage.

C/Hennis: Ok. Thank you.

C/Young: Thank you.

Sara Kinghorn: Thanks

C/Young: I'll go ahead and open up the public hearing at 6:30. And we have listed to testify in opposition, Charles Hyatt? Please step forward and state your name and address for the record.

Charles Hyatt: I am Charles Hyatt, I live at 1301 E. Hubbard, which is directly across from the proposed subdivision. Approximately 90...

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

**MEETING MINUTES
Tuesday, October 28, 2014**

C/Young: Uh, sir, I'm sorry to interrupt, this is the public hearing right now for the special use permit for the salon.

Charles Hiatt: Oh, well you asked me to come up to testify.

C/Young: Oh, well I have you signed up in opposition; I bet I looked at the wrong sign-in sheet. I did. I apologize. I looked at the wrong sign-in sheet.

Charles Hiatt: We're all human.

C/Young: True. Thank you and hold your thought there, just for one minute. Oh, that's embarrassing.

C/Hennis: You probably scared her too.

C/Young: Ok, then seeing as nobody has signed up, is there anybody here that would like to testify that is not signed up? Ok, seeing as no one is opposed in the public hearing, we'll close it at 6:32 p.m. and as far as our discussion, I haven't seen anything in the application that gives me pause.

C/Wierschem: Nor did I.

C/Hennis: Me either.

C/Gay: I don't see anything in here that looks like a there's any issue.

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

Commissioner Wierschem motioned to approve the 14-02-SUP (Special Use Permit) for an In-Home Salon with the conditions as stated in the staff report;

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

C/Young: Thank you.

C/Hennis: Thank you.

C/Wierschem: Yes, and good luck.

- b. **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.

Troy Behunin: Evening Commissioners, for the record, Troy Behunin, Kuna staff, Senior Planner, 763 W. Avalon. ***coughing*** I'm going to ask for your forgiveness in advance. As you know, we come in contact

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

**MEETING MINUTES
Tuesday, October 28, 2014**

with a lot of people throughout any given day and sometime about two weeks ago, somebody delivered a little bit more than an application, so I've got some of their germs. So I apologize for needing to take a drink every once in a while.

The application before you tonight; 14-05-AN Annexation, 14-04-DA Development Agreement, 14-03-S Preliminary plat and 14-06-DR which is a Design Review. These applications have been submitted for the proposed Patagonia subdivision which is on the northeast corner of Meridian Road and Hubbard Road.

As Chairman Young described, this is one hundred fifty (150) acres which is out in the county and is

currently zoned R-R which is rural residential. They're seeking this annexation into the city to bring the vital utilities and infrastructure across Meridian Road, actually under Meridian Road to provide services for a subdivision which will house approximately four hundred and seventy (470) homes and it will consist of almost eighteen (18) acres of open space which is roughly 11.95% approximately, of open space for the project. As an Annexation, Development Agreement and a Preliminary Plat, these actions require that a certain protocol is upheld and maintained in order to notify the public. Some of which is the neighborhood meeting was held, agencies are involved and are notified. Letters are sent to property owners within three hundred (300) feet. I believe this project was actually noticed even further out than 300 feet, I believe it was noticed out about 350 feet. It also requires a notice go out in the Kuna Melba News and that the site gets posted.

I'm here to tell you tonight that all of the noticing procedures for Patagonia have been fulfilled, the public meeting was held; albeit, it was held six (6) months to the day prior to the application. But it does follow all the requirements necessary for that. The applicant is here tonight and I'm sure he will have a presentation for you folks. The proposed subdivision... what they're proposing is an R-6 medium-density designation for their subdivision.

The comp plan actually calls out a 'mixed-use general', which means they are able to mix commercial and residential components within a given application; however, it does not require that there is a mix of commercial and residential. This application is just for residential units. An H.O.A. will be established to maintain the 11.95% of open space or the almost eighteen (18) acres of open space. The applicant is also proposing some amenities to go along with the open space: two (2) tot-lots, a swimming pool, and a very sizable open space for the use of baseball or soccer or whatever the H.O.A. wanted to put there.

The applicant is also aware that the development agreement is attached to this application as a condition of the annexation process and hopefully you folks have had a chance to review all of the material in your packets for this sizable endeavor. It's a very important project for Kuna because this is the first time that a subdivision is being proposed on the east side of Meridian Road. Just to highlight some of the big things about the procedures, in section 'E' and number 8, actually on page 3 of 7, you'll find a list of all the agencies that were both notified and those who responded to that request for comment. All of the procedural items for this project have been followed and staff would stand by with a recommendation for approval, with the caveat that the discrepancy between what the applicant is proposing on Hubbard Road in terms of right-of-way, be reconciled with that of what the Ada County Highway District (ACHD) has recommended. There is a slight difference, but it's only two or three, maybe four feet for the overall width.

Another small difference would be, at least on the applicant's proposed preliminary concept plan, there are no sidewalks that are shown on the Hubbard Road frontage. As an arterial, or a classified arterial roadway, Kuna code does require that eight foot sidewalks are placed there and Taylor Merrill who is the applicant, and is here tonight could probably comment on. Other than that, it follows all of the subdivision procedures and there's nothing that staff would say that needs to be changed really, other than just a few minor things that

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

**MEETING MINUTES
Tuesday, October 28, 2014**

typically happen with large-scale developments that can be reconciled throughout the process. I will stand for any questions that you might have.

C/Young: I do have a quick... well several questions anyway. ACHD would also require sidewalks along that frontage on Hubbard Road? Is that correct? As part of their conditions?

Troy Behunin: Yes, that is correct, they would also require them; however, their required width is substantially smaller. They only require five (5) foot but Kuna code requires eight (8) feet.

C/Young: Ok, then maybe you could answer this question. I'm not sure, but in the traffic study, it listed that a signal was in ACHD's five year work plan for the intersection of Hubbard and Meridian Roads and I'm seeing somewhere in ACHD's report, that it was in their plan between 2027 and 2031?

Troy Behunin: It's actually further out than that. It's something that they'll have to tie up with ACHD. Not many people realize, and I will try to keep this brief, but the overview of how streetlights work here in the Treasure Valley with ACHD. ACHD is in charge of all of the street lights across the valley. Even though this will be a street light, or rather an intersection light for a state highway so ACHD will still be the governing body for that and if something is not listed in their (Capital Improvements Plan) CIP, then something would need to warrant its placement on that list in order for something to be designed, programmed and funded. And right now it's not. That doesn't mean that it won't be. And it doesn't mean that the projected time line which you stated earlier, that it won't move up, but it's just not on their radar right now. Or at least not for the next five years.

C/Young: I guess I was surprised at the traffic study's time frame. I just wanted to make sure we didn't have any... that there was at least something going on there.

Troy Behunin: And maybe there is something else going on there that we're not aware of, by Taylor Merrill can address that. Any other questions?

C/Wierschem: I just would like some clarification. It states that there were several agencies that did not send in comments and concerns. No concerns. And normally, we do get a response. So I'm wondering...when were they sent out? Who sent them out? And why did we not hear back from any of the local agencies?

Troy Behunin: The agencies were all sent a packet; and by packet, I mean the same thing that you folks were sent tonight. They were sent the letter of intent by the applicant, the landscape plan and the preliminary site plan. ACHD, they also were sent the traffic impact study. The others were not, because they don't have to worry about the transportation, but they were sent a site plan, they were sent a vicinity map and all of those things. Essentially, they were all sent the same things you have, and they were sent out on August 19th of this year, so just over two months ago. And everybody... I say everybody meaning all agencies, were given a deadline of fifteen (15) business days. So that is essentially three (3) full weeks including weekends, to provide comment.

As you can see there were a number of them that did send in comments and there were some that did not. I don't know why the agencies that did not provide comment... I don't know why they did not. But everyone

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

**MEETING MINUTES
Tuesday, October 28, 2014**

was given the same opportunity to provide comment. We have a list of agencies that we send to and those that feel that they need to comment will send them in, and they are included in your packet.

C/Wierschem: I guess the one agency that I am really concerned about is we've had projects that have been... it's been several years ago, but they will come before us with several homes that would bring students to our school district. The numbers would increase, and we've always had a response from the Kuna School District. Since that is my profession and my love is for kids and the school, I'm extremely concerned that with this number of homes coming into our community, that this agency did not respond.

So, I'm just stating that I am hugely concerned that this is directly going to directly impact our classrooms with that many homes. So I'm just puzzled as to why they did not comment. But thank you.

Troy Behunin: Right. Correct. I don't have an answer as to why a certain agency or anyone from a said agency didn't provide any comment. As you can tell, even the comment from the Boise-Kuna Irrigation District was a simple, one sentence letter saying 'look, did you contact the Boise Project Board of Control?'—Something as simple as that would even be included here, because it's a comment. So, I don't have an answer for that. I wish I did, but I don't.

I do know that last week, I was requested to send the packet to the school district again. And I did that. I sent a package to Layne Saxon, the facilities manager I believe. I hope I got his title right.

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

C/Young: Ok, thank you Troy. And now we'll ask the applicant to come forward and please state your name and address for the record.

Taylor Merrill: My name is Taylor Merrill. I'm with the Westpark Company. My address is P.O. Box 344, Meridian, Idaho 83680. Thanks Troy for your introduction to this project. We appreciate the opportunity with the city Planning and Zoning staff have been very cooperative in working through some of these issues and supporting what we're trying to bring, an exciting project to the city.

A little history here, Patagonia as Troy said is a 150 acre development. It's planned for approximately 470 homes. The average lot size is about 8500 square feet in here. It's got interior parks, tot-lots, a 4 acre park which would accommodate youth sports. The parks are all interconnected with a pathway system. That pathway system will also run along the Mason Creek. A swimming pool is planned within the first phase of the development. The phasing will be done in approximately 40-50 lot phases making Patagonia, probably about a ten (10) year project. Patagonia is a project that we have identified to satisfy a market demand for a price-point as the economy creeps up on us, Ada County is ever-pressed for affordable lots, lot sizes and homes that are attainable at a certain price-point. We're looking to attract people that are presently in the community and also buyers that will stay in Ada County with those price-points. We have had conversations with the school district. We met with them quite a while ago.

We've had some conversations with Layne Saxon as well. A little history: Patagonia is a residual of a development which was planned and known as the Orchards, or the Vineyards in about 2007-2008. It was over 500 acres and I think about a thousand homes and at that time, a school was allocated for the school district. We since, don't control that property anymore. Depending on how that shakes out or whatever, that site may still be available. Patagonia does not allow the economics of a school site unfortunately.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

Commissioner Wierschem, I have a daughter that teaches school and we know one of the greatest draws of a community is its schools, church, shopping and medical. And we hope to add to that but ... we hope to participate in the need for a school site, by virtue of the value of these homes which will be in the 250k-325-350k range which will allow a little increase, as you know, that first 50,000 is exempted on the tax roll so we hope to participate in that and provide population that can vote and participate in bonding and support the school any way we can; namely with the economics that this project will bring to the community to allow that affordability, so to speak. Again, we're seeking to attract a demographic here of kind of growing families or families which are stepping up in the community and we're also finding that a demographic that, it's a real secret but Boise and the Treasure Valley attracts retired or semi-retired people. I think a big part of why we're seeing success in our communities are that: those step-up families as well as families or older folks or couples that don't really have that school demand or that educational demand. On the ACHD issue, we support the comments and we agree with their Capital Improvement Plan (CIP). Access to Meridian Road will warrant a signal, you know its five (5) year, fifteen (15) years; our build-out is a ten (10) year plan.

Again, back with those impact fees and whatnot, we'll certainly participate in the community with you know, the Riddleys, the shopping, and the other subdivisions around and whatnot. I believe Deer Flat has a light; Columbia has a light, so we're missing one right there. At some point, that will be required, as Troy articulated, it's a state highway controlled by a local district, that's being demanded with high traffic so to speak. I really think that one of the greatest, or the smartest road in town is Meridian Road and I think what ACHD is doing with not allowing it to become another Eagle Road with all the turn-ins and turn-offs so to speak to maintain its integrity and its safety and continue that flow with having the mid-mile turn-ins and turn-offs, but we do support the traffic study that we provided as well as the comments that ACHD, although chairman there are some contradictions with that time frame, and I think what we'll state is that we support when that is warranted, and by virtue of the impact and those fee, that these homes and our development will provide and assist with supporting that. Two points that we agree with, um... on the right-of-way, we don't have any problem conforming. There's a little bit of a difference, it's like Troy said, only a couple of feet; and we're willing to go with the city ordinance on that width and also include not the five (5), but an eight (8) foot sidewalk that will actually meander a little bit through our landscape area, so it won't be parallel there but kind of meander through that landscaping on the frontage there; that part there on Hubbard. We feel that we've complied with all the ordinances. We're excited about our application. We're very excited about Patagonia and bringing you know, knocking some of the dust and the moth balls off of the plat by what we do and we feel fortunate to actually be able to stand before you and to bring a project into Kuna. Kuna's a great place to live. You guys live here. It's a neat place and again, we appreciate the city's support and the staff's support, and any questions I can answer, I'd be glad to do so.

C/Young: It was probably listed in the landscape plans but the fencing around the pool area; does that intend to be wrought iron?

Taylor Merrill: I think we're... you know some of those plans are a little bit off, but yeah we like the wrought iron fence around probably the pathways. We'll have to fence the Mason Creek pathway, so probably the backs of those will hopefully, you know there's some economics with those fences and probably some additional costs associated with that but you can argue the visual effects of it. I think the perimeter of the project will be a visual barrier whether its vinyl or something else but on the interior, we'd like to stick with that wrought iron, ornamental design on that stuff.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

C/Young: Yeah, well my concern with the pool was just the visibility for everybody. And also, I haven't seen any elevations for the pool facility itself and some of the materials that you are intending?

Taylor Merrill: That pool will be, probably... we've built several, and they typically are a rock foundation and a rock, well I call it a wainscot but I don't know if that's the proper term, but bring it up with a rock and then kind of a hardy board type you know, but typically with a metal roof material and a tile roof material. This pool will basically be a, to describe it a little bit would be and entrance where you have the restrooms on one side and then the pool facilities, the filters and all that on the other side going to it and then it will be fenced around that kind of entrance area; we'll kind of dress that up a little bit.

C/Young: Ok. Do you have something that?

C/Wierschem: I just wanted to touch base on the school; you said that you had spoken to Layne Saxton in regards to the school district? Did he bring any concerns or anything to your attention?

Taylor Merrill: Oh, absolutely. You know, he's in the business of educating our kids. And in the past, I think we've tried to... again, it's the economics. We've tried to provide a site in there and you know if we could participate in something, and that might be an option down the line. Again, we're talking about a multi-year program here. If we can do 40, 50 sales a year in here, we'll be successful. You know, 2, 3 or 4 a month so to speak... just on the side, we've got what's like a group of home builders, probably half a dozen that are well qualified to build in here, but yes, Layne did formally request a school site. We have had success with him in the past, we did, prior to when we controlled the site, there was the site to the west of Meridian Road, there was a school site that was volunteered, but that plat never really made it to this point, if you will. But no, I think they are looking at school sites. I know you're concerned about the growth of the community and my comment was that the format of where we are is that the economics, as the mayor said in his newsletter, will raise the level; will provide a tax base and allow those schools to draw from a few other coffers, if you will. Kuna, in particular, has struggled but by virtue of that, they're doing a real good job out here. These schools are good schools out here. The problem with that is they're very expensive, you know, as most sites are. But this plat does not include that, but we did have that conversation.

C/Wierschem: Ok, thank you. What about bus pick-up or drop-off, or any concerns about that? Would they do it outside the subdivision? Would they go through your subdivision?

Taylor Merrill: You know, real quickly, we've had... this again is a residual and the traffic report, or the ACHD report talks about Apple and Peachtree streets and stuff like that. We'll re-approach that or re-submit that with the different names to fit that Patagonia or Argentinian type theme. You know we'll re-submit that to Ada County but with the main spine that kind of goes through there, I think it certainly has to have some stops or something like that, but we would certainly accommodate the pick-up and drop-off in any point we could. Maybe it's beside the park or maybe it's the pool house but I think the project, like water drainage, you know that can come through there. You know it's a nice walkable community so those kids and their mothers can deliver them to that street but the buses would certainly be welcome.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

C/Wierschem: Ok, thank you. I know that's reaching, but I'm just, I wanted to clarify.

Taylor Merrill: Hey, we've got to think about the kids.

C/Hennis: One question I had was, we didn't see anything indicated on the landscaping plans or the plat regarding street lighting or such, what it being provided throughout here.

Taylor Merrill: Street lighting is a requirement. I believe both ACHD and the city require lights through the community.

C/Hennis: So you're just conforming to the...? Ok.

Taylor Merrill: And we'll probably have to place some additional, you know with Idaho Power, and there'll be some power issues going along Hubbard there and I wouldn't doubt there will be some lights required there.

C/Hennis: Ok. That's all I had.

C/Young: Do you have any other questions for the applicant?

C/Wierschem: No, thank you.

Taylor Merrill: Thanks again for your time and your interest. We're excited about this project, and again it's a real pleasure working with your staff.

C/Young: Thank you.

Troy Behunin: Lee, if I may add something really quick in reference to Commissioner Hennis' question; under the proposed conditions of approval, it's going to be on page 6 of 7, and its actually number 5, it just talks about street lighting shall be LED lights and meet the approval of the city. The city is underneath the monumental task of converting from conventional to 21st century technology which is LED. Any street lights that come into the city, especially in a subdivision, those plans will get reviewed at the time of construction. They'll get reviewed by me or another member of staff and they will receive approval and be installed based on that. And on top of that, they pay for an inspection fee and a staff member will go out and verify that that the right light, at the right wattage, at the right height, and the right type was put in the correct location itself.

C/Hennis: Ok. Thank you for that.

C/Young: Thanks Troy. Alright, then we'll go ahead and open up the public testimony at 7:04 p.m. And in doing that, we'll just say how that works; if we've got you signed up to testify, then you'll have three (3) minutes to present anything you want in reference to the projects and then after everybody's had a chance to speak, then the applicant can come forward if he so chooses and will have a chance to address and concerns or comments brought up in testimony, but we just can't bring up and new information. We're just addressing what's already been stated so with that being said, is there anybody that hasn't been signed up to testify that would like to?

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

**MEETING MINUTES
Tuesday, October 28, 2014**

Ok. Then, Troy if you could have Layne go ahead and sign in on the sheet then while he is doing that then I will go ahead and call up Charles Hyatt. Please state your name and address for the record one more time.

Charles Hyatt: I'm Charles Hyatt. H-1-A-T-1, I live at 1501 Hubbard, which would be just directly across from the subdivision. Approximately 1998 or along in there, we had an extremely heavy snow, in fact it was a 50 year snow that we have about every 8 years, but it accumulated anywhere from 24 – 36 inches of snow, and the following day, we had like a Chinook wind came and it was warm and it melted very rapidly. The water came across my east pasture about an inch to an inch and a half deep. It looked like a river just running across that pasture. It went out into Hubbard Road and the ditches were full. It overflowed the road and went across the road and went into the field across from me which is a subdivision. It flooded the whole subdivision approximately 6-8 inches deep in water; the whole thing.

This is a flood plain. There is no question about it, I know now what a floodplain is because I saw what a floodplain can be. Without having proper flood control in that subdivision, you're going to have a big problem. I, as a homeowner across the street from there, I do not want to see any type of a damming or fences of any type that would restrain the natural flow of that water, in case of a heavy run-off. We don't get a lot of water here, but when we do, it's got to go somewhere and I saw what it could do. That whole field was under water. I just want you to know that. Also, you've got an irrigation ditch that goes down through that whole subdivision. Are going to have to fence that in to keep the kids from going in there? That's very dangerous and you could have a big problem. I know that you've got to protect us across the way, as well as them. By them just putting a dam across Hubbard Road, because my property would be flooded and their property too and this is very dangerous.

Also, we get 20-30 mile an hour winds and if you catch one of these houses on fire, you've got 470 houses in there; the response time from Kuna Fire Department would be 15-20 minutes before they could get there. That whole subdivision. As a tax payer, are we going to have to put in another fire department? These are questions we need to know. As a tax payer, every year our schools cost us more and more money. I mean you're talking four to six hundred more students. You can't tell me that the schools don't have to get bigger. What about sewage system? These are just a few of the problems you're going to have. I know my time is at 3 minutes, but they had half an hour so then, thank you very much.

Commissioners: Thank you.

C/Young: And next we have listed under neutral to testify is Layne Saxton. Please state your name and address for the record.

Layne Saxton: My name is Layne Saxton. I'm here tonight representing Kuna school district. Mr. Chair and P and Z Commissioners, my address is 271 W. 4th Street here in Kuna. That is my office site. I do live here in Kuna as well. I heard some of the presentation that Troy had mentioned. And I called last week because we had a concerned patron call about this subdivision and asked some of the same questions that the Commission has before them tonight. Why the school district didn't respond? I generally get these. I'm a project manager for Kuna school district and I generally get these from all sorts of agencies and cities put in different things across the county and I get them from Canyon County, Kuna city to Ada County, and we look at them to see if they affect the school district. Generally they have a say so and come and present at public hearings.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

Tonight, I simply don't want to oppose the subdivision, but I do want to share with you some concerns that we have with the school district with putting 470 homes in. As you know, the last school that we built was Silver Trail Elementary. Fortunately, all three of the last schools that we built were on donated sites. I did have a talk with Mr. Merrill. I have also talked with Wendy from Planning and Zoning and of course Troy on different issues and I don't know why I missed this one. I was going to look and see that I got it; Troy did send it to me for review, I talked with the assistant superintendent about this particular subdivision. It does raise concern, not only with the light not being at Hubbard and Highway 69, but it is the only subdivision on this side that we serve of this size that we would service. It is on the other side of highway 69 which is a concern. Green space, it looks like they've got a lot of green space and they did talk to us, they approached the school district about several other sites and they did donate land. It was a verbal donation that they had but when the economy went into a downfall, those subdivisions were turned back; mostly to the banks. So, I even approached one of the banks that took one of the subdivisions back and asked if they would still honor the site for a school site and we were told no. Transportation is an issue as you know, right now we are fighting to try and keep the transportation department afloat because we simply don't have enough funds to buy any busses. We continue to run out of busses for field trips let alone that the funding system is broke and we're working on that as well with the state to try to get some of that funding corrected.

As you know, we are operating on a supplemental levy and I'll try to wrap it up very quickly. Part of the age group that Mr. Merrill mentioned was the secondary level. As you know we'll have all sorts of age groups in this subdivision. At one time, as they mention and I apologize for bouncing around on this; when they were donating property for a site on Columbia, when we built our last school, we even extended Fiver clear to Columbia so we could go down Columbia for a future site that we were told we were going to get there. The school district does have concerns about this site and part of what I wanted to mention as well was that we thought that development agreements that were put in place for subdivisions, where building subs as part of being a developer, that there were sites set aside for this size of a subdivision for school sites. And this one didn't make it so, that being said, I would stand for questions.

C/Young: Any questions for Mr. Saxton?

C/Hennis: Do you currently have a bus that comes that direction? Across Meridian Road?

Layne Saxton: We do. I could bring up a lot of other sites that we have issues at but that doesn't pertain to this particular subdivision.

C/Hennis: Alright. Thank you.

Layne Saxton: Thank you.

C/Young: Well, that's all I had listed so...

Taylor Merrill: Taylor Merrill, Westpark Company again. Just a quick rebuttal on this stuff; we do understand the first gentleman's, Mr. Hiatt's concerns. The Mason Creek is a floodway. We're aware of that and we've addressed that with the Boise Project Board and in part, some of that will be raised and brought out, but it will remain open. We will be installing fencing for the protection of whomever, but that drainage will be protected

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

**MEETING MINUTES
Tuesday, October 28, 2014**

and improved basically. That's one point that may or may not have been brought up, but the drainage off grade will go to and through. As the project evolves, there may be some piping that will have to be installed to ensure those drainages, particularly to the east going through there. Again, we appreciate the school districts and what they do and look forward to having some conversations further on this and I appreciate Layne and his working with us and his comments here as well, and again, just express our enthusiasm for the project and working with the city and staff in particular. You guys have a good staff. Thank you very much, any questions?

C/Hennis: Thank you, no.

C/Young: And with that, I will close the public testimony at 7:17. Next is our discussion.

C/Hennis: Hmmm

C/Young: Well, I guess I can start with aesthetically, I find the site works pretty good. They've done a good job as far as I can tell with the landscaping and the boulders and making things flow very well so I don't have any issues that way.

C/Hennis: Mr. Chairman, what was the difference with what Troy had handed out? Did he say at the beginning of the presentation?

C/Young: I'm sorry?

C/Hennis: Was there anything different with what he handed out and what was in the packet?

Troy Behunin: No. That was actually something that Taylor brought and it's the same exhibit that's already in your packets.

C/Hennis: There is no difference on it? Ok. I just wanted to make sure.

Troy Behunin: No. I didn't make any changes and they appear to be the same.

C/Hennis: I went through it and the landscaping plan and everything seems to be addressed and the sidewalk issue that we previously talked about; that frontage or that sidewalk that fronts Hubbard. Otherwise it looks good; I mean the flood plane is addressed in their plats so it's talked about and shown and the open spaces along the canal there, it's in amongst that flood plane so I think they've looked at it pretty well.

C/Young: I agree and in reference to the sewer, they are putting in two lift stations to connect to the sewer location and accommodating for that as well. And again, that Mason Creek will continue to flow and will not be dammed up.

C/Hennis: Yeah, I think the main thing is the impact that it might have on the school district, but again, I think it does raise a good tax base too that provides to the city. It's kind of a double-edged sword of sorts. I can't think of much else that I would bring up; I mean it seems to be pretty well laid out.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

C/Wierschem: I've been looking through this packet and I did not see the comments from the fire department to address Mr. Hiatt's concern.

Troy Behunin: They were actually listed as an agency that did not respond. Typically the police department and the fire department will get another chance to take a look at it.

C/Hennis: No, you had it listed in here that they had responded.

C/Wierschem: Yeah.

Troy Behunin: Oh. Well that is a mistake on my part. I'm a little human myself. I don't recall getting anything from the fire department. But they will get another crack at this during the review of the final plat.

C/Wierschem: So then for the record...

Troy Behunin: The fire department doesn't typically comment or the police won't comment on response time. That's not a typical comment from them. I'd heard Mr. Hiatt's concern and I was just responding to that.

C/Hennis: Because typically they'll respond with a need for a connection or something like that.

Troy Behunin: Yeah, if there's a hydrant missing or something like that, an over-length of the street, or a cul-de-sac or something, then secondary access needs to be implemented; yeah they would comment on that. They will also get a crack at the construction plans for the subdivision when it moves forward towards construction so the fire department and police department will get another look at this because they have to sign off on the improvement plans and so does ACHD. So my eyes will look at the fire hydrants, they'll look at the street lights and Kuna fire will also look at the bond.

C/Young: Ok, thank you Troy. Does anyone have anything else?

C/Hennis: Nothing I can think of right now.

C/Young: Do you have something Stephanie?

C/Wierschem: No, I just wanted to comment that I was relieved when he said that the project would be over a ten year span with, in mind, the traffic light control on Meridian Road because one of the concerns I had was the safety and high school children coming from that subdivision trying to get back to high school. And I know we don't have any jurisdiction over any agency, but I just feel as a citizen here in Kuna that I want to look out for the safety of those young drivers so...I was just relieved of that. I have no concerns otherwise.

C/Hennis: They've got a fairly good alternate path down Lake Hazel and roads like Deer Flat too.

C/Wierschem: They do.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

C/Young: Ok, then if there's nothing else, I would stand for a motion.

C/Wierschem: Would you like to...?

C/Young: I guess before I do that, I'd like to... there's one other item, I'd like to bring up. I don't know if the proper place is in the development agreement or just making it a condition of approval if that's where that goes; would be the landscaping and as each phase gets built out, all of the landscaping and the common area improvements are in place for each phase prior to a new phase coming forward to alleviate any issues that we've had in the past.

C/Hennis: Yeah, that's true.

Troy Behuni: If it puts your minds at ease, each phase that comes before the city for final plat signature request, there is a final plat inspection check off list. One of those line items is the landscaping, and that it meets or exceeds the approval of this body through design review. And any common areas that are proposed to be platted in any given phase must be completed before the city will sign off on the final plat. You're certainly welcome to make that a condition. It would be a safeguard or at least a secondary net but there is that requirement already in place. I don't know if that helps or confuses but..

C/Young: Well, we're just dotting and crossing. Ok, and if there is nothing else, then we can formulate a motion.

C/Hennis: Mr. Chairman

Charles Hiatt: Um, can I just ...on the landscape along Hubbard Road, again, I don't want to see anything that can restrict the flow of water; in other words, putting up a fence or something that could stop the flow of water. I'm looking out to protect my own property.

C/Young: We understand that. Thank you.

C/Hennis: It's not really even bermed, so I think that the concern...

C/Wierschem: Could the applicant, or ...Troy, could you address this please?

Troy Behuni: Actually, it's part of that final platting requirement. A drainage run-off plan for both off-site and on-site must be submitted and approved, and will be commented on by the city engineer as well as ACHD so any historic flows now will be maintained. But they are also not allowed to barricade against off-site flows. They have to design for them.

C/Young: They must be engineered for historical flows and flood year planes and so on...

Troy Behuni: Yes. Historical water rights and drainage must be maintained. At least at the two and the exit.

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

**MEETING MINUTES
Tuesday, October 28, 2014**

C/Wierschem: So Troy, just for clarification, you are stating that there will be not objects that will obstruct water?

Troy Behunin: No, because state law prohibits that and the city engineer maintains that.

C/Wierschem: Thank you.

C/Hennis: I think quite frankly that the roads might actually help maintain the drainage. Thank you Troy. Ok.

Commissioner Hennis motions to approve 14-05-AN (Annexation), 14-04-DA (Development Agreement), 14-03-S (Subdivision preliminary plat) and 14-06-DRC (Design Review) of the Patagonia Subdivision given the proposed decisions and conditions that are outlined in the staff report as well as the condition that the applicant address any fire hydrant or fire department needs as the project progress, that the sidewalks be addressed per ACHD's conditions for roadway widths and the City's code for sidewalk widths, and the landscaping for common areas be addressed within that phase prior to beginning another phase, and that the applicant work with the school district to provide the proper bus routes and drop-off point; Commissioner Gay Seconds, all aye and motion- carried 4-0.

C/Young: Thank you very much. We look forward to you growing with the city and I appreciate all the comments tonight.

4. DEPARTMENT REPORTS:

a. None

5. CHAIRMAN / COMMISSIONER DISCUSSION:

a. C/Wierschem asked city staff if there was a pending or previously approved sign permit for the Mexican bakery located on Main Street downtown. Staff is unaware of any sign permit approvals, but would look into the issue to see if it met code.

6. ADJOURNMENT:

Commissioner Hennis motions to adjourn at 7:38 p.m.; Commissioner Wierschem Seconds, all aye and motion carried 4-0.

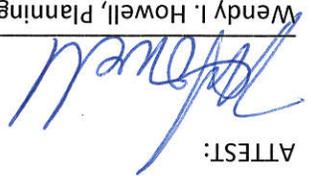


Lee Young, Chairman
Kuna Planning and Zoning Commission

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

**MEETING MINUTES
Tuesday, October 28, 2014**

ATTEST:



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