

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

**MEETING MINUTES  
Tuesday, January 26, 2016**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	Absent	Wendy Howell, Planning Director	X
Vice-Chairman Stephanie Wierschem	X	Troy Behunin, Senior Planner	X
Commissioner Dana Hennis	X	Trevor Kesner, Planner II	X
Commissioner Cathy Gealy	X		
Commissioner Ron Herther	X		

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

**Call to Order and Roll Call**

Vice Chair, Stephanie Wierschem called the meeting to order at **6:06 pm**.

**1. CONSENT AGENDA:**

*Commissioner Gealy motions to approve the consent agenda at **6:07 pm**; Commissioner Hennis Seconds, all aye and motion carried 4-0.*

**2. PUBLIC HEARING**

- a. **15-03-AN** (Annexation) – **Liberty Investments/Logan Patten:** Applicant requests approval for Annexation of a 4.693 acre parcel located at 1425 S. Ten Mile Road into the City of Kuna; and subsequently intends to split the parcel for future development.

Commissioner Wierschem asked if staff were presenting the item. Staff offered that the applicant would present their request and staff would follow-up with any additional information.

Dennis Stanley: Good evening Commissioners, my name is Dennis Stanley. My address is 22880 Channel Road, Caldwell, Idaho. I'm here representing and working with the applicant tonight. As far as the project, is it something that he is going to bring in front of the Commission or...?

C/Wierschem: Why don't you go ahead and just tell us a little bit about it. If we have any questions, we'll ask.

Dennis Stanley: Ok. Very good. The property located at the corner of Deer Flat and School Avenue; we propose to have it annexed into the city of Kuna and then providing we do get the annexation complete then we would propose to split the parcel into two parcels. It is currently ... I don't know the exact acreage of the complete parcel, but the lower part on School Avenue, where the existing residence is will remain as is as far as the buildings and so on; that will remain there. The alfalfa portion of the parcel or the pasture

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part of the parcel up towards the corner is actually the parcel that we are going to be proposing to enhance and develop. It will consist of six (6) lots for upper residential; the homes will be anywhere between 2000 and 2500 square feet. They're going to be nice homes. They're not your normal tract home, quick build, in and out, I mean... when we do these projects, they're done with quality and they're very nice. Then, the strip of property that we would propose to divide off of that would be the front piece that runs parallel and faces Deer Flat and we are proposing to put in two (2) 2500 square foot commercial buildings on that front edge. I would expect or hope that you have a layout or a plan that has been presented to you in our package that will show that for you.

C/Wierschem: Yes.

Dennis Stanley: That is what we are trying to do. We are just trying to build the area up and enhance that local area of Kuna and make some great things happen.

C/Wierschem: Ok, thank you. Does anyone have any questions for the applicant?

C/Gealy: Not at this time.

C/Hennis: No, I don't at this time.

C/Wierschem: Thank you.

Trevor Kesner: Good evening Chairman Wierschem and Commissioners. Trevor Kesner, Kuna city planner. Before we begin, I would just like to draw your attention to a mistake on the staff report regarding the location of the subject site; if you'll look on page two (2) of the staff report at the top, the address for the site indicates that this is 1425 S. Ten Mile; that is not the correct address. This is located at 1425 S. School Avenue, so I just wanted to get ahead of that. As Mr. Stanley has stated, the application before you tonight seeks your recommendation of approval to the City Council for the annexation of the site. The applicant, Liberty Investments, as stated in the staff report, propose to annex the entire 4.65 acre parcel into the city. The applicant then intends to subsequently split the lot to create two (2) parcels. The south parcel will remain approximately 1.6 acres with the current owner, Larry Calhoun, will remain -his primary residence will stay there, which would turn the north half into 3.6 acres; both parcels as they annex in will come in as an R-6 designation. That fits the comprehensive plan designation for this area. The applicant has submitted all of the required documents for the request and has complied with Planning and Zoning's recommendations regarding this action. I would actually like to hand out the city engineers comment letter now (reference exhibit B-4) -because it was a late entry. I did not receive this until Friday after the Commission packets had gone out. The applicant already has this information.

Now what you will notice about... you may some time to read this, but the city engineer's comments essentially pertain to the future development of the site. The application before you tonight is for the

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Commission's recommendation to City Council about the annexation and when the annexation goes before the City Council that action will come first and then the subsequent action will be to split the lot, respectively. I know that Mr. Stanley had referred to a proposed site plan for this area; that will be forthcoming; that is not under consideration for tonight. I know that they propose to possibly build some commercial buildings and some residences in the future; that would come at a later time during platting or design review so, I certainly am not asking you to ignore the site plan; however, it's really not part of this consideration tonight. Property owners within 300 feet of the site were notified by mail of tonight's hearing. The site was posted to reflect tonight's hearing and the hearing notification was also published in the Kuna-Melba newspaper. Based on staff's review of the application, Planning and Zoning concludes that the application complies with Title 6 of Kuna City Code and the comprehensive plan; we would forward a recommendation of approval to the Commission in order to forward the same to the City Council. I will stand for any questions you might have for me.

C/Hennis: I can't think of anything right now.

C/Wierschem: Chairman Gealy, do you have any questions at this time?

C/Gealy: Did you say that there was a draft of an ACHD report, but?

Trevor Kesner: There is a draft that only came to me in 'draft' format; therefore, I am reluctant to introduce it, but like the city engineer –his comments are very much aligned with ACHD's; they don't really have any recommendations for the annexation and lot split at this time. Their draft comments would be for future development for the 3.6 acre parcel. If it were platted sometime in the future, those would be the requirements that ACHD would have for development. But at this time, they are not developing; we are simply annexing and splitting.

C/Gealy: Would this be the time to address the concerns raised by Mr. Nicholas and his letter?

Trevor Kesner: I think it would be.

C/Gealy: So Mr. Nicholas?

Trevor Kesner: I think it's Nichols? I do have the letter.

C/Gealy: A couple of buildings that are on the site... Scott Nicholas, brought up a couple of buildings that look like they are on that south, or what would become the south parcel?

Trevor Kesner: Correct

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C/Gealy: And then he also has a concern about a tree where it looks like there are birds nesting. Does he say hawks and eagles?

Trevor Kesner: Yes, so the pictures that were submitted by the responding neighbor appeared to show some protected raptor species that were nesting in an old growth tree along the Teed Lateral. In the staff report, we have made some recommendations for any future development to be sensitive to this and protect or do what they can to try and protect this habitat. Staff is not absolutely certain, but we believe that the old growth tree is within the easement along the Teed Lateral which would provide that it would not be moved or touched unless it were by the Boise Project Board of Control or whomever has control over that canal easement/lateral easement. The applicant has not indicated any intent to do anything with that tree at this time, and if you would like to make a recommendation that those outbuildings be shown on the Record of Survey, you are welcome to do so. However, I would state that the outbuilding that are in question here, are actually not on foundations, they could be put on skids and moved accordingly if there were an encroachment issue. Any other questions? Thank you.

C/Hennis: Thanks.

C/Wierschem: At this time, I would open this up for the public; and signed up here, it looks like Logan Patten. Would you like to come up and state your name and address?

Logan Patten: Logan Patten; my address is 6205 Deer Flat Road, Nampa Idaho 83686. I had Dennis talk for me because I had my tonsils out. But I also represent Liberty Investments.

C/Wierschem: Ok, thank you. Sorry about that. And then next to testify is Dennis Stanley; would you like to come up again and testify?

Dennis Stanley: My name is Dennis Stanley, we met earlier. 22880 Channel Road, Caldwell, Idaho. Just a quick statement here: we realize that there has been concern in regards to trees and buildings that are on that south portion of that current parcel. Liberty Investments absolutely will not have any play in or any part of moving or destroying or causing any problems for any of that. That is something that is actually out of the area that we are concerned with. As far as taking trees down, that is not going to happen, ok? Thank you very much.

C/Wierschem: And that is all that I have signed up for tonight; is there anybody else here that would like to testify? Please come on up to the podium and state your name and address for the record.

Shannon Hyer: My name is Shannon Hyer, my address is 1376 N. Antimony Place in Kuna. I'm in one of the homes that abuts up against that property. My only concern would be the commercial part of that split as far as what is going to go in there. I have young kids at home and that neighborhood is full of kids and our concern would be what kind of businesses are going in there and really, is that really a place for businesses?

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It kind of seems a little strange. That's all really.

C/Wierschem: Just to kind of address a couple of your concerns; tonight's hearing is not about what will go in; it is just for the annexation of the property. I am sure that you are going to be welcomed if you want to come back at the time of proposed development to voice your concerns. And in regards to the property, is it an R-6 and it does comply with city code. Seeing no others, I'll close the public hearing and we'll have Commissioner discussion.

C/Hennis: I just thought about ... if it's going to zone R-6, how is the commercial being addressed? It's got to be addressed in the future, if it gets rezoned.

C/Wierschem: Yeah, but that's not today.

C/Wierschem: Yeah.

Wendy Howell: They will come back to rezone it.

C/Hennis: That would be twice... ok. That just .... That's it. Otherwise, I don't see an issue. The surrounding properties are an R-6 as well. Any of the future concerns would be addressed when those developments occur and those things have to be addressed.

C/Wierschem: Right. Are you comfortable with how it reads for the trees and...?

C/Gealy: For the trees? Yes.

C/Wierschem: Ok, any other concerns? Ok, if not, I will stand for motion.

*Based on the facts in the staff report and the public testimony, Commissioner Gealy motions to recommend approval of 15-03-AN with the conditions of approval as stated in the staff report; Commissioner Hennis Seconds, all aye and motion carried 4-0.*

C/Wierschem: Ok, next time is 16-01-DRC

- b. **16-01-DRC (Design Review) – Reel Theater of Kuna:** Applicant requests approval from the Planning and Zoning Commission (acting as Design Review Committee) for a 31,542 square foot, new commercial building (Theater), landscaping and parking lot for the site located within the Ridley's Family Commercial Center. The building will contain 13 screens/auditoriums.

Robert Denning: My name is Robert Denning, address is 3711 E. Tahiti Drive, Meridian, Idaho 83646. I am

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the owner of Reel Theaters. We have five (5) locations in the Treasure Valley so this is home to us. We have been working on and looking, watching the Kuna area grow for probably 10-12 years now. We came close to doing a project here, and bringing it to you before 2008 happened, but that set everyone back a bit obviously so anyway... we feel like your town is ready. We've had just a tremendous amount of feedback and positive support for building the theater here, I mean more than we've ever had. Quite frankly, it has been amazing and quite delightful to hear. I've been working with Ridley's and the Ridley's project and our Architect, Trey Hoff to design what we feel like is a wonderful theater; it will be our flagship location. To locate in the project, we've designed a thirteen (13) screen theater with the idea that we would open ten (10) initially and then as the market wants, finish the additional three (3). So from the outside, all appearance would be finished from the start, all thirteen (13), but we would leave three unfinished on the inside. I have designed a building out of ... well, the newer way to build theaters and the last one we built from the ground up in this area was Ontario, Oregon. We did just concrete masonry block and the newer method for sound-proofing is because they're so loud between auditoriums is to use a insulated concrete form which is basically a foam block form and then you fill concrete on the interior and then you finish the exterior of that foam block with that EIFS (Exterior Insulation Finish System) stucco type finish which looks great for appearance and we think it's a great design for a very beautiful theater –But we have found from our experience that the EIFS at a lower elevation, where kids and people can touch does not last, it does not work. They pick holes in it or hit it with a baseball bat or whatever, so instead we are doing a wainscot of ground faced concrete block on the surface of that EIFS. The entire front is kind of a center tower feature that you will see there with that underneath and on the tower, and around the entire building, varying from four (4) to six (6) feet where it can be easily touched, we have that same type of finish to dress it up and make it last a lot longer. We have kind of a tower spire on the front and some colors that you will see over here, these panels that dress it up and make it a little more attractive. Our landscape architect has done a wonderful job I think of coming up with some walkways through the front; little path areas you'll see on the plans with some benches and a large drop-off area because a lot of kids get dropped off by parents; especially to our daytime matinees in the summer and that type of stuff. So we've made that large drop-off area in the front in addition to the parking. Overall, we have been working closely with Troy and I think we have given him everything that he has asked for to meet the requirements of the city of Kuna. Like I say, it will be our flagship location so I am proud of it and I think it will be just an awesome attraction and entertainment facility for your community. Any questions I can answer for you?

C/Wierschem: I have none at this time. Thank you.

Troy Behunin: Evening Commissioners. For the record, Troy Behunin, Senior Planner for Kuna Planning and Zoning. 763 W. Avalon, Kuna Idaho. I do have some larger pictures/displays if anyone would like them. I can pass those out now. I have 11" X 17" and full size.

C/Wierschem: Sure. That would be great.

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Troy Behunin: As Bob Indicated, I have a materials board here to your right indicating what the real life colors of the materials that they are proposing. As Robert said, they have provided staff with everything that we have asked for and we have been working very closely with them. Most recently, last four or five months. This project actually stretches back about two years and we have been doing our best to work through everything we need to, to get them here. The time is right and they have provided a very nice building. Staff does not have a whole lot of comment really for this project, except in the staff narrative, which I hope you folks have had a chance to read. There was some discussion about the landscaping on the west side of the property. There is a need for a landscape buffer. There is also a need for curb, gutter and sidewalk. I have talked with the architect; I have talked with the landscape architect; I have now brought that full circle. I have talked with the owner. Everyone is aware of that and staff does not desire to delay this at all. They are on a tight schedule. That is something that we feel can be handled after this meeting and it can be handled through a condition of approval. I have also had other independent conversations with others about a landscape buffer on the south side of the property because this property is actually zoned C-1. The property directly to the south is R-6 or at least part of it is for now. It may change in the future, but the applicant for the theater, has actually provided a twenty foot minimum buffer that does include walkway and a drivable, mountable surface for those that need to drive back and forth. But more importantly, there are some trees already provided in the event that there is some residential units up on that south side. Other than that, this is an approved, permitted use in a commercial zone. They are not asking for anything special. They are not asking for any special permissions or anything like that. There will be no sale of alcohol or needing 24 hour service or anything like that. It's a permitted use in permitted zone. I would stand for any questions that you have and I would draw your attention to the conditions of approval where it outlines the landscaping buffer and also the sidewalk.

C/Gealy: So, Troy the landscaping buffer that you are talking about and in the conditions of approval is in addition to what we see.

Troy Behunin: Yes.

C/Gealy: And on the south side, you want to see more landscape buffer on the west side.

Troy Behunin: Just on the west side. The south side appears to be sufficient for the site at this point.

C/Gealy: And it is anticipated that there will also be a road over there? On the west side?

Troy Behunin: Not a road, but there will be a surface for those that need to get around the building. There will not be a road.

Mr. Denning: She is saying the west side.

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Troy Behunin: OH. I'm sorry, the west side. On the west side, yes; there will eventually be a road.

C/Gealy: There will eventually be a road there?

Troy Behunin: There will be a road there, yes.

C/Gealy: But you're looking for some additional landscaping along that road?

Troy Behunin: Yes, along that road.

C/Gealy: So, but the next question that I have is the feedback or input that you got with respect to emergency vehicle access around the building, especially on the south side... do we have sufficient space there for an emergency vehicles to go all the way around the building?

Troy Behunin: There would be sufficient room there to make it around the building in the event that they need to; however, I have spoken with Jon Tilman of Kuna fire who has also spoken with the fire marshal for the State of Idaho and they both feel confident that it is not really, truly needed. They feel that they can handle it through other mechanisms, additional fire hydrants in strategic places so there would be a standard so I am just going to throw this out: this site might require two fire hydrants, but if they place a third on strategically, that might eliminate the need for traffic below.

C/Gealy: ...for vehicle access around back?

Troy Behunin: Yes. But there would be enough room if there were an actual need.

C/Gealy: I did have a concern regarding safety in the back of that building where there is a lot of parking and not a lot of access; that may create some problems within the community. That, I think would be alleviated by an extra road over there on the west side. Then everything is opened up again.

Troy Behunin: Yes, that will be a quarter mile residential collector and the applicant and the current land owner are already in review with the city engineer for site plans to get infrastructure back there so that the road can be constructed and so that the site has sewer and water and all essential services provided. So, while the west road may not be used immediately, it will be built relatively soon.

C/Gealy: Thank you.

C/Hennis: So currently, the main traffic is supposed to be coming off of Profile Street off of Meridian Road.

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Troy Behunin: Off of Profile Street and Meridian Road, yes sir.

C/Hennis: ...and to access this, but it looks like there is plans for a road going northbound off of that; coming off of the theater. Is this one road enough? Has ACHD reviewed that for access at this time?

Troy Behunin: They are reviewing the construction plans for the remaining property behind the Ridley's market. So from the theater, all the way up to Deer Flat; that is already under review.

C/Hennis: Ok.

Troy Behunin: And we anticipate that it will happen, if not simultaneously, very, very close. There is other interest in that property behind Ridley's and north of the future theater.

C/Hennis: Ok, because that's a lot of traffic. I mean, hopefully for the applicant, that is a lot of traffic through that one little road so...

Troy Behunin: Not only that, but they're anticipating construction wrapping up, if everything goes well, probably October. And they are already in the process of getting construction plans approved which ACHD, the fire department and city engineer is going to be a part of that. Our department will also have a chance to put our eyes on it and offer comments as well. That's a very valid question. It's very expensive, but they are moving forward. Some of you already know what all that entails.

C/Wierschem: Any other questions?

C/Hennis: Not for staff.

C/Wierschem: Ok, so we'll come to our Commission discussion.

C/Hennis: Overall, I like the design. I definitely like what we are doing here, especially the landscaping, I think everything is good. The only thing I have some issues with is some of the coloring. I like the entry, but I think we've got ... like the whole rear elevation, side elevation, we've got just pretty much flat. We've got a lot of undulation within the building but I am wondering if we could get a couple of different ... a couple of other colors to show some contrast between these areas because right now, it just looks like a large flat area. And maybe if we can get some differentiation between the pillars, it would kind of help break that up. This elevation right now, all of this is ...you have to look at it from the back just so it can be seen. Right now it's just one flat *\*\*inaudible\*\** and everything is going to be the same. But if we can take a couple of these panels and differentiate that color, and even up here... this different from here. These possibly... that will show some depth and relief across that whole thing.

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And I think that would pretty much do it for me, I mean I don't... it doesn't match anything in Ridley's but then again, it is not supposed to.

C/Wierschem: Right, it is its own entity.

C/Hennis: But I think that would be the only thing that I would have. I like the design of the building; I like the layout of it. I think it is very functional. Here I am an engineer and I'm talking like an architect, but I just think we need a little color differentiation through here.

C/Gealy: And you are talking about basically, the back of the building? The two sides?

C/Hennis: Well, even something like this here, this panel from this panel... or possibly this panel from this panel. But definitely back here because you want to be able to look at it and see some depth across there; not just have one big face of a building necessarily. That is what we have been trying to achieve in some of these others with the wainscoting the pillars of stone, and in some of the buildings, we have recommended like Ridley's and Autozone and such.

Mr. Denning, would you be opposed to possibly looking at some coloration of some of the different elevation panels?

Robert Denning: No, not at all. I can see what you are saying and yeah, that EIFS; you can make any color you want so... I'm not a designer, but I understand what you are saying. I am sure our architect could come up with something that looked great and at the same, doesn't detract from what we have got there.

C/Hennis: Right, there wouldn't be a cost increase or anything because it's just color.

Robert Denning: No, it's a matter of changing and we've got those different layers and steps in the building and it would break them up and make them look like separate little buildings.

C/Hennis: Right, and I like that layout that you have over all, but it's hard to see it from the face. It has such a great plan to it the way it is set up, but yet, trying to see it in elevation, but if you aren't opposed...

Robert Denning: No, I can certainly give him some direction from your feedback. Yeah no problem.

C/Hennis: Great. Thank you.

C/Wierschem: Great. Thank you.

C/Hennis: The other thing that I am concerned with is like Cathy was saying... back here just being such a 'back' area of it. I don't know if we've got enough light. We have lights at the doors, but do we... I guess we might have enough.

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Troy Behunin: There will be parking lot lights.

C/Hennis: Ok, good. That will be fine then.

C/Wierschem: Great. Thank you.

C/Hennis: I don't have too much else. I like the project. I think this is nice.

C/Wierschem: It is very nice. Do you have anything to add Commissioner Gealy?

C/Gealy: Nope. I think it looks great.

C/Herther: I do too. *\*\*inaudible\*\** Where is that page?

C/Hennis: Let me find this here. Scroll back, scroll back...

C/Wierschem: I think it is page 61.

*Commissioner Hennis motions to approve case # 16-01-DRC (Design Review) for Kuna Reel Theaters with the recommendations as outlined in the staff report **with addition of the landscape buffer at the west side of the project, and the applicant to work with the city on any future requirements; and to look at different coloration of the elevation panels to allow for more relief on the building within colors**; Commissioner Gealy Seconds, all aye and motion carried 4-0.*

Troy Behunin: One clarification; is it ok if the applicant works with Planning and Zoning staff on the color variations? How would you like that handled, I would say?

C/Hennis: Yes.

C/Gealy: Clarifies the 2<sup>nd</sup> motion: ***applicant shall work with staff on color variations and forward whatever revised design is proposed for approval.***

C/Gealy: But I don't think we need to necessarily hold up their approval; just working with you is fine, yes.

Troy Behunin: Ok. We will send it to you as a courtesy, then. Ok.

C/Wierschem: Thank you. Welcome to Kuna.

I must tell you a story very quickly; I am a third grade teacher here in Kuna and my students have heard the buzz from their parents and they are so excited. They were hoping for summer, to be able to see movies for summer break but they are so excited, so welcome to Kuna.

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Robert Denning: We have had more comments on Facebook and our Redit page than we've ever had. You can tell that people in Kuna are really excited. And we also have great fundraising programs.

**3. ADJOURNMENT:**

*Commissioner Gealy motions to adjourn at 6:48 pm; Commissioner Hennis Seconds, all aye and motion carried -0.*

  
Stephanie Wierschem, Vice Chair  
Kuna Planning and Zoning Commission

ATTEST:

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