



**PLANNING & ZONING COMMISSION
MINUTES**

**Tuesday, June 9, 2020
6:00 PM**

*Under authority of the Governor's partial Open Meeting Law Suspension Proclamation dated March 13, 2020, and due to social distancing protocol, the **Council Chambers Audience Occupancy Capacity is 15.** Social Distancing was required.*

Public testimony was received on the cases listed under Public Hearings within this Agenda via email, letter or virtual attendance

1. CALL TO ORDER AND ROLL CALL 6:03 PM

COMMISSIONERS:

Chairman Lee Young
Vice Chairman Dana Hennis
Commissioner Cathy Gealy
Commissioner Stephen Damron – Absent
Commissioner John Laraway

CITY STAFF PRESENT:

Wendy Howell, Planning and Zoning Director
Troy Behunin, Senior Planner
Doug Hanson, Planner I
Jessica Reid, Customer Service Representative III

2. CONSENT AGENDA: All Listed Consent Agenda Items are Action Items

A. Planning and Zoning Commission Meeting Minutes

I. May 26, 2020

Commissioner Cathy Gealy moved to approve the Consent Agenda. Seconded by Commissioner Dana Hennis. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 1

Motion carried: 4-0-1

3. PUBLIC HEARING:

A. Case No. 20-01-CPF (Combined Preliminary & Final Plat) – Ensign No. 1 Combo Replat - **ACTION ITEM**

Troy Behunin: Good evening Commissioners. For the record, Troy Behunin, 751 W. 4th Street here in Kuna, Planner III of the Planning and Zoning Department. The application we have for you is a re-plat of Block 1 of the Ensign Subdivision. Staff recommends that this be tabled to the next available Planning and Zoning Commission meeting due to a noticing infraction (*no Neighborhood Meeting held*); that is why it is not in your packets for you to review. We are asking that you table this to a date certain. **C/Young:** Will the 23rd work? **Unintelligible.** **C/Gealy:** I think the question is, does that give sufficient noticing time? **TB:** Yes.

Commissioner Cathy Gealy moved to table 20-01-CPF to July 14, 2020. Seconded by Commissioner Dana Hennis. Motion carried 4-0-1.

lots which was part of that agreement. *Unintelligible*.... I understand the Commissioners point of view. **C/Young:** Any questions at this time? Thank you. **C/Gealy:** Thank you. **C/Young:** That is all that I have seen here, is there anybody that has signed up online or anything I'm missing? Is there anybody present that has not signed up to testify on this application that would like to do so? Ok. Is there anything else that the applicant would like to add? Are there any questions? *Unintelligible*. With that I will close the testimony at 6:25 PM and that brings us up to our discussion. Question for you Troy, is the City aware of any agreements that mandated parcels for a future subdivision? Anything that mandated future lot sizes? **TB:** At this point in time staff is unaware of any formalized agreement that there was a condition of approval on an application outside of the scope on these properties or something general that says this area should be reserved for lots of this size or of that size. Unless there is a formal agreement in the catacomb's downstairs, I am not aware of that. I have been through the Development Agreement Booklet that the City has formalized agreements with developers that stretches back to the late ninety's and I cannot recall coming across anything on Sharp Lane. If there is something, it is likely not a formal agreement where it was voted on by the city council and was something that was recorded by the county recorders office; this is the first I'm hearing about it. **C/Laraway:** If Mr. Szpletts brings in some paperwork? **TB:** Again, staff would have to verify that it was recorded with the county or that there was something for these particular parcels, something that took place; a past letter of application cannot hold this application hostage. **C/Gealy:** Mr. Behunin, I heard Mr. Szpletts say that it was part of the annexation I think, that limited the lot size. Would that be something different that an application or a development agreement? An annexation agreement? **TB:** If that annexation had a preliminary plat tied to it or there was something else, we would have to take a look at that. I am unaware of any kind of lot size requirements on this property from another action. **C/Gealy:** Thank you. **TB:** Staff is willing to look it up and invest the time. **J/Laraway:** I think we need to look it up. **C/Young:** Are there any other questions? **C/Hennis:** I did have a couple of questions based on the letter as well. There was an indication, and I did not have a chance to actually look at the code on this myself but, do we know if the road length can be done on this public road? I know in Mr. Szpletts letter here it indicated that there was a certain length we exceeded in our code. Is that correct? **TB:** We do have that roadways are less than 500 feet however with that, there is something that if they are over a certain length that there is a terminus of sufficient radius so that emergency vehicles can get in there and do what they need to do. **C/Hennis:** And that's the 45 feet? I know that I saw that somewhere else; ok. And what about the code that specifies a minimum frontage? **TB:** I went back to look at the plat just to make sure that I didn't miss anything or on intake on the project; staff was unable to find any lots that were less than three to four feet above the minimum requirement. There were only two that were close, everything else was fine. **C/Young:** What I got out of Mr. Szpletts letter was that the minimum lot frontage for R-6 is 45 feet, and looking at the preliminary plat I think it falls within 48 feet or.... **TB:** It's over 48 feet. **C/Hennis:** Ya, I saw 47 or something like that. **TB:** And I believe there was only two lots that were under 50. And all of the lot sizes conform to the R-6 standard lot sizes, or R-3. **C/Hennis:** Now you also indicated that staff recommended possibly expanding the open space? **TB:** Correct, it's small for 21 lots. This is Winfield subdivision, by all definitions, this is Winfield 100%; it is bound by development on every side. Chances are there are going to be small children and they should have an area that's sufficient size where they can do what children do; run, play, throw a ball. **C/Hennis:** I've got a landscape plan but it cuts off half way through the cul-de-sac. **C/Young:** I think it is because of those areas and the narrow entry; there is landscaping at the entry and there is landscaping for the open space. **C/Hennis:** So, it just wasn't all included because of that. **TB:** They did not have sufficient room at the inlet from School

then they need to speak in order to see if it's legitimate. It's not necessarily something that we can entertain here tonight, we don't have the verification of that which the city will need to have. We are not downplaying what was discussed earlier we just don't have a way to verify that tonight; that there was not a previous annexation agreement. This would be a recommendation to city council. **C/Young:** Yup. **C/Hennis:** And we're ok with that lane? **TB:** Staff did have a verbal conversation with the Fire Chief about the length of the cul-de-sac, he focused on if there was a proper turnaround. He asked if there was a proper turnaround and I said there will be if they don't; he said that's all I'm asking. **C/Hennis:** So that is something that needs to be proper too because that's the only way they are going to get around. **C/Gealy:** That is included in the conditions of approval, it's number fourteen. **C/Hennis:** The other thing I want to make a point is the public versus private roads; we have determined that will be a public road correct? **TB:** Staff has recommended that be a public road. **C/Gealy:** The public roads are under condition thirteen. I might suggest we strike the beginning that says staff recommends and just make it a condition that all roads are improved and dedicated as public roads. **C/Hennis:** Another point brought up in the letter is one we've always had, is there availability of services on the south side? It's a priority of the city to figure something out with fire and ACHD. **C/Gealy:** If we do want to condition an increase in the size and location of the open space, how much open space would we like to see? I believe what is there now is 2.5% open space. Mr. Behunin, could you remind me what our standard is on the last Comp Plan for open space please. **TB:** The answer is that a project of this size should have 7% open space which this is a challenging parcel; I don't know how they will make it work. I'm not advocating either way for it, the Commission will have to decide what they would like to see. **C/Young:** We need to try to find that balance because it is such an odd shape and it is under the threshold. I think a larger area is in order. **C/Hennis:** How bound are we by that number. **TB:** Is 7% the target? If this project had been submitted 30 days later it would not meet the current requirement but it was in prior to that. **C/Young:** If this was in before the new requirement adopted by the city, do we try to find the middle? Something near 5% maybe? **C/Dennis:** Ideally, I would like to see something more but it doesn't have to conform to the present standard; I think a happy medium would be good. **C/Gealy:** I would like to see 7%. I have a question that is procedural, could we include as a condition that staff and applicant discuss the limit on lot sizes that could have part of a previous agreement then continue with are other conditions and make a decision whether we can make approval or not? **C/Young:** I think we can make our recommendations and have that as a condition that prior to our recommendation of approval, the city verify the conditions of lot size. **TB:** Yes, the Commission can make that a condition of approval that staff verify prior to it going to city council. If it is part of your recommendation then it will make it into their packets along with the minutes. It is the choice of the Commission. **C/Hennis:** Again, in regards to procedural here, since the open space is more occurring in the Design Review which is out decision scope, we are the governing body there. **C/Young:** *Unintelligible*... work with the irrigation district around the canal bank/**Hennis:** I agree. What do you want to do with open space, we need to set a guideline? I respect Commissioner Gealys opinion on that but we can meet a happy medium. We can't necessarily hit them with an ordinance that wasn't in effect at the time but we need to realistically request an increase in open space. **C/Gealy:** With those kinds of questions can we realistically make a decision on the Design Review? **C/Young:** I think we would have to come up with a number on the open space. **C/Gealy:** And the location. **C/Hennis:** I agree. If we can set some guidelines on how much open space and where we want it, we could make a decision. I think we could comfortably give guidelines in the conditions if we set some guidelines. **C/Young:** A better location would be south where the current parcel 5, 6,7; somewhere in that area, it centralizes that open space. **C/Hennis:** I was looking at 6 and 7

order to operate an In-Home Childcare Facility in an existing residence located at 727 North Katie Way, Kuna, ID 83634. Staff has determined that application complies with Title 5 of Kuna City Code and Idaho Code. There was a late submittal which is not in your packet so I will read it into the record:

Planning and Zoning Committee, I have enclosed 8 copies of Spicewood Subdivision CC and R's showing that article V. Section 5.01 states that "Lots shall be used only for residential purposes." Therefore, the request for an in-home day care at 727 N. Katie Way needs to be denied. Thank You, Spicewood Home Owner.

With that I shall stand for any questions. **C/Hennis:** There was no name on that? **DH:** No name accompanied the letter. **C/Young:** As the city goes, we cannot enforce an HOA matter? **DH:** That is correct. **C/Young:** Are there any questions for staff at this time? **C/Gealy:** I have two questions and one is in regards to the parking; is there sufficient parking for up to six infants to be dropped off. **DH:** They will be dropped off using the driveway and the frontage of the house. Mrs. Brauniesen will be the only employee so she will park in the driveway. There isn't anything in code regarding in-home daycare for a drop-off. **C/Gealy:** My second question, I attempted to find out for myself, there is something that I seem to recall that there be a limit on the number of infants allowed in a care facility based on the number of staff? **DH:** There is a point system based on Idaho Code 39.11, I believe is the exact number, and children three years are counted as 1.5 points per child and infants up to three years are counted as 2.5 points per child; each staff member is allowed a total of 12 points. **C/Gealy:** Thank you, I have no other questions. **C/Hennis:** One quick question, this is one of the things where the SUP must be in place in order for the state to do the required inspections but we want the inspection to happen before the SUP; all that must work in concert though. **DH:** Yes, in the conditions we will not award the Special Use Permit until the state signs off. The city clerk will not sign the business license until the state has granted the license. **C/Young:** The applicant may speak now. **JR:** Karla, you may speak now; please state your name and address for the record. **KB:** Karla Braunisen, 727 N Katie Way in Kuna, Idaho. **C/Young:** Is there anything that you would like to add? **JR:** Karla, do you have anything to add to what staff presented? **KB:** No. **JR:** She does not. **C/Young:** I will open up the public hearing at 7:20 PM. I do not see anybody listed on the sign-up sheet, is there anybody signed up online? **JR:** No, there are no persons. **C/Young:** With that I will close the public hearing at 7:21 PM. **C/Hennis:** Do we need to make her aware of the late comment? **C/Young:** No, it was read into record and she was listening, correct? **JR:** Karla, did you hear the letter that was read into the record? **KB:** Yes. **JR:** Yes, she has. **C/Hennis:** Does she have any comments? **JR:** Karla, do you have any comments on the letter? **KB:** I operated a daycare 22 years ago in this same house and there were no issues at that time. **C/Young:** Has the applicant seen and read the staffs conditions of approval? **JR:** Karla, have you seen and read the staffs conditions of approval? **KB:** Yes. **JR:** She has. **C/Hennis:** And she doesn't have any issues with them? **JR:** Do you have any issues with those? **KB:** No. **JR:** No, she does not. **C/Young:** As far as out discussion goes, I agree with the conditions set by staff and I have no issues with this. **C/Hennis:** As long as she complies with the Fire Marshalls inspections and the state inspections then I see no issue.

Commissioner Dana Hennis moved to approve 20-02-SUP (Special Use Permit) for in-home daycare at 727 N. Katie Way with conditions as outlined in the staff report. Seconded by Commissioner Cathy Gealy. Motion carried 4-0-1.

E. Northern Boundary Area of City Impact Expansion – ACTION ITEM

Wendy Howell: Staff is requesting that this be tabled until June 23rd.

Commissioner Cathy Gealy moved to table the Northern Area of City Impact Expansion until June 23, 2020. Seconded by Commissioner Dana Hennis. Motion carried 4-0-1.

4. BUSINESS ITEMS:

A. Case No. 20-06-DR (Design Review) & 20-04-SN (Sign) Malaspina Ranch Monument Sign – ACTION ITEM

Doug Hanson: Good evening Mr. Chairman and members of the Commission. For the record, Doug Hanson, Planning and Zoning Staff, 751 W. 4th Street, Kuna, Idaho, 83634. The applicant request sign and design review approval for an approximately 32 square foot monument sign. The subject site is located at W. Walker Lane, Kuna, ID 83634 (APN# R3785270042). The sign complies with Title 5 of Kuna City Code and Idaho State Code; with that I will stand for any questions you may have. **C/Hennis:** Is the applicant present? **DH:** The applicant did not respond to the request to testify. **C/Young:** *Unintelligible...* the materials. **C/Hennis:** The materials are written out in the letter of intent. **C/Young:** I have no issues. **C/Hennis:** I assume the HOA is required to take care of this? It's wood so it needs upkeep; staff do you have any input on that? **JH:** Mr. Chairman, members of the Commission, for the record, Jace Hellman, Kuna Planning and Zoning Staff, 751 W. 4th Street, Kuna, Idaho, 83634. Currently in the sign ordinance and the new sign ordinance you heard tonight, there is a clause for maintenance of the sign. The owner of the sign is responsible for the maintenance, additionally, it is in their CC&R's, we have not received a final plat for this project yet. Basically, it is covered on both sides.

Commissioner Dana Hennis moved to approve Case No. 20-06-DR (Design Review) and 20-04-SN (Sign) as outlined with the conditions of approval. Seconded by Commissioner Dana Hennis. Motion carried 4-0-1.

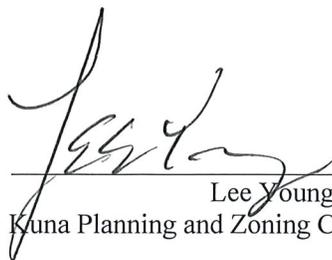
5. ADJOURNMENT: 7:34 PM

Commissioner Dana Hennis moved to adjourn. Seconded by Commissioner John Laraway. Motion carried 4-0-1.

ATTEST:



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



Lee Young, Chairman
Kuna Planning and Zoning Commission