

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, June 12, 2018**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	X	Jace Hellman, Planner II	X
Commissioner Stephen Damron	X	Sam Weiger, Planner I	X
Commissioner John Laraway	X		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

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

Call to Order and Roll Call

1. CONSENT AGENDA

- a. Meeting Minutes for June 12, 2018.

Commissioner Hennis Motions to approve the consent agenda; Commissioner Gealy Seconds, all aye and motion carried 4-0.

2. PUBLIC HEARING

- a. **18-01-AN (Annexation)** – Cortez Annexation; The applicant, Stephanie Cortez, requests approval to annex approximately 3.06 acres located at 760 S. School Avenue, Kuna, Idaho with an R-2 residential zoning designation.

Stephanie Cortez: I am the owner of this property, my address is 760 S. School Avenue, and I am applying for annexation. I eventually would like to split an acre off my property so that my dad can build a house and live closer to town. I will need city services such as water and sewer. **C/Young:** Are there any questions for the applicant at this time? **C/Gealy:** Not at this time. **Jace Hellman:** Chairman, Commissioners for the record Jace Hellman Planner II City of Kuna 751 W 4th St. The application before you tonight is for the annexation of approximately 3.06 acres into Kuna City Limits. The site under application tonight is located at 760 S School Ave, just south of Willow Glenn subdivision. The parcel is contiguous, or has its touches, along both its Northeastern boundary. Within the County it is zoned R-1. The applicant is requesting to be annexed into the city with an R-2 (low density) Zoning Designation. The applicant has indicated that she has farm animals on site, KCC 5-3-2 does allow farm animals within an R-2 zone, however it specifically allows for five animals. Staff has determined that due to this use being allowed on her property in the county, she will be allowed to maintain her current number of farm animals as a non-conforming use once annexed into the City, subject to provisions set forth in KCC Title 5 Chapter 8. Potable Water and sanitary sewer are within 300 feet of the property, and the applicant will be required to connect at the time of current systems failure. All noticing requirements for this application’s hearing tonight have been met, the property was posted, notices were mailed to property owners within 300 feet of this property and an ad ran in the Kuna Melba News. The applicant has submitted all the necessary documents required for Annexation. Staff has concluded that this annexation is in conformance with Kuna City Code and the Kuna Comprehensive Plan and Future Land Use Map. Staff is forwarding a recommendation to recommend approval. I will now stand for any questions you might have. **C/Damron:** Will the new construction be hooked up to city sewer? **Jace Hellman:** Correct, once they go through the lot split application, which will happen after the annexation is approved. **C/Damron:** Did they state where that new construction was going to be? **Jace Hellman:** Not yet, there hasn’t been a lot split application. **C/Young:** Any other of questions for staff? We’ll open the public testimony at 6:07. I don’t see anybody signed up to testify. Is there anyone in attendance

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, June 12, 2018**

who would like to testify that has not had a chance to sign up? Seeing none, I will close that at 6:08. **C/Gealy:** I have no concerns.

Commissioner Hennis motions to recommend approval for Case No. 18-01-AN to the City Council with the conditions as stated in the staff report; Commissioner Gealy Seconds, all aye and motion carried 4-0.

- b. **18-02-AN (Annexation) & 18-02-CPF (Combination Pre-Plat & Final-Plat)** – Dynasty Estates Sub. No. 2; Applicant requests to annex approximately 10.001 acres into Kuna City with an R-2 (Low Density Residential), residential zone, and to subdivide the property into two single family residential lots through the combined preliminary and final plat process and have reserved the name Dynasty Estates Subdivision No. 2 with the County. This is a request for re-subdivision of Lot 5, Block 1, of Dynasty Estates Subdivision. The site is located at the southwest corner (SWC) of Linder and Lake Hazel Roads, site address is 4400 W Linder Road, Meridian, Idaho, In Section 2, T 2 N, R 1 W, APN #: R2004170050.

Steve Johnson: I live at 6801 S. Linder Rd. We are requesting to annex and split our property. We are requesting to annex approximately 10 acres into Kuna city with an R-2 zone, and to divide the property into two single-family residential lots. This requires a new subdivision, which we have acquired the new subdivision name similar to the one that exists now. There is currently a single-family dwelling, mother-in-law quarters and a shop on the property. Our intent would be to divide the 7.5 acres and a 2.5 acre partial respectively. Everything would remain the same on the front parcel. The 2.5-acre parcel to the rear of the property would be a new single-family dwelling. My wife Deb and I have lived at this address for 24 years. We've been Idaho residents for 50 years. We would like to stay in the area, and the best-case scenario for us to do this is to split our home on the back acreage. We would use the current private lane for both properties and would maintain the private lane as we have for the last 24 years. We would continue to go grass-hay on nearly six acres of the property and maintain irrigation and the watering system as we have in the past. We planted over 50 trees and provided a nice natural habitat for birds of many kinds and other animal species. We plan on continuing the same on the newly split back acreage. We really that feel that this important with the growth of the treasure valley to keep some open spaces and the farming community in Kuna as the subdivision areas keep growing and encroaching on the larger acreages in this area. We still get to enjoy horses, goats, chickens, and cows, by splitting the 10 acres, we can have a beautiful place to retire and maintain a country atmosphere in this area. Do you have any questions? **C/Hennis:** Would you use the existing private road on there or would you be extending it then to the back area? **Steve Johnson:** Actually, Mr. Hennis, the road is already there. I'm in the asphalt paving business, so I wanted access to my back acreage for cutting and such. It is a gravel road at this time. The asphalt road comes off Linder Road approximately 350 feet. That road is actually 14 feet wide paved, which is much more than the average country lane out here in this area. Although, I will want to build the existing gravel road up to the back of the property. We'll make it a little stronger for fire department use. We will just be using the existing gravel road during construction period. **C/Hennis:** Ok, I just didn't see it clearly in the satellite photos. **Steve Johnson:** Was that a good overhead shot? You probably wouldn't have a good angle with that image because of the irrigation pipe and tall grass hay in there. **Troy Behunin:** Good Evening Chairman and Commission, for the record Troy Behunin, Senior Planner, Kuna Planning and Zoning Staff, 751 W. 4th St. The application brought before you tonight, 18-02-AN (Annexation), 18-02-CPF (Combination Preliminary Final Plat). I think Steve did a good job giving you all the reasons why they want to annex into the city. I just want to let you know and the audience know that all of the noticing procedures for tonight's public hearing have been met. It ran in the newspaper, signs have been posted, and letters have been given out for 350 feet. This parcel does meet the requirements for annexation into the City of Kuna. It does touch the city limits on the west side and the east side. Just for some reference, this is two parcels north of Linder Farms, and it's actually right across the street from the Spring Hills Subdivision. Steve and Debra Johnson have wanted to come into the City of Kuna for a while now. I've been talking with Steve for over a year, and they have been able to get their application together and they got with staff to get everything that they asked for. Staff does support this, I have met with the City Engineer and the Planning and Zoning

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, June 12, 2018**

Director and had discussions with the Public Works Director. Even though this parcel is directly across the street from Spring Hill, which will have a regional lift station for a sewer, 2.5 acres that they would like to split off their property is actually more than 900 feet from the center of Linder Road. Additionally, the closest point of connection to them will actually be the booster station. You cannot just tap into the lift station. Complicating the situation, they also have a North-South high point on their property. We have talked to the City Engineer and his recommendation and the staff's recommendation would be at the time of the building permit. These 2.5 proposed acres would run dry lines of water to the west so that in the event a subdivision does develop west of them, there would be a point of connection and then at that time they would then connect into the sewer and water system of the city. However, right now there are no plans or discussions about the parcel to the west of them developing. As you can see, there are some extraordinary circumstances and there's just no way to put in a sewer and water system without too much expense. So, staff does support their proposal for Lot 5 Blk 1 of Dynasty subdivision. In order to create that 2.5-acre lot, they actually have to do a replat of that lot within that subdivision. That's where the final preliminary plat comes in. They do meet their requirements for a preliminary final plat. There's a few conditions that are outlined with the sewer system, and the staff would support all of those. The one thing that staff failed to put in was the cross-access so that somebody doesn't get blocked off. Staff would also like to note that at least there is an erroneous address given. On page two of the staff report, the actual site address is 6801 South Linder Road not 4400 West Linder Road. With that I will stand for any questions you might have. **C/Young:** Any questions for staff? With that I will open up the public testimony at 6:19. Is there anyone who would like to testify? Since nobody wants to testify, I will close the public testimony at 6:20. **C/Gealy:** I have a question for staff. With respect to the dryline sewer and domestic water, we don't really know when there might be development? **Troy Behunin:** We have no idea, we have no application and nobody's actually talking to us about that property. **C/Gealy:** Would it be possible that there could be development to the north or south of the property as well? Why would we ask them to do drylines to the west when we don't really know what's going to happen around them? **Troy Behunin:** The parcel to their north is actually lot four within the subdivision, and the 12 acres south of them is not actually in the subdivision. However, neither of those parcels are in the city, and they're not talking to us about developing their land into a subdivision. The parcel behind them is in the city. If the north parcel really wanted to do the same thing that they're doing, it would have to be a fairly substantial subdivision. In order for them to go north or south, it just seems more logical that it would be to the west. **C/Hennis:** How would you hook drylines and not create issues with their system? **Troy Behunin:** You just put them in place, so that when they do come in, and development does happen, you don't worry about the connections at either end. Everything in between is taken care of. **C/Hennis:** But, as you're going to be stubbing out at the right side of the property, wouldn't that create problems with the current system they would be using? How do you create a connection that doesn't divert your septic or your water into that dryline? **Troy Behunin:** You're actually not making the connection at the house, you would be bringing it closer to the house. There are some logistics that do have to be worked out, and if the commission doesn't want to make that recommendation, you don't have to. You can strike that from the recommended conditions of approval. **C/Gealy:** I would think perhaps we could go ahead and condition that when water and sewer become available and their system fails, that they would be able to connect the water and sewer but not necessarily put dry lines now. Instead, wait and see when it becomes available. **Troy Behunin:** The commission is certainly welcome to do that. The premise for requesting that or recommending that they put them in now is that there's far less impact because of the size of the property. **C/Gealy:** Why do you say that? **Troy Behunin:** Chances are they're going to landscape their yard, put in a patio, a storage shed, a gazebo, a farm field. There are a number of unknowns. **C/Hennis:** Because of the foundations, I just don't understand the connection on the interior. **Troy Behunin:** It wouldn't be connected to the house, we would have to figure out the house connection and we would have to figure out the other end. We might have to run a sewer easement down someone's property line in order to make that happen. That is the primary reason why we have easements in between lots, so we can run utilities. It's really not that big a mystery on how to fix it on the west side, we can overcome that. **C/Gealy:** Can we ask the applicant to step forward? Do you have an opinion or preference with respect to the dry lines for sewer and domestic water? **Steve Johnson:** We know approximately where we're going to build our shop and residence. The only question I have would be how long is it going to actually

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, June 12, 2018**

be before this happens? We don't have a problem with putting in the drylines. I know where to run them from the buildings we're going to build, but I'm not really sure where to stub them to the west. When you're looking at a 2.5-acre piece of property running north and south, this west property line would bud into potentially a development someday. It's 337 feet wide at that point. I'm not sure where would be best to do that. Also, with the fall of the land and things like that, where we'd want to put that. When you put in a water line, a dry water line, we don't have a problem with the drainage. For the sewer line, we would have a drainage grade issue not knowing where we might hook into. For grade, we would be more than happy to sign a condition that would help us know where to put this in. We don't have a problem with that. **Troy Behunin:** That's also an acceptable approach, it would be called a memorandum of understanding. We would have to do that anyway, but that could be one of the conditions in the MOU. When development comes within 300 feet, at the owner's expense. The lines are put in at that time. **C/Gealy:** I would also find that acceptable. I have one more question for staff. The error on the address in the agenda and the staff report, was it noticed properly? **Troy Behunin:** Yes, it was. It was only in the staff report and the agenda. **C/Dennis:** The idea of the drylines was a good idea, I understand the point of getting it out from under the foundation so they can run it easier and save some expense down the road. **C/Damron:** If they open up for the subdivision next to it, it gives them a design structure for the sewer system. This gives the city a record, saying that this stubs out here we need to make a connection into here. If they design it to where the sewer is on the other end of the subdivision, they have to dig. Unless they condition that to make it the responsibility of the developer to dig from there over to them. **C/Hennis:** Right, but it's not his responsibility either to make that connection to a point. It would make them aware of it. **C/Young:** I think I'm ok with a memorandum of understanding. If the applicant's fine with that.

Commissioner Gealy motions to recommend approval Case No. 18-02-AN & 18-02-CPF with the conditions as stated in the staff report and with a modification to condition No. 8 which would require staff and the applicant to enter into memorandum of understanding with respect to connection to sewer and domestic water when it becomes available, and the additional conditions that the applicant create a cross-access agreement between the two lots and that the applicant shall develop a permanent care maintenance agreement for the private lane; Commissioner Hennis Seconds, all aye and motion carried 4-0.

- c. **18-08-SUP (Special Use Permit) & 18-15-DR (Design Review)** – PI Stem Academy; On behalf of PISA Land holdings, Brett Jensen with Ensign Development (applicant), requests SUP approval in order to place a new school (PIStem Charter Academy) at the southeast corner of Hubbard and future School Avenue in Kuna. Applicant seeks to add three (3), 60' X 60' manufactured buildings (approx. 3,600 square feet/ea.) for classroom and school purposes, a parking lot, a bus drop-off and to add improvements to two roadways. A Design Review application is included with this request. The site address is 2275 W. Hubbard Rd.

Michael Wright: I represent PISA Land holdings as the developer, we are here requesting approval for a Special Use Permit and Design Review for a charter school to add three manufactured buildings for classroom purposes. I was driving over this morning to meet with Radix Construction, and Sign Pro called me asking if I can stand in for them tonight. I'm with the offsite improvement for ACHD. We are in receipt of the staff report, we agree with staff and their comments. We were made aware of a letter written by a neighbor, the Moore's. We will not access the private lane during our construction. Once we've constructed the road on our side of the property, they'll be able to use it. I'd be happy to answer any questions. **C/Young:** Any questions for the applicant? **C/Laraway:** Mr. Chairman, just to let you know, I live right across the street from this but I believe I can be objective about this and not have any problems. **Troy Behunin:** Good Evening Chairman and Commission, for the record Troy Behunin, Senior Planner, Kuna Planning and Zoning Staff, 751 W. 4th St. The application before you tonight, application 18-08-SUP & 18-15-DR, Design Review for the PI Stem Academy charter school. All the notice and procedures have been followed in order to hold tonight's meeting. Letters have been sent out to landowners within 300 feet. It ran in the newspaper and the site has been posted. Staff has been working with PI Stem people for a number of months now to bring a

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, June 12, 2018**

charter school to Kuna. Staff understands this is the first PI Stem of this type to the state. They've gone through a number of site selections and this is the site the selected. The Special Use Permit is required, because in any zone, you do need to acquire a Special Use Permit in order to place the school here. The applicant would like to place three modular buildings that are built for school purposes. Each of them will be roughly 3600 square feet. They propose to have 297 seats available for students during the first phase. They do anticipate a couple of different phases, they developed the northern half at this point. With future expansion, they'll take over and develop more of the site. They're proposing an entrance off of Hubbard Road that will line up with the Denali Heights subdivision right across the street. That will begin a new segment of School Avenue on their west side. It would be conditioned by ACHD and it would also be conditioned by staff that they improve those roadways to accommodate the uses. Staff would agree with all of the things that Mindy Wallace at ACHD has commissioned, site specific conditions of approval as stated in the staff report. This application does include a design review element. With very few exceptions, staff does recommend approval for the design review component as well. The only thing that staff saw was that there would be a need for some real grass, some tall natural grasses and a few trees and shrubs on the west side. The flow of traffic seems to fit the site very well for what they're needs are at this point in time. Staff did receive a number of phone calls about this project, and one of the people that we've been in contact with actually submitted a letter. It was included in the packet. You just heard the statements right from Michael that they can encroach on their neighbor's property to the West. Once the road is complete, they're free to use it. With that, I will stand for any questions that you might have. **C/Gealy:** I have no questions at this time. **C/Damron:** Is there any plan to put a permanent building up in this? **Troy Behunin:** There is, there will be a permanent building built in place within three years. For the three buildings, the plan was to set them in the ground so that there would not be any ramps or stairs required to get into these modular buildings. They would be at ground level, so they would function like regular buildings. **C/Laraway:** You're talking about a mid-mile collector off of Hubbard where there's a circle drive. Is that the school that they're referring to? **Troy Behunin:** That is correct. Staff I didn't have many conditions of approval but they are listed. **C/Young:** Looking at the material boards I see the trim color on the photo looks darker than the trim that's on the material board. I kind of prefer the darker one, actually. Have you thought of maybe darkening that up a little bit? **Michael Wright:** We're good with that. **C/Young:** I'll open up the public testimony at 6:42. **Joyce Epperson:** My name is Joyce Epperson, I live at 618 W Tree House Way, and my backyard backs the park. Where is this charter school going to be built? **C/Young:** It's between Linder and Ten Mile on Hubbard Road. **Joyce Epperson:** So, it's not going to be built in the park? **C/Young:** No. **Joyce Epperson:** I misread the flyer that you wrote, I thought that was going take away two-thirds of the park. **C/Hennis:** No, this will about the little private lane called Atwood. It's right to the east, its west boundary is Atwood Lane. It wouldn't be affecting the park. **Joyce Epperson:** That was my main concern, so I wouldn't have any problem with it then. **C/Young:** With that, I'll close the public testimony at 6:44, which brings up commission discussion. **C/Gealy:** Can I ask staff to clarify? You said you would do lots 5 and 6, can you show me where that is? **Troy Behunin:** Absolutely. It's not in 5 and 6, it notes 5 and 6. This is noted on the landscape plan. **C/Gealy:** Could you show us on the map? **Troy Behunin:** If you look at the site plan, that's section 5 and that's section 5, and this is section 6. It's the area that is south of the three buildings. Did you find that on your map? Wherever it says 5 or wherever it says 6. **C/Gealy:** There's a lot of sod. **C/Laraway:** The road that's coming down from that circular, is that Atwood Road or is it going to be School Road? **Troy Behunin:** What they're showing there in the gray, that is their portion of School Avenue that will be built in the future with this application. Atwood Lane is actually to the west and you can see kind of a stub out with words that say Atwood Lane, running parallel right now. **C/Laraway:** Looking at the letter, the people to the west wrote that they want their road not to be used for the school. How are you going to separate those two? **Troy Behunin:** They will be building completely on their portion of their property. Atwood Lane is completely off of the school's property. They don't need to access Atwood at all. They're not building west of their property line. They're keeping everything on their property. **C/Laraway:** I'm just looking at regular public. When they're dropping their kids off and they're not familiar with this, they will not really be big on this if they're going to turn down Atwood if they miss that turn. **Troy Behunin:** One of them is a gravel lane and one of them is a paved road, and one will have a street sign that is green. The other one will continue to have a street sign that is blue. I'm not sure how common it is, but I would think that most people would understand

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, June 12, 2018**

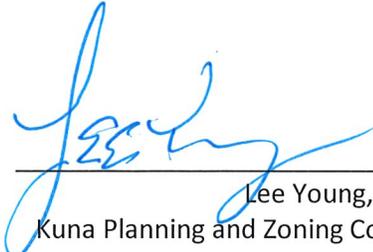
that a green sign is public and a blue sign is private. **Michael Wright:** The access off Atwood is for school bus only. Now if somebody accidentally goes down there, they can use the turnaround bus access to get out. **C/Gealy:** But there will come a time when that intersection will become a rotary? **Troy Behunin:** Yes, it is scheduled. ACHD's report listed it for sometime between 2029 and 2032. **C/Gealy:** So, it's some ways away. **Troy Behunin:** But if things keep going the way they are, I figure it will be a lot sooner than that. **C/Gealy:** But that's something for them to take into consideration. **Troy Behunin:** And that's why staff made sure the buildings are placed in a way that, road widening and the roundabout being constructed that the landscape buffer doesn't suffer because of it. The last thing we want to do is say that you have to put a 20-foot buffer or a 25-foot buffer in because of it. The buildings aren't going to move, but the roadway is going to. **C/Laraway:** So that lane is technically going to be School Avenue. **Troy Behunin:** At some point, yes. **C/Hennis:** Troy, your intentions with the sod are more of a normal grass, not an open, native grass. The No. 3 area is for a playground. It would be odd to have open, native grass in that area. **C/Gealy:** There's also an area in report about signage, was that also included in the conditions of approval? **Troy Behunin:** I believe it was, it is No. 14. **C/Damron:** Since this is a charter school, will they be reducing the speed of Hubbard? **Troy Behunin:** Some signs will be posted for the school time, but I believe that's borne by the applicant. ACHD will put them in, but I think they will pay for it. **C/Gealy:** I have another question for staff. With respect to the landscape buffers, did I understand that we need a condition that the applicant will work with you to bring the landscape buffer into compliance. **Troy Behunin:** Only for the west side and the grass.

Commissioner Hennis motions to approve Case No. 18-08-SUP & 18-15-DR with the conditions as stated in the staff report and the additional condition to work with staff regarding the grass area and the landscape buffer on the west side, and the darker color on the trim; Commissioner Damron Seconds, all aye and motion carried 4-0.

3. COMMISSION REPORTS

4. ADJOURNMENT

Commissioner Hennis motions to adjourn; Commissioner Damron Seconds, all aye and motion carried 4-0.



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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