



## KUNA PLANNING AND ZONING COMMISSION

Agenda for March 25, 2014

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Kuna City Hall ▪ Council Chambers ▪ 763 W. Avalon ▪ Kuna, Idaho

### REGULAR MEETING

6:00 pm

**1. CALL TO ORDER AND ROLL CALL**

Chairman Lee Young  
Vice Chairman Stephanie Wierschem  
Commissioner Dana Hennis  
Commissioner Cathy Gealy  
Commissioner Joan Gay

**2. CONSENT AGENDA**

- a. Meeting Minutes for February 25, 2014
- b. **13-010-SUP** – Carrie Anson In-Home Salon Findings of Fact and Conclusions of Law

**3. OLD BUSINESS:**

**4. PUBLIC HEARING**

**5. DEPARTMENT REPORTS**

**6. CHAIRMAN / COMMISSIONER DISCUSSION**

**7. ADJOURNMENT**

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

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**MEETING MINUTES  
Tuesday, February 25, 2014**

**NOTE:** *These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.*

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PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	x	Wendy Howell, Planning Director	x
Vice-Chairman Stephanie Wierschem	x	Troy Behunin, Planner II	<i>Not Present</i>
Commissioner Dana Hennis	x	Travis Jeffers, Planning Technician	x
Commissioner Cathy Gealy	x		
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 **6:00 pm**.

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**1. CONSENT AGENDA**

- a. Meeting Minutes for February 11, 2013
- b. **13-09-SUP** (Special Use Permit) – **Allison Jones** In-Home Group Childcare Findings of Fact and Conclusions of Law.

*Commissioner Gealy motioned to approve consent agenda; Commissioner Hennis seconds, all aye and motioned carried 5-0.*

**2. OLD BUSINESS:**

None

**3. PUBLIC HEARING**

**13-10-SUP**, (Special Use Permit) for an In-Home Salon

For the record, Travis Jeffers, Planner Technician, 763 West Avalon Street in Kuna. Tonight's application before you is a Special Use Permit (SUP) request from Carrie Anson to operate a salon in her home located at 223 South Titan Place in the Valley Heights Subdivision.

An in-home salon business as described in Kuna City Code (5-3-2 and 5-1-6-2) under Beauty Parlor is *defined as: A facility, which offers personal service and hygienic treatment including massage, manicure, hair styling, facials and other day spa activities.*

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The business operations for Studio 27 Salon will take place Monday through Saturday from 9:00 am until 6:00 pm. The site is currently zoned Medium-Low Density Residential (R-6) and an in-home salon use requires a SUP to establish this type of business in this zone. The parcel currently has a residence on site with three possible parking spaces and a six foot wood fence around the backyard perimeter.

The applicant, Carrie Anson is proposing to open the salon and provide a variety of services including cuts, colors and facial waxing. The salon will include one chair, one shampoo bowl and will only service one client at a time. The business is intended to be part-time in nature and all potential clients will be utilizing the existing driveway parking spaces.

The Future Land Use Map (FLU) identifies this site as Medium Density Residential. Staff views this proposed land use request to be consistent with the surrounding and approved FLU 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, at the property itself, they held the necessary neighborhood meeting and followed the requirements set forth in Kuna City Code and Idaho Code. Staff has determined this application complies with the Kuna Comprehensive Plan and Future Land Use Map (FLU); and forwards a recommendation of approval subject to the recommended conditions of approval set forth in the staff report.

No questions for staff.

Carrie Anson, 223 South Titan Place in Kuna, Idaho explained that her business at this point is part-time in nature as she has another job at Toni Beauty School Tuesday, Wednesday and Thursday. The salon hours will most likely be evenings Tuesday through Thursday and all day Friday and Saturday with an occasional Monday. Carrie plans to offer mostly hair services. There will only be one chair and therefore only one client at a time, unless appointments slightly overlap. There will be a maximum of two vehicles parked at the house at any one time and they will be utilizing the two available driveway parking spaces on-site.

Chairman Young asked Carrie if she had read all of the staff report and agency comments and if she was okay with those recommendations and conditions of approval. Carrie explained that she had read the packet information and was okay with the proposed conditions.

No further questions for the Applicant

Public Testimony opened at 6:06 pm.

*In Favor:*

Roland Fisher, located at 220 South Titan Place in Kuna is an adjacent neighbor of Carrie and was originally concerned about the excess traffic and potential parking congestion along the street the home-base business could create, but after hearing the staff presentation and applicant testimony he better understands the request and is okay with it. He and his wife, Claudia had not heard about the request until tonight and so they had concerns. They recently moved to the neighborhood and it appears the previous owner was sent the neighborhood meeting invitation and the neighbor notice from the City.

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Claudia Fisher, located at 220 South Titan Place in Kuna asked the Planning and Zoning Commission if the applicant failed to abide by the conditions as set forth by the City of Kuna and the responding agencies what would happen? What would happen if more traffic and cars were coming than expected? C/Young responded to Claudia explaining that she could file a code enforcement complaint with the City and the City would take care of the issue.

Public Testimony closed at 6:10 pm.

Before any further discussion, Director Howell informed the Commissioners that if they wish to restrict the number of clients at any one time that they need to make it a condition of approval for the Special Use Permit. Otherwise, the City will have a difficult time enforcing such a request.

*Commissioner Gealy motioned to approve **13-10-SUP**, (Special Use Permit) for an In-Home Salon with the conditions of approval as detailed in the staff report.*

Commissioner Hennis second the motion for discussion. Chairman Young explains that once the second is achieved then they can have a discussion on amending the motion. Commissioners discuss adding the condition of approving the SUP with the condition to limit the number of customers at any one time to two. Commissioner Gealy feels that an extra condition is unnecessary in this case because the likelihood of several clients being at the house at any one time is unlikely. The salon will only have one fully equipped station; she said that it might give the neighbors some peace-of-mind. C/Hennis also felt that it would be prudent to encourage a condition to limit parking to off-street to relieve the on-street parking from congestion.

Planner Technician, Jeffers responded to C/Hennis's concerns over parking off-site and explained that such a condition is already set forth within the staff report and is currently a requirement for an in-home business to provide ample off-street parking. The applicant is providing a minimum of three off-street parking spaces on site, which is sufficient for up to two clients at any one time.

C/Gealy felt that we could not require that people not park on the street because it is a public street, but that we could ask that the applicant provide sufficient parking for her clients off-site.

C/Hennis asked how we amend the motion after previously putting it forth for approval. What is the process for legally amending the approval?

Director Howell explained that anyone can make an amended motion at this time, and then a second is needed, and then discuss the motion. This would then require a role call for that motion.

*Commissioner Hennis moved to amend the motion for **13-10-SUP**, (Special Use Permit) for an in-home salon to include a requirement to limit the number of customers to no more than two at a time. Motion failed due to no second.*

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Chairman Young explained that because a second to the amended motion failed, we move back to the original motion.

*The Commissioners voted 4-1 (Hennis Opposed) approving the original motion to approve **13-10-SUP**, (Special Use Permit) for an in-home salon with the conditions of approval as detailed in the staff report. Motion carries.*

**3. DEPARTMENT REPORTS:**

None

**4. CHAIRMAN / COMMISSIONER DISCUSSION:**

None

**5. ADJOURNMENT:**

*Commissioner Gealy motions to adjourn at **6:20pm**; Vice Chairman Wierschem seconds, all aye and motion carried 5-0.*

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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Travis Jeffers, Planner Technician  
Kuna Planning and Zoning Department



# City of Kuna

## Findings of Fact, and Conclusions of Law

P.O. Box 13  
Phone: (208) 922-5274  
Fax: (208) 922-5989  
www.Kunacity.id.gov

**To:** Kuna Planning and Zoning Commission

**File Numbers:** 13-10-SUP (Special Use Permit) for an In-home salon.

**Location:** 223 S. Titan Place  
Kuna, Idaho 83634

**Planner:** Travis Jeffers, Planner Technician

**Hearing date:** February 25, 2014

**Finding of Fact:** **March 25, 2014**

**Applicant:** **Carrie Anson**  
223 S. Titan Pl.  
Kuna, ID 83634  
(208) 284.5488  
Keri-beri-86@hotmail.com

### Table of Contents:

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- B. Applicants Request
- C. Vicinity & Aerial maps
- D. History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Comprehensive Plan Analysis
- I. Findings of Fact
- J. Conclusions of Law
- K. Decision by the Commission

### **A. Course of Proceedings:**

1. Proposing an in-home salon business as described in 5-3-2 and 5-1-6-2 (Beauty Parlor; Definitions) Kuna City Code (KCC) requires obtaining a Special Use Permit (SUP) within the City of Kuna. Beauty Parlor is defined as: A facility, which offers personal service and hygienic treatment including massage, manicure, hair styling, facials and other day spa activities.
2. In accordance with KCC Title 5, Chapters 1 and 3, this application seeks SUP approval for Studio 27 Salon.

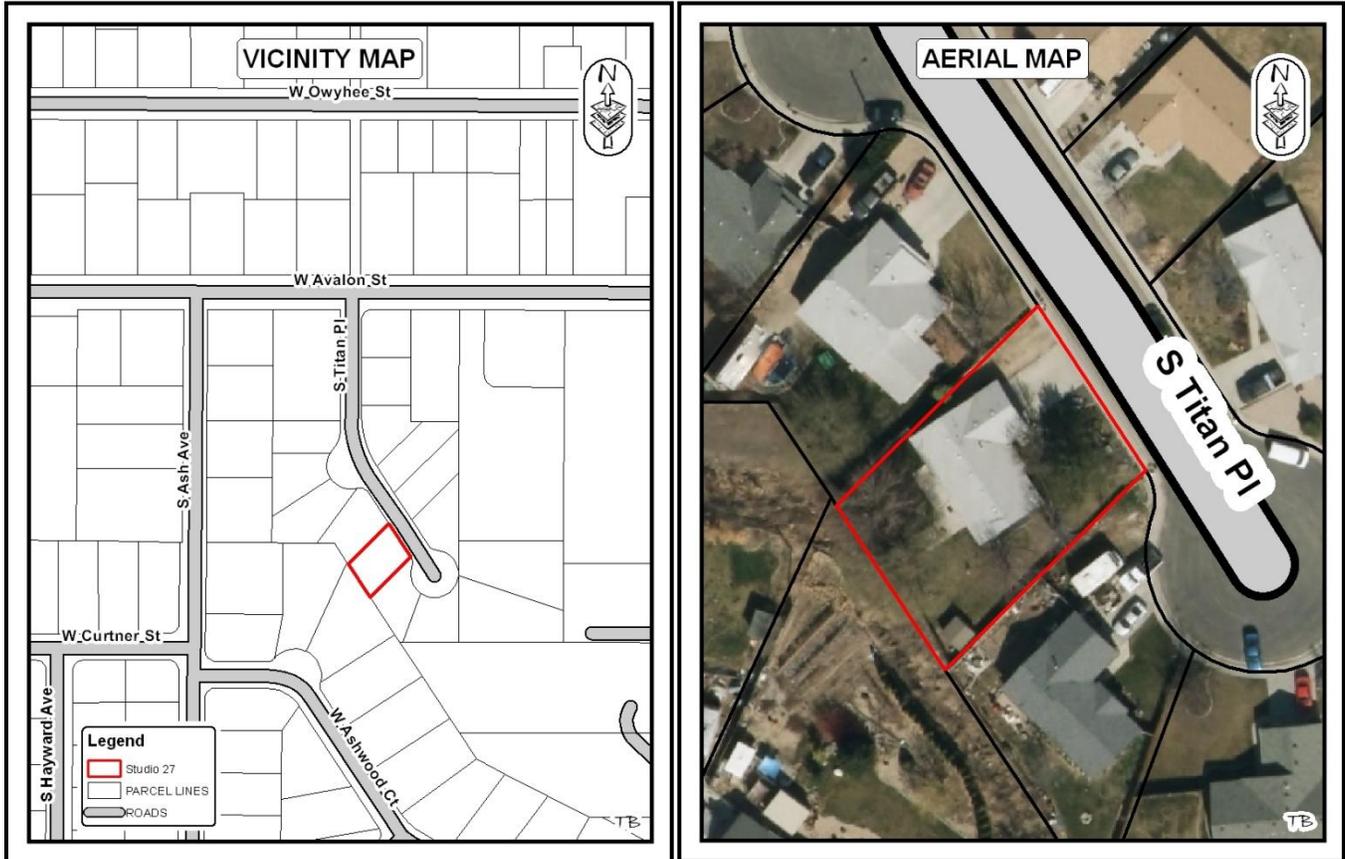
#### **a. Notifications**

- |                           |                                    |
|---------------------------|------------------------------------|
| i. Neighborhood Meeting   | November 11, 2013 (Zero Attendees) |
| ii. Agencies              | January 8, 2014                    |
| iii. 300' Property Owners | January 31, 2014                   |
| iv. Kuna, Melba Newspaper | January 31, 2014                   |

**B. Applicants Request:**

Request from Studio 27 (Carrie Anson), for a Special Use Permit (SUP) to have an in-home salon located at 223 S. Titan Pl. (APN#: R8954410090).

**C. Vicinity and Aerial Maps:**



**D. History:**

The applicant is proposing to open Studio 27 Salon, an in-home salon business, which provides a variety of services including cuts, colors and facial waxing. The salon will include one chair, one shampoo bowl and will only service one client at a time. The business is intended to be part-time and clients will be utilizing driveway parking spaces. The applicant is proposing to open the business Monday-Saturday (9-6 PM). The site is currently zoned Medium Residential (R-6) and an in-home salon land use requires a SUP to establish this type of business in this zone.

**E. General Projects Facts:**

1. **Legal Description:** A legal description was included with the submitted request.
2. **Surrounding Land Uses:**

<b>North</b>	R-6	Medium-Low Density Residential District – Kuna City
<b>South</b>	R-6	Medium-Low Density Residential District – Kuna City
<b>East</b>	R-6	Medium-Low Density Residential District – Kuna City
<b>West</b>	R-6	Medium-Low Density Residential District – Kuna City

3. **Parcel Sizes, Current Zoning, Parcel Numbers:**

- Parcel Size: .173 acres
- Zoning: Medium-Low Density Residential District (R-6)
- Parcel #: R8954410090

4. **Services:**

Sanitary Sewer– City of Kuna  
Potable Water – City of Kuna  
Irrigation District – Boise-Kuna Irrigation District  
Pressurized Irrigation – City of Kuna (KMID)  
Fire Protection – Kuna Rural Fire District  
Police Protection – Kuna Police (Ada County Sheriff)  
Sanitation Services – J&M Sanitation

5. **Existing Structures, Vegetation and Natural Features:**

It currently has a residence on site with three (3) possible parking spaces and a six (6) foot wood fence around the backyard perimeter.

6. **Transportation / Connectivity:**

The site has frontage along South Titan Place to the north side of the parcel.

7. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts. This site's topography is generally flat.

8. **Comprehensive Future Land Use Map:**

The Future Land Use Map (FLU) identifies this site as Medium Density Residential. Staff views this proposed land use request to be consistent with the surrounding and approved FLU map designations.

9. **Agency Responses:**

The following agency returned comments: Central District Health Department and City Engineer (Gordon Law, P.E.). The responding agency comments are included with this case file.

The following agencies were notified, but did not comment: Ada County Development Services (Records and Street Naming), Ada County Assessor, Boise-Kuna Irrigation District, Boise Project Board of Control, Department of Environmental Quality (DEQ), Idaho Power, Intermountain Gas, J&M Sanitation, Kuna Rural Fire & Ambulance, Kuna School District, U.S. Post Office, Kuna Police Department, City Forrester (Natalie Purkey), and City Attorney (Richard Roats).

**F. Staff Analysis:**

Staff has determined this application complies with Title 5 of Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case # 13-10-SUP, subject to the recommended conditions of approval.

**G. Applicable Standards:**

1. Kuna City Code, Title 5 Zoning Regulations
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

## **H. Comprehensive Plan Analysis:**

The Kuna planning commission accepts the Comprehensive Plan components as described below:

1. The proposed use for the site is consistent with the following Comprehensive Plan components:

### **2.0 – Property Rights**

**Goal 1:** *Ensure that the City of Kuna land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Kuna to evaluate whether proposed actions may result in private property “takings”.*

Policy: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

### **5.0 – Economic Development**

**Goal 1:** *Promote and support a diverse and sustainable economy that will allow more Kuna residents to work in their community.*

Policy: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

Policy: Promote the expansion of home-based businesses in appropriately zoned areas.

### **6.0 – Land Use**

**Goal 2:** *Encourage a balance of land uses to ensure that Kuna remains a desirable, stable, and self-sufficient community.*

Objective 2.2:

Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

Policy: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

## **I. Findings of Fact:**

1. All required procedural items have been completed as shown in the staff report.
2. The in-home salon complies with Section 2.0, 5.0, and 6.0 of Kuna’s Comprehensive Plan.
3. Public services are available and appear to be adequate to accommodate this site’s intended use.
4. The site is zoned R-6 and intended for use as an in-home salon by obtaining a Special Use Permit.
5. The site is physically suitable for the use.
6. The use appears to be in compliance with all ordinances and laws of the City.
7. The use appears to not be detrimental to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, facilities and existing adjacent uses.
8. The street and utility services in proximity to the site appears to be suitable and adequate for this commercial purpose.
9. The Kuna Planning Commission accepts the facts outlined in the staff report, public testimony and the supporting evidence list as presented.

10. The Planning and Zoning Commission of Kuna, Idaho, has the authority to approve or deny this case.
11. The neighborhood meeting was held and the notice requirements were met.
12. All notifications and the public hearing were conducted within the guidelines of applicable Idaho Code and City Ordinances.

**J. Conclusions of Law:**

1. The in-home salon is consistent with Kuna City Code.
2. The in-home salon meets the general objectives of Kuna's Comprehensive Plan.
3. The site is physically suitable for an in-home salon use.
4. The in-home salon is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The in-home salon is not likely to cause adverse public health problems.
6. The in-home salon complies with all the ordinances and laws of the City.
7. The in-home salon is not detrimental to the present and potential surrounding uses; or, to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
8. The street and utility services in proximity to the site appear to be suitable and adequate for in-home salon purposes.
9. Based on the evidence contained in Case #13-10-SUP, this proposal appears to comply with Sections 5-3-2 and 5-1-6-2 of Kuna City Code.
10. Based on the evidence contained in Case #13-10-SUP, this proposal appears to comply with Section 2.0, 5.0, and 6.0 of the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map.
11. The Planning and Zoning Commission of Kuna, Idaho, has the authority to approve or deny this SUP application.
12. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**K. Decision by the Commission:**

On February 25, 2014, the Kuna Planning and Zoning Commission voted 4-1, recommending **approval** for Case No. **13-10-SUP**. Based on the Findings of Fact and Conclusions of Law, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends approval for **Case No. 13-10-SUP, a Special Use Permit** request by Carrie Anson for an in-home salon subject to the following conditions of approval:

1. The applicant and/or owner shall obtain written approval of the construction plans from the agencies noted below. The approval may be either on agency letterhead referring to the approval use or may be written or stamped upon a copy of the approved plan. All site improvements are prohibited prior to approval of the following agencies:
  - a.) The Kuna Fire District shall approve all fire flow requirements and/or building plans.
  - b.) The Boise-Kuna Irrigation District shall approve all modifications to the existing irrigation system.
  - c.) Approval from Ada County Highway District and Impact Fees, if any shall be paid prior to building permit approval.
  - d.) The City Engineer shall approve a surface drainage run-off plan, (if needed). As recommended by Central District Health Department, the plan should be designed and constructed in conformance with standards contained in "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of a drainage design plan from the Kuna City Engineer. The drainage design plan shall include all proposed site grading.
2. Parking within the site shall comply with Kuna City Code (Except as specifically approved otherwise).

3. The applicant shall follow all of the requirements for sanitary sewer, potable water, pressure irrigation system connections, and all other requirements of the City engineer.
4. The store will be open on a part-time basis Monday thru Saturday, 9:00-6:00 pm weekly.
5. Signs, banners, flags or other means to attract attention, or identify the parcel as a business for the site are not allowed, in accordance with KCC 5-5-4-K-3-e.
6. In the event the uses or the buildings on this parcel are enlarged, expanded, or altered in anyway (even for a temporary purpose), the applicant shall seek an amendment to this SUP approval through the public hearing process.
7. This SUP is valid as long as the conditions of approval are adhered to continuously. In the event the conditions are not continuously followed, the Planning and Zoning Commission may revoke the SUP.
8. All local, state and federal laws shall be complied with.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST

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Travis Jeffers, Planner Technician  
Kuna Planning and Zoning Department