

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

**MEETING MINUTES
Tuesday, January 13, 2015**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	<i>absent</i>
Vice-Chairman Stephanie Wierschem	X	Troy Behunin, Planner II	X
Commissioner Dana Hennis	<i>absent</i>	Trevor Kesner, Planning Technician	X
Commissioner Cathy Gealy	X		
Commissioner Joan Gay	<i>absent</i>		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at **6:01 pm**.

1. CONSENT AGENDA

a. None

2. NEW BUSINESS:

a. **14-07-AN** (Annexation), **14-03-LS** (Lot Split); Daniel and Gina Safford: The applicant is requesting approvals for Annexation of two existing parcels into the City of Kuna with an Agriculture (A) zoning designation, and split one of the parcels located at 1200 S. Ten Mile Road.

C/Young: If the applicant will please come forward.

Gina Safford: Hello. My name is Gina Safford, I live at 1036 south Ten Mile Road in Kuna. So what we have before you here today is, we own two (2) parcels here on south Ten Mile. 1036 S. Ten Mile which is a 4.7 acre parcel and the adjacent parcel; and this is my husband Dan, and the adjacent parcel next to it is 1200 S. Ten Mile. So we essentially own two parcels, side by side, on the east side of the road, here on Ten Mile. Our goal is to request annexation of both of these parcels into the city, so that we can eventually service city services to these parcels and we are asking to subdivide the parcel so the south into two pieces. Our eventual goal is to build a home on the back side of the property at 1200 south Ten Mile.

So that's the reason that we're coming into the city, is so we can split. We can't split when we are in the county any further so we're bringing both pieces in so it will be contiguous; and we're hoping at some point, to bring you a set of building plans, which is in the future.

C/Young: Ok, and have you read the staff report and understand everything that's in there?

Gina Safford: Yeah, I think we do. We understand that the services are not there, and we understand that if we put in a building permit, that we are going to have to pay for those services and that we'll be waiting for some time for them. We don't know how long it will be before they come on down Ten Mile. They're a few hundred

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yards away now but one parcel has to sell before they come on down to meet with the two properties that we currently own. So we know that and we know that will need to happen in the future.

C/Young: Ok. So are there any questions for them?

C/Gealy: No questions.

C/Wierschem: I have nothing.

C/Young: Ok. I do have one other question: I see the two parcels...

Gina Safford: Yes?

C/Young: ... and I see a platted road to the south. And then I see what looks like the proposed new dwelling in the future and the way it's oriented there on that platted road. There is no current road there?

Gina Safford: There is no current road anywhere and the man that did the survey didn't completely understand. We actually want the house on the north side. We want it on the northwest corner of that, kind of north to where he has put it as a typical drawing. And we would actually put the road between the two pieces that we own and not on... when we do come to you with a building proposal, the road access would actually be to the north and not on the south side of the properties. So right in between both properties, we'd put the road on the easement that's there along the fence line we currently own. We'd put a driveway, not a road; excuse me, just a driveway.

C/Young: so at that point, you would do either some sort of a cross-access agreement for that or...?

Gina Safford: Yes.

C/Young: There wouldn't be a road as part of the parcel B? Only that...

Gina Safford: We're not putting in a road. There would be a driveway access and I think there is an easement for a road between the two parcels now as they stand. The surveyor just didn't understand which side we wanted it on and we want it between the parcels. There is actually a city road; do you call that an easement? ... Not the right-of-way, but the easement, we want it to be between the two parcels that we currently own.

C/Young: Ok.

Gina Safford: When we eventually come to you with our building permit plan that will all be accurate.

C/Young: Alright. And if there is no other questions, well then we thank you and we'll have staff come up.

Trevor Kesner: Commissioners, for the record, my name is Trevor Kesner, Planner for the City of Kuna, 763 W. Avalon. I am just going to follow-up and try to address a couple of issues... well, they're more formalities. When this case was first noticed, there was a development agreement associated with this application. We have decided to do away with the development agreement application associated with this case at this time because,

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as you've heard from the applicants, there is no building permit application submitted; they do not know when their anticipated home build will occur so a development agreement is not needed for this. It's just simply an annexation and a lot-split at this time.

Also, on the staff report, on page 3 of 5, number 5 under the existing structures, vegetation and natural features: I state that there is currently a house on the north 4.61 acres, which is the north parcel. And then under section F, the first paragraph: I also describe the northerly parcel as 4.641 acres, so there is a discrepancy on those two numbers. It is actually 4.641 acres, so the lower number is correct and that will be corrected in the findings of fact.

As you've heard from the applicants, there was also a discrepancy on where the proposed new house will take access in the future. Their submitted record of survey showed the driveway where they thought that it would be in the future; staff would just recommend that the Commission also support the condition that in the record of survey, a cross-access agreement or some sort of a shared driveway easement is recorded with that record of survey. But as it stands now, the applicants will own all three parcels or rather, both parcels as they annex in -so an easement would not be needed until such time as they record that survey. They have followed all of the city code and Idaho laws as far as noticing, they have posted the property, they have complied with all of the application requirements, and if you have any questions for me, I'd be happy to clarify.

C/Young: Any questions for staff?

C/Gealy: Just one question, with regard to the shared driveway access, is that consistent with the plan for the area; that there would be an additional driveway between those two parcels rather than accessing that road to the south? Or the right-of-way to the south?

Trevor Kesner: The roadway to the south of both parcels, which the applicants have stated, their proposed new home will not take access off of that right-of-way. That existing right-of-way has been dedicated. At some time in the future, that may be a roadway, but the right-of-way has been dedicated. They will not use that roadway to access any of the newly created parcels. The existing access on the southern parcel will be used as the shared driveway.

C/Gealy: So there's an existing access there now?

Trevor Kesner: There is an existing access, but an easement has not been recorded. But as I stated, the applicants own both parcels so an easement would essentially be dedicated to themselves at this point.

C/Young: Ok. Any other questions for staff? Ok, thank you.

Trevor Kesner: Thank you.

3. PUBLIC HEARING

- a. The Public hearing was opened at 6:10 pm. Seeing that no one signed up opposing, supporting or neutral with regard to **14-07-AN** (Annexation), and **14-03-LS** (Lot Split), Chairman Young asked if anyone that has not signed up wanted to testify. No one responded, therefore Chairman Young closed the public hearing portion of the meeting at 6:11 pm.

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Commissioner Gealy motions to recommend approval of 14-07-AN and 14-03-LS to City Council and with the conditions of approval as outlined in the staff report, with an additional condition to allow for a shared driveway access easement between both parcels to be shown on the record of survey; Commissioner Wierschem Seconds, all aye and motion carried 3-0.

4. DEPARTMENT REPORTS:

- a. None

5. CHAIRMAN / COMMISSIONER DISCUSSION:

- a. **14-05-DRC – Amendment Request:** This is a request from Ultimate Heating & Air to amend the DRC's original decision about ground cover within the landscape buffers and planters. The original application was for Design Review approval for a new 5,552 square foot office and small warehouse building, parking lot, landscaping and signage on an approx. 1.12 acre site within the Shortline Park industrial subdivision.
-The applicant seeks approval for the use of gravel within the planter beds rather than planting grass. This would change the front landscape buffer and two other minor buffers or planters against the building.

C/Young: Please state your name and address for the record please.

Dale Whitney: Dale Whitney with Ultimate Heating and Air, 593 E. Access St.

Scott Marshall: I'm Scott Marshall with Straightline Architects, 1421 S. Cloverdale Rd., Boise, Idaho.

Dale Whitney: I'm just here because we finished our building and we have a temporary C.O. (certificate of occupancy) and we only got the temporary C.O. because I guess we were supposed to have grass which was shown in a rendering of the building and in the small planter beds. We didn't put grass in because we have the bushes and the trees that we needed to put in so I put rock in because I followed the suit of what everybody else was doing in the area, and I'm here just to see if I don't have to plant grass and use my rock. Nowhere on the plans does it say grass. You know, I uh... I didn't get that concept I guess for the small area of grass that was needed. With all the plants, all the bushes and all the trees that we've met or exceeded those. I have pictures of associated buildings and right in our area with the same landscape design.

C/Young: Ok. Do you have a copy of the landscape plan?

Dale Whitney: I think Troy's got it right here. Do you want it up there?

C/Young: Yeah, I just want to take a look at what the planners may or may not have seen.

Scott Marshall: If I could add a little bit. I'm actually the architect of record. Back in June, I came to talk to you guys about this project during the initial design review portion and I wanted to apologize a little bit for having the renderings be a little bit misleading as far as where the planters are. We indicated that area as green and the intention was that those areas would have green showing vegetation. The intent of the color renderings was more for the design review purpose showing what the building would look like and the building materials and this was just kind of 'yeah, this is where there's going to be some planting' and I think at that time, we were kind

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of leaning towards the aspect of using rocks and bushes because the city's pressurized irrigation system doesn't extend out there and we were want to be, I guess, good stewards of the water considering the distance out there and have it not use a lot of water to take care of those so that's kind of what we were approaching when we first came in, but that decisions hadn't been made so...I'm sorry for the confusion on what graphically, that is showing.

C/Young: Ok. I found the landscape plan and I guess it doesn't define grass in the planters from what I can see. It talks about the other plantings but not necessarily the rest of the ground cover from what I can see.

Scott Marshall: The amount of planting that's in there, the bushes; I think that it satisfies the over 60% ground cover. Correct me if I'm wrong, but I think that is one of the requirements for vegetation in the landscape buffer that's along the front and also on the side so that's kind of the angle that we proceeded with during the design when we wrapped it up, trying to meet the intent of what the code is.

I'd invite you to comment, but anyways that's kind of where we're at.

C/Young: Ok.

Dale Whitney: Well, you know we had that building built; we have our temporary C.O. so we moved in and I've already got the rock installed and all the bushes, and all the watering for the bushes and everything. You know the rock cost me a lot more money that grass would have been to put in. But you know, I guess I don't really see a point in having grass when you see on the plans it never really called out for it.

I didn't really think it was necessary; that little bit of grass that is going to go in there, once the bushes grow out, well then there's not really much to mow after that. I mean the building itself looks phenomenal and we're very proud of it and I do have other pictures of the buildings around us that don't have any grass either and they kind of went with the same landscaping plan. So I guess that's where I got my idea a little bit was to just follow suit with all the others. I don't know if you guys want to see those at all.

C/Wierschem: Yes, please.

Dale Whitney: You know there are only a couple buildings around us so far...

Whitney approaches Dias with photos

Here's pictures of our frontage and the side there -which is very minimal because we're going to have a shared thing with this property here and this is best bath. This is... *[inaudible]*

C/Wierschem: Have you discussed this with staff?

Dale Whitney: With staff? You mean Troy?

C/Young: Yes, Troy.

Dale Whitney: Yes. Yes I have.

C/Wierschem: Could we have staff approach?

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Troy Behunin: Sure. I was just waiting to go after they were finished since we're going with a whole new procedure so...

C/Young: Well, I guess before we have Troy come up, is there any other questions for the applicant?

C/Gealy: Not at this time.

C/Wierschem: Not at this time.

Troy Behunin: For the record, Troy Behunin, 763 W. Avalon, Senior Planner for Kuna Planning and Zoning department. Just to report, the building does look really nice. It's a nice new building and the parking looks great. As a part of all our design review processes, the building, the landscaping and the parking lot all have to be field inspected after the building is complete and when they are requesting a certificate of occupancy (C.O.).

When I went out in December to inspect the landscaping and the building, I found the building was compliant with your decision and I found the number of trees and shrubs were met, and in some places exceeded. So they actually added more shrubs and I think another tree or two than were required. In fact they added a planter bed on the east side that wasn't shown on the plans, which is fine because they are adding more landscaping and a little bit more foliage and a bit more to the environment, so that is good. And the buffer sizes and locations were all sufficient. The only thing that was missing was the grass, and maybe it was my interpretation that the green was supposed to be grass on the illustrative, and it never really got talked about during design review so I assumed that you folks assumed the same thing.

The code does not actually allow for rocks to be used for landscaping purposes and because of that, I let the contractor know that there was a small issue with this. In an effort to help them get into their building timely and to be able to keep their business going and continue to thrive, we agreed to give them a temporary C.O., which the only condition on that temporary C.O. was that they come before this body and ask for this amendment.

Now, a design review is not a public hearing, it's not a public hearing venue. It's a public meeting. And although it is in code, this body, although you did approve it the way that you did, has the authority to overrule that, change that or give exceptions based on the merit of the circumstances.

Mr. Whitney is correct that most of the businesses within the industrial park there, they have used gravel. A lot of those businesses are a little bit older. They've been there for several years, but this industrial park has been there since 2004/2005, and Mr. Scott Marshall is also correct, this subdivision does not have pressurized irrigation so it will be using potable water, which is also a protected resource of ours. We don't like to drain the potable water for the plants. Wendy (Kuna Planning Director) and I have had several conversations, we talked with Dale. Dale came in and met with us immediately and we discussed resolution. We felt the best way to resolve this was to come before you, the decision makers, to make that change, should you choose to do that. Although it is not our preferred method, our intention is to help businesses thrive in Kuna. Staff believes this was an honest mistake; an oversight. Although not the optimum, I have talked with Wendy and we are willing to live with whatever decision you folks come up with, and we can support either solution. If you choose to leave the rock, then we can support that and if that is not what this body wants, then we will support that.

We have some competing issues: We don't have pressurized irrigation (P.I.), we want to protect the potable water, we want to uphold code, but we also want to be business-friendly and help businesses get a great start so with this one exception, this project has gone rather flawlessly and without any hiccups. So I leave you with that and will stand for any questions you might have.

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C/Young: Any questions for staff?

C/Gealy: I have no questions.

C/Wierschem: I have none.

C/Young: Ok. Thanks Troy. I guess that brings it back to our discussion. In my mind, the building as presented is a nice building, especially for an industrial area, which they are in and I think that when Calvary Chapel came in, I think that we allowed rock up there as well, because it was in an industrial area. To me it makes sense, because they're using potable water anyway. At least for my own opinion anyway, they're within the spirit of what the design intended was. I don't know what your feelings may be.

C/Gealy: I think the rock makes sense, actually. I think it was actually a good mistake; or a good misunderstanding. I think the rock makes sense in this environment.

C/Wierschem: I totally agree. I think that perhaps, it was a true honest misunderstanding. Maybe there needed to be more clarification, or interpretation and I think the best way to accommodate a business in our community is to let it stand as is, instead of incurring additional expenses on their behalf. I think that it actually flows well with the other businesses that are in the industrial park, so I would like to see an amendment.

C/Young: Ok. Any other...?

Commissioner Gealy motions approval of the amendment request for 14-05-DRC as presented and discussed; Commissioner Wierschem Seconds, all aye and motion carried 3-0.

C/Gealy: (to applicant) –Thank you for taking the time to come in.

- b. C/Wierschem asked for a status update on the petition for the pool/recreation complex initiative and wanted to know if there were any restrictions or conflicts of interest if a Planning and Zoning Commissioner were to sign the petition.

Troy Behunin informed Commissioner Wierschem that Planning and Zoning staff are not tracking that information and that the status of the petition is not available at this time. Troy advised that he could be wrong but did not see any conflict of interest for a Planning and Zoning Commissioner to sign the petition to place it on the ballot in the next local election. As members of the community and as citizens who will reside in the proposed district, it seems completely appropriate to sign it.

C/Gealy added two points to Troy's remarks: Chris Engles in the City Clerk's office knows about the petition's progress and encouraged Commissioner Wierschem to contact her for the status. And that the petition is only to place the initiative on the ballot, so it's not a 'vote' -but a request to present it to voters. Should a Commission member check with an attorney, it's likely they would not only find no conflict, but also a Commission member's responsibility to sign it.

C/Wierschem: Thank you.

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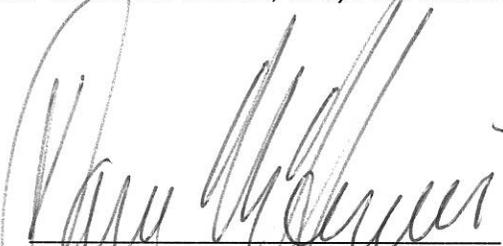
C/Gealy asked with regard to the rock versus grass landscaping issue in this area, if it would be in the best interest of the city to take a look at amending the code for the future? Considering the water issue and what is already in place.

Troy Behunin said that it is a tricky balance because the City Council voted a couple of years ago to exclude this part of town from the 'service' area, so there's nothing for this particular subdivision. It would cost a substantial amount of money to bring pressurized irrigation to this area but it is not so cost prohibitive that it won't happen in the future. The city may have to extend pressurized irrigation to this area if the industrial park continues to fill up. Sadie Creek and Wild Meadows subdivisions to the south/west of this area both have pressure irrigation lines so as the area continues to grow, it may drive the need to bring P.I. to it. So a text amendment may not be appropriate; at this time anyway.

C/Gealy asked if there was anything scheduled on the next Planning and Zoning meeting agenda, as she may be a bit late but would definitely try to attend.

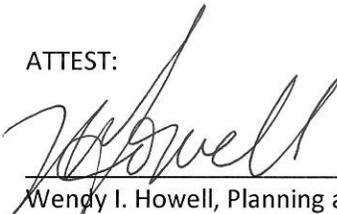
6. ADJOURNMENT:

Commissioner Gealy motions to adjourn at 6:34 pm; Commissioner Wierschem Seconds, all aye and motion carried 3-0



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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