

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 9, 2019**

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	N/A
Commissioner Stephen Damron	X	Sam Weiger, Planner I	X
Commissioner John Laraway	X		

6:00 pm – COMMISSION MEETING

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

Call to Order and Roll Call

1. CONSENT AGENDA

Meeting Minutes for July 1, 2019.

Findings of Fact and Conclusions of Law For 19-13-DR (Design Review) – Shortline Park No. 2 Flex Space

Findings of Fact and Conclusions of Law For 19-20-DR (Design Review) Modification – Snerk’s Drive Thru + Retail Building

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

2. NEW BUSINESS

19-17-DR (Design Review) & 19-07-SN (Sign) – PiSTEM Academy Sign; The PiSTEM Academy request sign and design review approval for an approximately 18 square foot, double-sided monument sign. The subject site is located 2275 W. Hubbard Road, Kuna, ID 83634 (APN# S1314120891).

Troy Behunin: Troy Behunin, 751 West Fourth Street, Kuna Planning and Zoning Department. Staff has nothing further to add. Theresa Fleming just indicated there is something she needs to address. **Theresa Fleming:** Theresa Fleming, 299 Stewart Road. I did speak with Troy last week, and they let us know what the options were so that could take that to the board of directors for the school. The first option is to move forward and submit as we submitted and pay the fees. The second option noted was to move forward as normal, and then after paid, ask for reimbursement or a waiver on those fees. That couldn’t happen until after the fact. The third option would be to just do a wall sign and paint the name of the school on the wall for a lower fee. I took those options to the board of directors. Without some sort of guarantee that those fees would be waived, we have decided to withdraw the request and just paint the name on the school.

19-06-SN (Sign) & 19-16-DR (Design Review) – Anchor Baptist Church Monument Sign; On behalf of Anchor Baptist Church, Superior Signs requests design review approval for an 11-ft multi-tenant commercial monument sign. The subject site is located 7910 S. Meridian Road, Kuna, ID 83634.

Sam Weiger: Chairman, commissioners, for the record Sam Weiger, Planner I, City of Kuna 751 W 4th St. The application before you this evening is for design review consideration for a multitenant monument sign for Anchor Church Sign located at 7910 South Meridian Road. The proposed sign stands approximately 11 ft high and nine ft across at its widest point. The proposed sign also includes a 32 square foot reader board and 30 square foot sign

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copy that features space for three tenants: Anchor Baptist Church, Anchor Academy Daycare and Idaho Baptist College. Staff has determined the design review application complies with Kuna City Code, Title 5, and would recommend that if the proposed project is approved, the applicant be subject to the conditions of approval listed in the staff report and any additional conditions requested by the Planning and Zoning Commission. **C/Young:** It sounds like there is a stone look to the base, which is consistent with everything else that is out there in terms of colors. **C/Gealy:** I have no questions or concerns.

Commissioner Hennis motions to approve Case No. 19-06-SN & 19-16-DR with the conditions as outlined in the staff report; Commissioner Damron seconds, all aye and motion carried 4-0.

3. PUBLIC HEARING

19-05-AN (Annexation) – Hansen Annexation; The applicant, Larry Hansen, on behalf of Sandstone Farms, LLC, Go For It, LLC, and Jane Golden and Select Development & Contracting requests to annex six parcels comprising of approximately 125 acres at 1863/2075 East Rodeo Lane and 2400 North Meridian Road into Kuna City Limits with C-1 and R-4 zoning districts; (APNs S141823400, S1418233650, R7534260155, R7534260400, R7534260218, & R7534260350).

Sam Weiger: Chairman, Commissioners, for the record, Sam Weiger, Kuna Planning and Zoning Staff 751 W. 4th St. The application before you this evening is for an annexation approval at 1863 and 2075 East Rodeo Lane and 2400 North Meridian Road. The applicant requests to annex six sites, approximately 125 acres, into Kuna City limits. Approximately 77 acres will come in with a C-1 (neighborhood commercial) zoning district and 48 acres will come in with an R-4 (medium density residential) zoning district. Because the applicant has proposed a combination of uses, the application complies with the Future Land Use Map. Staff would like to note that the City of Kuna does not force annex any lots into Kuna City limits. Staff has determined the annexation complies with the goals and policies for Kuna City, Title 5 and Title 6 of the Kuna City Code; Idaho Code; and the Comprehensive Plan; and forwards a recommendation for a recommendation of approval for Case No's 19-05-AN (Annexation) subject to the conditions of approval. I will stand for any questions. **C/Gealy:** I have no questions. **C/Young:** This may be a question for the applicant, but I know there is a commercial component and a residential component. Is it the intent that when the preliminary plat comes in, that the commercial property is all frontage on Meridian Road?

Sam Weiger: Chairman Young, there was no intent given in this application given that it was just for the annexation. The applicant might have additional comment on that. **C/Hennis:** Since we're bringing these parcels in under a C-1 and an R-4, how do we designate what's being designated as each? In the future land use map, we have mixed-use as the zoning, and that's probably something that you noticed. Initially, Mr. Hansen was going to bring everything in exactly how the future land use map was shown. That would have meant that they would come in with a mixed-use zoning district. However, that district does not yet exist, because the comprehensive plan was tabled. It will be going back July 16, so that zoning district does not exist. Therefore, he had to come in a different zoning and we worked on that together. With Wendy's approval, we worked out the C-1 zoning to replace the mixed-use. In addition, there was one parcel, the 17-acre parcel that had a split of R-4 and mixed-use on the future land use map. That one needed to come in with one district, because a parcel can't come in with two different zones. That one will be coming in with R-4. **Larry Hansen:** Larry Hansen, 3440 West Davis Lane, Meridian. I'm really representing six clients here. It's a combination of properties. The intent is that the 48-acres that was spoken of is actually an extension of the Lugarno Terra Subdivision. Select Development is doing that. The larger parcel is owned by Go For It, or Russ Hunemiller. That is kind of just up for future negotiations with the commission and planners as far as what to do with that parcel. When we first started on it, the understanding was to come in with mixed-use. Then, Council didn't approve the mixed-use. As I understand it in the future, we would probably end up with more like a development agreement, because bringing it all in under C-1 probably doesn't make a lot of sense. Certainly, a good portion of this would go in as C-1. That piece would still be something for discussion. Staff suggested to bring it in under C-1. **C/Gealy:** I'm a little confused about the six different parcels. **Larry Hansen:** The

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larger rectangular piece, which comprises of two parcels, previously known as the Huff property, is approximately 78 acres. That's the piece that we were going to bring in as mixed-use, but now C-1 per staff's request. C-1, correct me if I'm wrong, would allow us to come in and do various uses within that C-1. It wouldn't exceed what is required in C-1. All of that piece, both parcels, was sold by Huff Farm to an investor. Now, it is actually being reassembled for future development. Before we start doing any planning, it needs to be annexed so we know where all the services are coming from. All of the rest of it is the assemblage that will go to Select Development, LLC. That will all be an extension of Lugarno Subdivision. With the exception of eight acres, this is all now one parcel, owned by Jane Golden. Select wants to buy an approximate amount, but because it needs to be split, staff and the county prefer that this was annexed into the City, before we do that split. The split can be done as part of the platting for Lugarno Phase 2. **C/Gealy:** Is it your intention to apply for the southern part of this as R-4, and the 78 acres up top will be the C-1? **Larry Hansen:** Correct, everything south of the half-section line, which would be an extension of Ardell, would be R-4. Everything north of it would be C-1. **C/Gealy:** If we look at the six parcels that you were talking about, with the different acreages, what makes up that 78 acres? **Larry Hansen:** The 63 acres and the 12 acres, which puts the Huff property back into its original rectangular configuration. **Sam Weiger:** We initially had the 17-acre parcel in the comp plan split with two different uses, but because we can't annex it with two different districts, it's coming in with an R-4 zoning. Can you please readdress the concern? **C/Gealy:** In the staff report, 63 acres is coming in as an R-4. From what Mr. Hansen is saying, the 63 acres is coming in as a C-1. **C/Hennis:** The total acreage in those zones is not what the applicant is reflecting. **Sam Weiger:** Commissioner, that is correct, there was a mix-up with the numbers. **Sam Weiger:** The 63 acres should be coming in with a C-1 zoning, and the 12 acres. **C/Gealy:** There are two parcels that come in as C-1 and four parcels that come in with R-4, correct? **Sam Weiger:** Commissioner, the road, Rodeo Lane was supposed to come in as mixed-use. That one is a 1.13-acre parcel and should be coming in C-1. There should be three and three. The road and two parcels furthest north are C-1, and the three parcels on Rodeo Lane should be coming in with R-4. **Larry Hansen:** With regard to the road parcel, I don't care what that comes in as. That's a designated private road that will remain private forever. The only reason we're annexing it in, is because we're doing a road modification that eliminates the cul-de-sac that was never built. Staff as well as county determined that it would be much easier to handle that on the City level as we're platting, rather than as a separate application. **C/Young:** We'll go ahead and open up the public testimony at 6:25. **Marcia Smith:** Marcia Smith, 2284 North Meridian Road. We own the two parcels on Meridian Road in the back. One of our five-acre parcels has ingress and egress, according to Ada County for Rodeo Lane. Rodeo Lane was not in the contract, and so we have a little difficulty making sure that our ingress and egress goes well. I just wanted to say that if this property is being sold, that we still have ingress and egress to Meridian Road. **Rich Hersey:** Rich Hersey, 2202 N Meridian Road. On the map there, I can see the lot that I have. When I first bought it, it was a S-curve road that belonged to the county. It came through the one bed south of the corner. I talked with Mike and I see he's not here. he showed me a map that it somehow reappeared in 2016. Sometime between 2010 and 2013, the County came back and said that I owned the land. I told him at that time, the S curve road that goes into Rodeo Lane. This would mean that I could not go through this drive being in my front yard. He said yes, and then come back later, because I own the land. That means I needed to go to the County and sign off, which I did. I signed off, and then I received a piece of paper. I've been to an engineering firm in Emmett, and they agreed with me that the land all the way to where Rodeo Lane ends now. My property line on the south side on that show 1.13 acres. A piece of paper with the same map showed up, with somebody else's handwriting on it that asked if I was giving 20 feet off mine. The answer is no. It needed to be signed off, if it happened, before April 30. This paper verifies that it happened, whoever did it a number of months later. When they did it, I got a second copy of the map. I have the first one and then the second one. The second one makes it like I am giving away 20 feet, but I am not. What Rodeo Lane is now, which is 30 feet, is all that is going to be on my property. I can verify that there are one of two others that are on the same property that are not giving away theirs. I want that fully understood. You have the paperwork, and I was told by Pioneer Title that somebody wrote a letter to them saying how bad they were. My daughter happens to be one of the head employees there. It was done, Rodeo Lane is not to be changed on my property. **C/Young:** When you say "your property" and "twenty feet", is there an easement that is listed on

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your parcel that you're referring to? **Rich Hersey**: Somebody took a pencil and made a little dotted line down through it. **C/Young**: This is on a recorded document? **Rich Hersey**: I tried to make it a recorded document. This was in 2016, but I brought the property in 2013. It's deeded. I am not giving it up. **C/Damron**: There's no easement on your title, correct? **Rich Hersey**: Absolutely not. There was this S-curve that came in it and created part of that 20 feet and beyond. That when I went into the County and signed off. They said they could not have it, and they signed it off that way and it's in big and bold print. The County signed off, I signed off and my wife signed off on the same night. I have this other piece of paper that shows the same aerial view. My name is on it, my wife's as well. It was dated back in April or May of 2013. I went into the County and did it myself. **C/Damron**: You went into the County, and signed that off saying that this is not an easement within this property. **Rich Hersey**: That's right, it's been out there. Engineering has come out from that same company and redone some stuff, like the stakes in front of my property. In the west and southeast corner, there's fence. The Smith's ingress and egress into the property should be on the same tract. **C/Damron**: They didn't place any markers to show anything? **Rich Hersey**: No. **C/Damron**: That's what I needed, thank you. **Larry Hansen**: There was a lot of turmoil around the one-acre road parcel. It's all been fixed, long ago. There is no claim to anything other than the 30-foot Rodeo Lane when is an actual platted parcel. There are three people who have easements to it. Fifteen years later, we found out that there was an easement there. That has nothing to do with this application, though. It has nothing to do with Rodeo Lane, I don't dispute anything. I have a 30-foot wide strip of road there. **C/Young**: In response to Ms. Smith, the lane is going to stay a private lane, correct? Additionally, the access won't change for anybody, correct? **Larry Hansen**: That's correct, through some occupation of the cul-de-sac, but to the lane itself, it will stay at 30 feet. It doesn't change. **Rich Hersey**: Does this application mean that we can be forced into the City? **C/Young**: No. **C/Young**: We'll close the public testimony at 6:36. That initiates Commission discussion. **C/Hennis**: Seems pretty much right, altogether. The easements are taken care of. We'll know later on about what they're going to do with the land. It doesn't sound like there's much planned right other than to provide for future use. I think it seems like it's laid out pretty well. **C/Young**: The zone request complies and it's consistent with our comprehensive plan and what we see in the direction going north. I agree as far as everything else, it all looks good as far as the annexation goes. Anybody that's not a part of what's indicated here will not be pulled into the City at any point. If you want to come in, that's an application you would make, rather than anyone else on your behalf. **C/Gealy**: I was a lot happier when I thought that 63 acres was going to be R-4. I have to rethink how I feel about 78 acres coming in as C-1. Sorry we don't have mixed-use yet. **Troy Behunin**: Commission, just to clarify, there's no way that an applicant or staff can split a parcel with two different zones. The intention is not to bring in all of that as C-1. With the future development that doesn't fit that zone, they'd have to come back through for a rezone on something that doesn't match that zone. The intention is not to have that entire 63-acre parcel as commercial. It's only a portion of it. **C/Gealy**: In the future, they can split the use, correct? **Troy Behunin**: Correct, with a future rezone application and a preliminary plat, yes. **C/Gealy**: Not in the annexation process, correct? **Troy Behunin**: No. **C/Gealy**: It has to come in under one zone, because it's one parcel, but they can split it in the future when they come back with a pre-plat, correct? **Troy Behunin**: Correct. With a pre-plat or something that's defined that states this is how much commercial we want, and this is how much non-commercial we want. It would then go through the pre-plat and rezone for whatever's not commercial at that time. They can't do that now, because they don't have a pre-plat, they don't have a defined plan for that entire thing, and the only reason that they are coming in now is to set the stage for future development. **C/Gealy**: They could have easily annexed as R-4 and then changed it, correct? **Sam Weiger**: Commissioner Gealy, the R-4 though would not have complied with the future land use map like the C-1 does. The R-4 doesn't have the flexibility that the C-1 does. **C/Laraway**: Going back to what we've talked about before with the I-69 corridor, that's what this is all about. We knew it was coming. **C/Gealy**: We just don't know how deep it could go, but this is all we can do at this point. **Troy Behunin**: It might be a good idea for the Commission to direct staff to make the correction in the staff report for the findings of fact. **C/Gealy**: I just wanted to add that I'm excited about the R-4, because we haven't seen a lot of the R-4. Now it's less, though. That's all. **C/Laraway**: They could come back later from C-1, and come back with R-4 or multifamily. **Troy Behunin**: C-1 doesn't allow for multifamily anymore. They would have to rezone. **C/Gealy**: Has that been approved? **Troy**

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Behunin: Yes. **C/Gealy:** The mixed-use has not been approved, correct? **Troy Behunin:** Correct, but multifamily is no longer available in a C-1 zone. It's been that way since February of this year. **C/Gealy:** Good to know, so that was not part of the Comprehensive Plan? **Troy Behunin:** Correct. That was an ordinance change ahead of the Comp Plan, but the mixed-use is part of the Comp Plan that is going to Council on July 16th, because it was tabled at its last hearing.

Commissioner Hennis motions to recommend approval of Case No. 19-05-AN with the conditions as outlined in the staff report; With an additional condition that staff make the corrections in Section "E" of the staff report with regards to the zoning and acreage totals that are going into each zone. Commissioner Damron seconds, all aye and motion carried 4-0.

4. COMMISSION REPORTS

5. ADJOURNMENT

Commissioner Hennis motions to adjourn; Commissioner Gealy 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