

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

**MEETING MINUTES
Tuesday, July 22nd, 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.*

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

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

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

1. CONSENT AGENDA

- a. Approval of Planning & Zoning Commission Meeting Minutes for July 8th, 2014

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

2. NEW BUSINESS:

- a. None

3. PUBLIC HEARING

- a. **14-02-AN, 14-03-DA:** Mark & Yvonne Kirkpatrick Annexation - Applicant requests approval to annex approximately 6.8 acres into the City limits and split the existing parcel into two parcels. Applicant requests the Agriculture zone (Ag) for parcel one (1.3 acres). Applicant seeks an R-6 (Med. Density) zone for parcel two (5.5 acres) and hopes to attract a subdivision developer in the future. It is anticipated the two will continue enjoying the existing agricultural uses. A Development Agreement will be recorded to guide all future development.

Troy Behunin: Commissioners, for the record, my name is Troy Behunin, Senior Planner with Kuna Planning and Zoning. The application before you tonight is the Kirkpatrick, Mark and Yvonne annexation, development

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agreement and lot-split application. Although the lot-split is included in this packet, it really is a matter that this body will make a decision on. I'm really there for your information to let you know that it will be moving forward to the City Council. It's a public meeting that goes right to City Council; however, the annexation and the development agreement are looking to you for a recommendation to the City Council tonight.

In Kuna city code, it states that an annexation and a development agreement is designated as a public hearing, with the City Council as the decision making body, and the Planning and Zoning Commission as the recommending body. This land use was given the proper public notice and followed all requirements set forth in Idaho Code. It was published in the Kuna-Melba news, the site was posted properly, and letters were sent to land owners within 300 feet about the public hearing tonight.

The property is located at 2021 W. Ardell Road in Kuna, Idaho. The site is approximately 6.8 acres in size and this lot-split intends to divide off around 1.3 acres with the remaining 5.5 acres designated with a different zone – get to that in just a minute. Three people attended the February 28th, 2014 neighborhood meeting where the applicant informed the public or the immediate neighbors what their intentions were.

Hopefully, you had a chance to read through your packet containing all of the relevant material application included. If you have any questions, hopefully we can cover those tonight. The applicant is requesting approval to annex their 6.8 acres into the city limits and at the time of annexation, they would like to split their parcel into two parcels. The applicant is requesting an agricultural zone for the 1.3 proposed acres and they will continue to grow their crops and live in their existing home on those 1.3 acres. They are seeking an R-6, and did I say that was supposed to be an ag zone? The 1.3?

C/Young: Yes.

Troy Behunin: The proposed parcel number two will be approximately 5.5 acres, although they will continue to use it for farming purposes. They (applicant) are hoping to get it into the city, get it properly zoned, and attract a developer for the 5.5 acres. The crafted development agreement was put into your packets and that development agreement is specific to that 5.5 acres. The 1.3 acres will not be controlled by that development agreement. They don't have anybody knocking on their door; they just hope to get it ready so when a developer notices their property, they will be ready. They are adjacent to city limits, so they are eligible for annexation. The applicant is aware that a development agreement which was drafted will be recorded to guide future development on those 5.5 acres. Currently the parcel is zoned RUT in Ada County and contains the apartment home where they reside. There are a couple of out-buildings; however, the majority of the property is being farmed currently and will continue to be farmed until a developer is attracted. I would stand for any questions that you might have.

C/Wierschem: Could I get a clarification on something?

Troy Behunin: Sure.

C/Wierschem: Did you say that they would continue with that agricultural use until a developer presented on that 5.5 acres? And the 1.3?

Troy Behunin: For the entire property, yes. When they come into the City, as long as they are using the property in a manner which they enjoy now, and as contrary to any laws – the zoning code, but the laws, as long as it's a legal use, they get to enjoy that until they want any changes. When they want to change that use, then anything that is non-conforming, like farming in an R-6, anything that is non-conforming would

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have to cease.

C/Wierschem: Right. Ok.

C/Young: Any other questions for Troy?

Troy Behunin: Unfortunately, the applicant could not be here tonight. They are out of town. They did submit another letter, and it is stamped, I believe July 14th or 13th? Anyway, it should be about page 4 or 5 that explains what their intentions are. They wished that they could have been here tonight, but they just were not able to.

C/Young: Then, I do have one question: Do you know if the applicant had received the development agreement? I mean, were they made aware of the conditions and things like that?

Troy Behunin: Yes, yes. I have confirmed that through email and also phone conversations. The packet that you all received is also available to the entire world on our website, and in addition to that, I sent a complete packet to the applicant for their review including the development agreement.

C/Young: Ok. Thank you. Seems pretty straight-forward.

C/Hennis: (to audience) Is everyone signed up for the public hearing portion of this?

C/Young: Ok, so what we do is open the public hearing portion at 6:08 p.m. and then close it again at 6:09 p.m. Does anyone else have anything? I'm not really seeing anything that is giving me pause.

C/Hennis: No. I mean it's basically surrounded by the same kind of development, so...

C/Young: Ok, so I guess I'll stand for a motion.

Commissioner Hennis motions to recommend approval of 14-02-AN, 14-03-DA, and 14-01-LS to the City Council with the conditions stated in the report ; Commissioner Gealy Seconds, all aye and motion carried 5-0.

- b. **14-04-AN: Ben Bernier Annexation** - Applicant is requesting annexation of an approximately 1.6 acre parcel into the City of Kuna with an R-4 (Med. Residential Density) zoning designation from its current Ada County zoning of R1 (Estate Residential). Applicant is relying on the category "A" annexation process.

Troy Behunin: Once again, Troy Behunin, Kuna Planning staff. The application before you tonight is the Ben Bernier annexation request; 14-04-AN. The property is located at 452 S. Swan Falls Road in Kuna. The property is approximately 1.6 acres in size. Currently, it is zoned R-1 in the county which is residential estates for large lots. Kuna City code states that annexation is a public hearing with the City Council as the decision making body and the Planning and Zoning Commission as a recommending body. This land use was also given the proper public noticing and followed all conditions set forth by Kuna and Idaho State code. It was also published in the Kuna-Melba news. The site was also posted properly and letters were sent to owners about this public hearing to property owners within 300 feet. No one attended the March 28, 2014 neighborhood meeting

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where the neighbors were notified of the applicant's intent to annex into the city. All of the relevant materials have been included in your packets. Hopefully you've had a chance to review those for tonight's meeting.

Mr. Bernier is requesting annexation of his 1.6 acres into the city limits, and is requesting an R-4, medium density zoning residential district. He is hoping to enter city limits and someday add onto his home. Apparently there was a hiccup with Ada County when he wanted to add onto his home and so he sought to join the city where we will help him in that endeavor. I think on the staff report, the staff erroneously put that they are not connected to city water or city services; however, he is connected to the city water system at this time, but not the sewer system or the P.I. (pressure irrigation). Those just aren't close enough to his property yet.

The parcel is adjacent to city limits and is currently zoned R-1 out in the county.

The applicant does live there and there are two out-buildings which serve his property and being adjacent to city limits makes it eligible for annexation. The applicant is here tonight and if you have any questions, I'm sure he'll be able to answer those. At this time, I will stand for any questions that you might have for staff.

C/Young: Any questions for Troy?

C/Wierschem: Just a comment.

Did the applicant receive a copy of the response from Boise Project Board of Control? Did he see their comments?

Troy Behunin: I believe so. If not, then I will make sure that he does. It was included in the packet and they were sent a copy of the packet.

C/Wierschem: Ok. Thank you.

Troy Behunin: Is there something specific about that, which you have a question on?

C/Wierschem: No. I just wanted to make sure that he was aware of their comments and so forth, because it might be something that he would want to take under consideration, since it sounds like he wants to build onto his home. I have no further comments.

C/Young: Are there any other questions for staff? Ok. Is there anything further that the applicant would like to add?

Ben Bernier (applicant): I have nothing further to add.

-Inaudible discussion between Commissioners-

C/Young: Ok, yeah, I saw that too. Then I see that there was nobody else signed up to speak, if there is not anybody that would like to -then we open the public hearing and then close it at 6:15. And we go back around to us. I don't see anything that gives me pause on this one either.

C/Hennis: And I'm assuming he's going for R-4 just for the future development... because it would help?

C/Young: Yeah, that's my understanding.

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C/Hennis: Ok.

C/Wierschem: -Inaudible discussion-

C/Young: I don't have anything else and if there's nothing else, I'll stand for a motion.

Commissioner Gealy motions to recommend approval of 14-04-AN; Commissioner Hennis Seconds, all aye and motion carried 5-0.

- c. **14-01-ZC: Ridley's Family Markets** - Request by Mark Ridley (For CJM, LLP), for a rezone of approximately 7.98 acres located at the southwest corner (SWC) of Deer Flat Road and Highway 69. This is a request to change the current zoning, R-6 (Medium Density Residential) in the City, to C-1 (Neighborhood Business District) within the forthcoming Merrill Family Center Commercial subdivision.

At this time, Commission Chairman Lee Young has recused himself from any participation or consideration in Case# 14-01-ZC. Chairman Young stated that his employer is the firm contracted by the applicant (CJM, LLP) for the project.

-Commission Vice-Chair Stephanie Wierschem is now acting Chair-

Troy Behunin: Once again for the record, Troy Behunin, Kuna Planning & Zoning Senior Planner. The application before you tonight, 14-01-ZC, a zone change for the Ridley's Family Markets, before you tonight. This site is located at 1403 N. Meridian Road, Kuna, Idaho. The parcel that contains this rezone is actually 29.3 acres, or 29.7 acres; however, most of its already zoned C-1, but there is a small portion which is still zoned R-6 zone over the top of it. That's why we're here tonight is just to take care of that. Because you can put commercial enterprises in that portion of the parcel which is zoned R-6, so that's what we're here to take care of here tonight. How it got this way is when it was originally approved back in 2007-2006, the zoning was approved based on a site plan and a legal description. But those were not quickly recorded, so those lines for zoning were never defined on the assessor's map, so it looks like its still C-1, but there really is an approved area for R-6.

It's very confusing, but that is why there is a map included in your packet. Kuna City Code states that a rezone is a designated public hearing with the city council as the decision making body and the Planning and Zoning Commission as the recommending body. This land use was also given the proper public notices, and followed all of the requirements set forth in Kuna code and Idaho State code. It was published in the Kuna-Melba news and it was also posted properly, and letters were sent to land owners within 300 feet notifying them of that public hearing. A neighborhood meeting was held on May 6th of this year and no one attended that meeting. All of the relevant information has been included in your packet including the agency comments. Hopefully you've had a chance to review that and if you have any questions, we can go over that later.

The applicant, Mark Ridley, is representing CJM, LLP, for the rezone of approximately 7.98 acres of the 29 acres located at the southwest corner of Deer Flat Road and Highway 69, or Meridian Road.

This request is actually to change the current zoning R-6 over a portion of that lot, from medium R-6 density to a C-1 neighborhood business district. In the near future, there will be a forth-coming Merrill Family Center commercial subdivision that will divide these 29 acres into lots and blocks in a commercial subdivision, and will thus define the C-1 zoning.

The parcel is adjacent to city limits and was annexed properly. The site was farmed until the spring of 2013, when construction of a Ridley's Family Market and an ACE Hardware store began. The stores both opened in

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December of 2013 and the property will be subdivided in the very near future to encourage future commercial development at that site. However, that final plat has not been recorded as of yet. But it is on its way.

The rezone of this part of the property was actually a condition of approval in the actions from 2006-2007 and they (applicant) are seeking this rezone to comply with that condition. And they are also doing it as preparatory actions to attract additional business interests to the city. While they do not have a committed party at this time, this rezone will set the stage for commercial development in the southwest corner of this property.

Mark Ridley is here with CJM, LLP and if there are any questions for him, I'm sure he'll be able to answer them. Staff will stand for any questions that you have at this time.

C/Gealy: I have, sort-of, two questions.

Troy Behunin: Ok, I'll give two 'sort-of' answers.

laughter

C/Gealy: And I'm sorry, I just kind of noticed when you were talking that the address on page 1 of the staff report indicates N. School Avenue and you said...

Troy Behunin: Yes, and it's actually 1403 N. Meridian Road. I noticed the same thing.

C/Gealy: Just when you were talking. And I apologize, because if I had seen it before, I would have brought it up.

Troy Behunin: No, it's just fine. I am glad someone else caught that.

C/Gealy: And the other thing, the report from ACHD is from 2007. Is this just like a repeat of the report from that time?

Troy Behunin: It is. It's a repeat of some of those relevant comments at that time, but then they also added some language.

C/Gealy: Did they review it again, with this rezone; I mean this request for the zone change? Did ACHD review it?

Troy Behunin: Yes. And they did add some comments to it.

C/Gealy: That wasn't clear to me. I couldn't figure out what they were talking about.

Troy Behunin: Gotcha. Maybe we should have printed it in color because ACHD comments lettering were in red. But they did. They added some language to it.

C/Gealy: Oh. That was not clear to me. And does the staff report include any additional recommended conditions of approval that ACHD would want to include?

Troy Behunin: Not at this time.

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C/Gealy: Is there something that ACHD added at this time that you think we might... that we should notice?

Troy Behunin: Not at this time.

C/Gealy: I don't have any other questions for staff. Thank you.

C/Wierschem: Is the applicant here? Would you like to approach?

Mark Ridley (applicant): I don't have any questions.

C/Wierschem: I didn't know if you had anything that you'd like to add?
Does anyone have any questions for the applicant?

No questions were asked of applicant.

C/Wierschem: Thank you.

C/Hennis: Well it seems kind of straight forward.

C/Wierschem: Do we need to open the public hearing? Ok, so I am going to open the public hearing at 6:25 p.m. And it looks like we have Mark Ridley, but you don't want to speak? Ok.
Is there anyone else here that would like to testify?

C/Wierschem: Seeing none, I will close the public hearing at 6:26 p.m. So, it comes back to us. Are there any other concerns? Anything to add?

C/Hennis: Just seems like w cleaning up the zoning issue from w before. I medm i all C-1 so w a not changing anything.

C/Wierschem: It's just defining it.

C/Hennis: Yep.

C/Wierschem: Ok, So I will stand for a motion.

Commissioner Hennis motions to recommend for approval to the City Council of 14-01-ZC; Commissioner Gay Seconds, all aye and motion carried 4-0.

Commissioner Wierschem resumes her position as Vice Chairman and passes Chair duties back to Commissioner Lee Young

4. DEPARTMENT REPORTS:

- a. None

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- b. Troy Behunin shared with the Commissioners that building permit issuance activity in Planning and Zoning is steady. More subdivisions are slated to come to Kuna, but some are only rumored. More building permits are being issued this year and we are having regular meetings as scheduled with more material for Commissioners to review. Things are good.

5. CHAIRMAN / COMMISSIONER DISCUSSION:

- a. C/Gealy attended a focus group with COMPASS, the Metropolitan Planning Organization for the region. It was a focus group for folks that are on Planning and Zoning Commissions here in the region; Caldwell, Nampa, Ada County and Boise were there. COMPASS was seeking input on what type of format Commissioners would like to see in their agency reports to us, as a Planning and Zoning Commission. It was an interesting conversation. They (COMPASS) indicated that they typically comment on developments that include 250 or more housing units, so we haven't seen a development like that recently, so we haven't really been getting any input from COMPASS that I am aware of. Although, they say that they routinely receive requests from Kuna. So the process is in place, if it comes to something that they (COMPASS) would like to comment on.
Just wanted to keep you all in the loop.

C/Hennis: Thank you. Do we need to submit anything back to them or?

C/Gealy: No, they just said: 'this is what we're thinking about', instead I think they tend to write long letters and the feedback that they've gotten is that's not very helpful, so they're trying to come up with a checklist that they could use to say 'this complies with' or, I rather, I don't want to say complies, but rather 'this is consistent with the COMPASS plan' or 'this is inconsistent with the COMPASS plan on several different categories'

C/Hennis: Ok. They're trying to make it more concise?

C/Gealy: Right.

6. ADJOURNMENT:

Commissioner Hennis motions to adjourn at 6:42 pm; Commissioner Gealy Seconds, all aye and motion carried 5-0.

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Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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