

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

**MEETING MINUTES
Tuesday, May 28, 2013**

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	x
Vice-Chairman Stephanie Wierschem	x	Troy Behunin, Planner II	x
Commissioner Dana Hennis	x	Travis Jeffers, Planning Technician	x
Commissioner Cathy Gealy	Absent		
Commissioner Mike Bundy	x		

6:00 P.M. –COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at 6:00 p.m.

1. CONSENT AGENDA

- A. Meeting Minutes – May 14, 2013
- B. 13-01-SUP Finishing Touch Salon - SUP; Findings of Fact and Conclusions of Law
- C. 13-04-SUP Falcon Ridge Charter School – SUP; Findings of Fact and Conclusions of Law

Commissioner Hennis motioned to approve consent agenda; Commissioner Bundy seconds, all aye and motioned carried 4-0.

2. OLD BUSINESS:

- A. None

3. PUBLIC HEARING:

13-02-AN, 13-01-DA, 13-01-ZC and 13-01-S; Merlin Point Subdivision-Requests for Annexation, a Zone Change, Development Agreement and Preliminary Plat for approx. 52 acres over 2 parcels, into the City of Kuna, from Steve Arnold (A Team Consultants), requesting C-1 Zoning for commercial and residential uses on site. The site is located at 1380 E. Kuna Road, Kuna, ID. (APN#'s: R0645254601 & S1324449005). TABLED to a date certain.

Senior Planner Behunin explained the reason for tabling the hearing. ACHD has not had adequate time to provide a staff report.

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Commissioner Hennis motioned to table 13-02-AN, 13-01-DA, 13-01-ZC and 13-01-S; Merlin Point Subdivision until June 25, 2013; Commissioner Bundy seconds, all aye and motion carried 4-0.

13-02-S and 13-02-DR; Silver Trail Subdivision-A request from LEI Engineers and Planners & DBTV Applewood Farm LLC to Preliminary Plat approx. 30 acres with 126 residential and common lots. Approx. 20 acres of this site will be a Re-Plat of Danskin Ridge Sub No. 5. The site is located at the SE Corner of Ten Mile Road & Mason Creek Street, Kuna, ID. (APN#'s: R1727740012 & S1311336210; Sec 11, T2N, R1W, BM).

Planner Behunin – 763 W. Avalon Street in Kuna explained that Silver Trail Subdivision is a re-plat over a portion of the greater Danskin area, also known as Applewood. The northern part of the map is the re-plat of the Danskin #5 area. A re-plat is required if the subdivision has previously been recorded. A 20-acre portion of the site falls under that requirement. The applicant is DBTV Applewood Farm, LLC and LEI Engineers. The applicants are proposing a new preliminary re-plat for 115 lots and 11 common lots. This request is a slightly different lot arrangement than what was previously approved and the new lot count reflects an effort to match the developers Local Improvement District (LID) Equivalent Dwelling Units (EDU) obligation for the parcel. The overall increase in buildable lots from the previous approval is approximately 15, but all of the changes are allowable within an R-6 zone. The applicants have submitted all the necessary documents and materials for review and have held the appropriate neighborhood meeting with landowners within 300' and posted the site in accordance with KCC posting requirements. The land use is allowed within its current zone.

Questions for staff:

C/Bundy asked for clarification of the original approval for Applewood subdivision regarding the restrictions placed on new homes along Ten Mile Road. Did the original agreement restrict homes to only single-story? P/Behunin confirmed that yes, in fact that was a part of the original approval from 2007, however by complete accident a one, two-story home was built without knowledge of the restriction. The home was too far along at that point to remediate the issue.

C/Hennis asked if this restriction was part of the development agreement. Staff answered no, and that when this new subdivision is re-platted it will be its own subdivision and HOA. It will have its own unique guidelines to follow. This development is only a small portion of the original greater Danskin area. The Development Agreement (DA) was never signed by the developer even though it was approved by City Council in 2006 and eventually recorded. The original development addressed three main issues: uses on the land, density and LID obligation.

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C/Young explained that the DA does in fact run with the land; however landscaping was not a part of the agreement.

Staff confirmed that because of the re-plat, this project is distinct, different and becomes its own project entirely.

Laren Bailey with LEI Engineers located at 2040 S. Eagle Road Meridian, ID 83642 represented the developer who was out of town on business. Laren clarified that there will be 115 residential lots and 11 landscaped lots. The density works out to be approximately 3.9 DU/acre, which is below the maximum allowed under the zoning designation of the land. The property is zoned R-6, which allows up to a maximum of 6 DU/acre. This plan will also incorporate roughly 2.35 acres of open space common areas. As far as building height restrictions along Ten Mile Road, the applicant would like to better understand why there is a limit to only 1-story homes. The developer would rather not restrict those lots, but if there is good reason for doing so they would entertain explanation. At this time they do not want to conform to that without good reason.

In response to the letter from the HOA, Laren explained the traffic flow and access to and from the adjacent school. The developer had discussions with the school and they approve of the traffic design and its alignment with the school. In response to the minimum square footage requirements, the he explained that it is against Federal statutes/law to restrict the minimum size of homes. However, the developer is planning to build complimentary homes in both size and style to those currently existing in Applewood.

C/Wierschem asked for clarification of the proposed minimum size in square feet. Laren explained that he didn't have a set of minimum standards, but said that it is unlikely they will build anything smaller than 1200 to 1300 square feet. Most of the homes are going to be quite a bit larger than that.

Questions:

C/Hennis asked if they were aware that the HOA tried to contact them several times to no avail. Laren explained that his office has not received any calls and he spoke with the developer this morning and the only contact he has had was from a nearby neighbor who had a water leak issue. He was not aware of any other contact from the HOA.

C/Young asked if the perimeter fencing would be the same material that currently exists in Applewood. Laren believed that the fencing would be the same as the existing Applewood fencing to compliment and match that development.

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C/Bundy asked about the chain link fence around the irrigation canal. Laren explained the 6' fencing requirement was brought on by the Irrigation District. They prefer chain link because it can withstand potential ditch burning by the district.

C/Hennis asked about the landscaping area along Ten Mile Road and what is being proposed. Laren explained that the land in question is not owned by the developer of this project. That area was part of the original final plat of Applewood subdivision. The original developer was suppose to finish that off, but never completed the project. The applicant has had discussions with the city Attorney and Engineer regarding this issue, but does not have a final solution at this time. C/Hennis asked who owns the land. Laren said that the HOA owns the land.

C/Young asked if the developer had a timeframe for the phases. Laren explained that Phase 1 will ideally start right away and be ready for homes at the start of the new year. Phase two will start shortly after in the fall.

P/Behunin mentioned to the Commission that ACHD did not submit a staff report. However, the applicant will be heard in front of the City Council who is the final decision maker. Both ACHD and Staff believed that this hearing could continue forward.

Public Testimony: Opened at 6:40pm

Dan Carter, Vice President of the HOA lives at 2853 W. Stayman Way in Kuna. Dan introduced fellow Applewood HOA board members to the Commission. Brett Isner is the President, but was not able to attend the meeting. Lance Jenkins is the HOA Secretary Treasurer. Rick Parish is the head of the architectural control committee.

The current state of the Applewood subdivision includes 65 lots and everyone purchased that land believing that future phases would be built within the community. Applewood phase 2 and 3 is now being proposed as Silver Trail. Certain existing parcels in the Applewood development are left in limbo because the original plan fell through. The HOA would like to propose a Quit Claim deed of the strip of land along Ten Mile Road and the unused retention pond to the new developer. They would like the new developer to landscape and maintain the land because it is of no use to Applewood. They would like to see this be a part of the approval process. They would also like to see an additional pathway bridge built over top of the storm water drain because they feel that there is no other way to connect the newer parts of the subdivision to the school. The HOA has hired MGM Property Management Company to manage the subdivision. MGM has stated that they have made several attempts to contact the developer to set up a meeting prior to the hearing to work out these details to no avail. In conclusion the HOA is asking for 90 days to meet and work through the above stated issues with the developer.

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C/Hennis asked Dan Carter what the Applewood CC&Rs state as the minimum home sizes allowed in the subdivision. Mr. Carter did not know the number off the top of his head. He would like to work through that with the developer.

Rick Parrish with the Applewood Architectural Design Committee located at 9499 S. Cherry Apple Avenue in Kuna represented the homeowner's of the Applewood subdivision. Rick would like consideration for the new subdivision to absorb the Applewood existing community if the 90-day grace period were not an option to work out the issues at hand. The current HOA dues for the 65 property owners are quite substantial considering the original proposed community was never completed and they have unused storm drains, common areas and land to maintain. The dues are approximately \$450 a year, which is substantially higher than expected.

Laren Bailey in response to the HOA would like to express his empathy for the fact that they have not been able to reach the developer to work through their concerns. The property owners were however properly notified for a neighborhood meeting and no one showed up to discuss at that time. Laren would like to move forward to City Council and not table the hearing any further. The time until City Council would give them ample time to meet with the HOA to work through these issues. In response to the Quit Claim idea, Laren felt that they might consider a maintenance agreement instead.

Dan carter asked from his seat to rebut and amend his request in response to Laren. The Planning and Zoning Commission informed him that Public Testimony had been closed, but allowed him another opportunity to approach the podium. Dan felt that if the developer had responded earlier in the process that they may not have needed the extension of time. He changed his 90-day request and asked for a minimum of 60 days to work through the issues before it moves on to City Council.

Public Testimony closed at 7:05 pm

The Commission felt that a number of loose ends need to be worked through prior to moving onto City Council.

*Commissioner Bundy motioned to table **13-02-S and 13-02-DR; Silver Trail Subdivision** to July 9, 2013; Vice Chairman Wierschem seconds, all aye and motion carried 4-0.*

13-05-SUP; Boise Tactical-An SUP request from Tate Halverson (Boise Tactical and Overwatch Rifles) to manufacture firearms at this location. No powder will be on-site. The site is located at 757 E. Stagecoach Way, (APN#: R7880430010).

P/Behunin: The applicants have submitted all necessary documents and materials for review and have held the appropriate neighborhood meeting and posted the site in accordance with KCC

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posting requirements.

The applicant is proposing to open a manufacturing business specializing in designing and producing long range rifle systems centered on rifle and bullet design. The business focuses on partnering with the best designers and builders to bring military, law enforcement and long-range shooters the most accurate long range systems available. The operations will include 4 CNC machines and will include manufacturing parts and assembling complete rifles. There will be no explosives or powder on retained on site.

Questions:

C/Bundy: Is the applicant adding onto the building, which currently includes a pizza dough company and a church? Staff responded no, the 2000sf space already exists and will simply require tenant improvements inside.

C/Wierschem asked if the applicant received any responses. Staff reported no they had not.

Did anyone come to the neighborhood meeting? Halverson responded yes, Tom Andersen attended the meeting to gauge interest from the company on his nearby land.

C/Young asked if the facility had adequate trash service. P/Behunin explained that, yes, the facilities are adequate.

Public Hearing: Opened at 7:28 pm.

Tate Halverson of Boise Tactical/Overwatch Rifles located at 757 E. Stagecoach Way in Kuna explained that the business is 90% parts manufacturing for larger dealers. They do build complete firearms and provide services to local law enforcement as well. The business is typically not open to the public, but occasional exceptions may be made for clients/dealers.

No further questions for applicant.

Commissioner Hennis motions to approve Special Use Permit 13-05-SUP; Boise Tactical given the discussed conditions and those included in the staff report; Commissioner Bundy seconds, all aye and motion carried 4-0.

Public Hearing closed at 7:28PM

DEPARTMENT REPORTS

None

CHAIRMAN / COMMISSIONER DISCUSSION

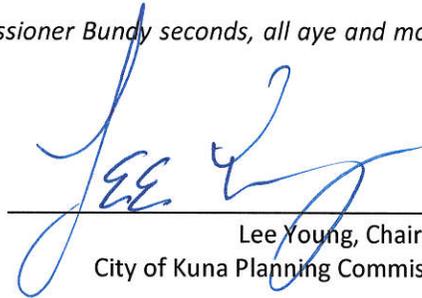
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No further discussion.

3. ADJOURNMENT

Commissioner Hennis motions to adjourn at 7:40 PM; Commissioner Bundy seconds, all aye and motion carried 4-0.



Lee Young, Chairman
City of Kuna Planning Commission

ATTEST:



Travis Jeffers, Planning Technician
City of Kuna Planning Department