

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 25, 2018**

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	Absent
Commissioner Cathy Gealy	X	Jace Hellman, Planner II	X
Commissioner Stephen Damron	X	Sam Weiger, Planner I	X
Commissioner John Laraway	X	Richard Roats, City Attorney	X

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

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

Call to Order and Roll Call

1. CONSENT AGENDA

- a. Meeting Minutes for July 10, 2018.

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

2. PUBLIC HEARING

- a. **18-01-CPF (Combination Preliminary and Final Plat) & 18-12-DR (Design Review)** – Kelleher Sub. No. 2; On behalf of Open Door Rentals, Inc. the applicant, Trilogy Development, Inc. requests approval to subdivide approximately 1.96 acres through the combination preliminary plat & final plat process into nine lots, consisting of eight family lots and one common lot and have reserved the name Kelleher Subdivision No. 2. A Design Review application for eight four-plex buildings, parking, lighting and landscaping accompanies this application. The subject site is located on the south east corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080). *This item was tabled on July 10, 2018.*

C/Young: When we left, the commission was in discussion. The question for the applicant was about whether they had made an agreement with the subdivision for common use areas, the park, maintenance fees and other things like that. **C/Gealy:** Mr. Chairman, I was not present for the initial hearing on June 26th, but I have reviewed the minutes and information from that meeting. **C/Laraway:** I was also absent, but I have read it and feel comfortable making decisions. **C/Gealy:** I also feel comfortable making a decision. **Jane Suggs:** I work at WH Pacific, and I represent the Kelleher No. 2 Subdivision and I appreciate everyone who is here to discuss this project. At our last meeting, as you mentioned, we presented our subdivision plans, the plats, and our design review drawings for nine lots. Eight of those lots are for eight fourplex buildings and one common lot. That includes parking, landscaping, and now we have added amenities. At the June meeting, you recall that we looked at the rezone of property that rezoned last December. The rezone was for C-1 commercial, and we looked over the design review drawings and we talked about that we planned to de-annex from the Chapparosa HOA. We planned to de-annex, but we would like to have separate agreement with the Chapparosa that will allow us to pay to the HOA and use the park that is adjacent to this property. We have not reached an agreement, but we would like to have a separate agreement with the HOA and not be in the HOA. It's almost like a condominium that the HOA will be maintaining these things, and it's really different from what a single family HOA would do. We expected that we'd reach some agreement after the project and before we recorded the final plat. After we go through this process, if you recommend approval, and the city council approves, there will be a couple months before we record a final plat that the City Engineer has to sign. Based

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, July 25, 2018

on the testimony from the June 26th hearing, some of the neighbors were deferred to us to see if we could work that out. Unfortunately, no agreement is in place at this time. Instead, we have submitted an updated landscape plan which you can see here. We are removing our connection to the park, we will be withdrawing from the HOA, and we won't be a stand-alone project. We are hoping that our application for this reason will not be delayed any longer, because we don't have any control over how long it would take to come to an agreement with the Chapparosa HOA. You will also see on this new landscape plan that we moved the trash enclosure over. For amenities, there's a horseshoe pit where the path used to be to the park, a gazebo, and a barbeque area on the back side of Lot 9, which is an open space area. Keeping in mind that this agreement really is a separate agreement between these two private entities, this is not something that the City of Kuna gets too involved in. However, because we're deciding to move forward without using the sidewalk and without cooperating with the Chapparosa HOA. Tonight, we are presenting this stand-alone plan. It meets the Kuna Comprehensive Plan, it meets the Kuna Zoning Code, and it does not involve the Chapparosa HOA. We have already submitted the CC&Rs previously for Kelleher No. 2. We request that you recommend approval of this plan, the preliminary and final plats, the landscape plan, and the design review documents to the City Council. I understand that you will hear tonight from the Chapparosa HOA, and we understand that they had a meeting on July 24th to talk about this project. The result of that meeting with the HOA board is that they would like to work out a separate agreement. We cannot wait for that to happen, and we cannot wait for you to be involved in that. That is a separate agreement. We ask again that you forward our application to City Council for the plan that we have revised and submitted. There are conditions of approval that we approve of, and I have talked to staff in a way that if we come to an agreement prior to the signature of the engineer of the final plat, that we can work out an agreement and record it at the same time. Again, trying really hard not to wait for the neighborhood association to reach a joint agreement. You are going to hear tonight from the neighbors that are concerned about the project and opposing the project. That means that it's really hard to come to an agreement sometimes with an organization. According to the CC&Rs of Chapparosa, this is an allowable move on our part. I can answer any questions you may have. **C/Laraway:** These units are going to be sold, they're not going to be rented, correct? **Jane Suggs:** The lots will be sold, so there are eight lots that will be sold, and each lot will have a fourplex. The owner of that lot and that building may rent those four units. **C/Laraway:** You're not going to maintain control of the property, correct? **Jane Suggs:** No, the developer will not control all of it. The HOA will control everything that you see outside of the buildings, including the exteriors of the buildings, the landscaping on the lots and the common space. There will be no lot owner that decides that they're not going to landscape, or they're not going to paint their building when it needs it. The HOA will be responsible for those things, which we think will be a really nice way of making sure that the quality of those fourplexes is maintained. **C/Laraway:** You had to get a waiver from Ada County Highway District for the entrance on Hubbard, correct? **Jane Suggs:** Yes, right now they will not allow us to contain the entrance on Linder Road. They said we could do an entrance on Hubbard, but the offset does not have enough frontage. Basically, if they didn't give us the waiver, then there would be no way to access the property. They have expressed a waiver, a staff-level waiver, to allow us to put our driveway at the far eastern edge of Hubbard Road. We can put our driveway in here to get in and out. **C/Hennis:** On the new plan, you're saying that you've got a vinyl fence on Linder and Hubbard existing on the right side. What's coming across the bottom that separates your area from the park? Is there an existing fence already? **Jane Suggs:** An existing fence, and it will be closed completely. There will be no access between the property and the park. **C/Young:** Is there anything that staff would like to add? **Richard Roats:** No, Chairman Young. **C/Young:** With the induction of the new landscape plan and the new exhibit, we will reopen the public testimony that was closed at the last hearing. However, any of the new testimony must be about what was brought up today, not from any past hearings. With that, each person gets three minutes that has signed up to testify, and you'll hear an alarm. After hearing the concerns, the applicant will have a chance to rebut. I'll open the public testimony at 6:18. First, I have listed as neutral to testify Timothy McKay. **Timothy McKay:** I live at 445 E Taper Court, Kuna, Idaho. I'm representing the Homeowner's Association Board. We've discussed at length with the homeowners of the area, and they're having varying opinions of what should happen with this. However, we would like to express that we would like to work with the developer to allow access and use of this common area, the park. The main reason is that we do not want to police the residents that are living in the apartment

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 25, 2018**

complex. It's reasonable to assume that these families are going to be living there. We're concerned that we're going to leasing this from children who want to come over and play. We presented some amenities to the developer that we would like to see happen. These would make the apartments amiable for everybody. Other than that, we hope that we don't end up having to police our neighborhood from the residents of this development. As far as the new information, we hope that de-annexing is an option there. For a future in our community, there could be a rift between residents in this complex and our neighborhood. I can answer any questions you may have. **C/Young:** Next, I have to testify Micaele Williams. **Micaele Williams:** I live at 193 E Wythburn Street, I'm the corner house at the corner of Wythburn and Updale. I'm not here to necessarily rehash the last meeting that we had. My main concern is that this should be annexed, and it should have its own way of maintenance if this goes through. The problem that arises is, like Mr. McKay said, they could still kick the fence in. There's a probability that they could still hop the fence, we already have issues there. I don't want this area to experience what happened at the other apartment complex. Just recently, the 4th of July, some guy was shooting his pistol in a nearby facility. That creates a safety threat, and we have to deal with it. With this location, it seems like things will go in one way and out of the other. I am against this project. Just because they have the right to the lot, doesn't make it right. With that being said, there needs to be a better alternative. What I'm seeing, is going to create problems that nobody is going to want. I can answer any questions you may have. **C/Hennis:** Are you against the project as a whole, or just the revamped project for tonight? **Micaele Williams:** Predominantly as a whole, but I also understand that if it goes through, it goes through. My alternative is zero access to the park. With the amenities, there are things that were supposed to go along such as signs. Nothing was done about it, and we went well over a year in change. **C/Young:** Next who I have listed to testify is Kris Wainwright. **Kris Wainwright:** I live at 244 E Whitbeck, Kelleher Subdivision. My wife and I have been here for 10 years. We are opposed to the project in its entirety. We have some security concerns that we have brought to our board as far back as 2009. We wanted solar lights along the walking paths. I've incurred a major expense fixing the fence in my backyard, because people jump the fence and attempt to break into my home. We don't want to have to go to an organization for maintenance fees and so forth. The plans have changed too much. Initially this was supposed to be single-family townhomes, now it's multi-level units, and today we hear that they are going to be sold off individually. I just don't see how this is fair housing. In the last meeting, the developers said that prices could go up. If this is supposed to be fair housing, and the prices that they're quoting, they're pricing at mortgage level for what they're asking for rent, I don't see exactly how fair that is. Do you all have any questions? **C/Young:** Next up, I have listed to testify Adam Llewellyn. **Adam Llewellyn:** I live at 415 E Whitbeck, I stand opposed. I am not opposed as a whole, because I think there is still some leeway. Where they introduced the townhome idea, that sounded great to me. It seemed like pretty mutual benefits for the homeowners in that area. **C/Young:** Sorry to interrupt, but let's keep it to things that have been discussed in this meeting. We are not rehashing everything from our last hearing. **Adam Llewellyn:** Ok. I'm ok with them being developed and built. If we could talk to the developer and reach some kind of mutual agreement, that would be great. I think that it would be beneficial to everybody to take some time, postpone this, and give the HOA some time to figure something out that everybody can agree on. Any questions for me? **C/Young:** That is all that I had listed to testify. **Jane Suggs:** I think there might be some other people that might want to speak. **C/Young:** Is there anyone here who has not testified that would like to testify on new information brought in today? If so, please add your name to the sign in sheet. **Joann Fractman:** I live at 124 E Chapparosa Court. My concern about the new information is that we only found out tonight about the individual ownership of each unit. I do think that does change the way that we look at this unit, because you have eight different owners potentially. **C/Young:** I'd like to address the point that this was brought up at the previous meeting. This was part of the testimony. **Joann Fractman:** Ok. If this plan is approved tonight, the coordination between the HOAs is left to chance. I think that's dangerous when we know that the kids from there will want to be using the park. Now that we've had our homeowner's meeting, maybe we could come to some agreement about the use of the park. I'd like to see us meet in the middle of the road. Any questions for me? **C/Young:** Next on the list is Mr. Martin. **Douglas Martin:** I recently moved into 292 E Chapparosa. I've only lived at this residence for two months. I'm against this project as a whole for reasons related to why I moved previously. I previously owned a home in Southwest Boise at Lake Hazel and Five Mile. In the nearly 12 years that I owned that home, I saw crime increase quite a bit when they

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, July 25, 2018

put a new apartment complex into the building. I can't say that all the crime equated from that, but a large majority of that crime was traced back to that apartment complex. Unfortunately, I did not know whether this project is going in, and this was never disclosed to me. This is a scary situation, and people are going to be darting in and out of there. If they can figure out a way to do it on a smaller scale, I would probably be ok with it. That's a lot of homes and a lot of people on that lot. **C/Young:** Next on the list is David. **David Burke:** I live at 2764 North Matteredale. I didn't put down that I was opposed, but I actually put that I am in favor. I was at the meeting Monday night, and what I am in favor for is meeting with the developers, attorney, or whoever and get a cohesive agreement. We want to coexist with the development that's coming in. Nobody wants to build animosity. When we first moved to Kuna, we bought and we've been here for 18 years. We enjoy this community, we like this community. We've been here and seen it grow. Growing is fine, but growing a safe and cohesive unit is probably better. We have our own property management company, and we manage our residential and commercial properties. There's nothing wrong with that. I don't have a crystal ball to look into the future and see if this is going to work. I can't tell you if crime's going to go up, I can't tell you if privacy is going to be a problem or not. I can't tell you if bussing the children will be a problem, these are all for you all to decide. I do not want to see separation and segregation. This will break up the community. That will drive up frustration, and people will bring matters into their own hands. Whatever decision you make, I want to see you make a decision based on what's best for the community rather than for a dollar. The project is going to move forward, but if we can, let's do it at a slower pace. Let's try to sit down and come up with an agreement. Taking a couple more weeks will be better in the long run for getting along. Does anyone have any questions? **Jane Suggs:** I would like to rebut a few things from Mr. McKay. We talked about a list of amenities that the Chapparosa HOA has already sent to me. The developer has not even had a chance to look at it. We are not in the position to negotiate any of these types of things. I believe that there are some things that could come from some sort of separate agreement. We want to reiterate that we would have separate HOAs that would cooperate. The neighbors wanted the apartments priced substantially higher than what we presented at the last meeting. These are market rate rentals, and as you know, market rate prices continue to rise. As far as postponement, I have been instructed by my developer that we cannot be postponed any longer. In fact, we hope that you will see that we have a plan that is approvable. I would fix that condition and add a condition that might come from you as a recommendation for the developer to in the next two weeks or four weeks to meet with the HOA Board. Again, the postponement sounds really good until you listen to the people who are opposed to the project. They are never going to get to a place where the HOA Board can negotiate in good faith. What we are afraid of is creating that animosity that Mr. Burke talked about. My planner heart goes out to him, because I know that we can work together and cooperate. We are not closing the door to that at all. We will accept a condition for that, even though it does not show that. I believe that the conditions of approval can make that change. If it comes up that we can make that agreement in a timely manner, then we're fine. There was some concern about the safety of the project. Again, there is not just a right turn now, that was something suggested for 20 years out from now. Ada County Highway District has looked at the roadway by the site and has not deemed it to be unsafe. They would not approve it if they thought there was a safety issue. I am asking you to allow us to move forward with the plan that you see tonight. I would accept a condition that we would sit down and reach an agreement with the HOA. However, I cannot wait and wait, and I hope you understand that. I will answer any questions you might have. **C/Gealy:** Regarding the scope of the agreement, would we restrict that to the use of the park? **Jane Suggs:** I believe that would be it, it would be assessments. It would involve what assessments it would pay to join the HOA. It would involve the assessments that it would pay per year. There is a whole section in the CC&Rs that talks about assessments. One HOA would be paying into another HOA. Then there would be some conditions on the use of the park. Now I understand just today, that there is a list of amenities that the HOA would like to see in the park. This in in the hope that the developer would like to participate in some way. I think that if we are a part of the park, then maybe some of the money that was spent on onsite amenities could be spent in the park. I'm saying that, but the developer is not saying that. **C/Gealy:** The fence that separates the two properties, is that an existing fence? **Jane Suggs:** Yes. **C/Gealy:** Is the fence on this property or the adjacent property? **Jane Suggs:** I think it's right on the property line as far as I know. The Chapparosa HOA is responsible for everything. That could be a condition which again is an outside agreement that would be up

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 25, 2018**

to Kelleher No. 2 to maintain that section of fence. They will also maintain the north and the west fence. They could be responsible for maintaining other portions as well. These are conditions that we were thinking we might work out. If we de-annex from the Chapparosa HOA, Kelleher is responsible for maintaining that planting strip around the north and the west sides of the property. This is not part of the property. You'll see in the blue, light-colored grey in the plat. It belongs to Chapparosa. It seems to me that if you're mowing the entire buffer area around the entire Chapparosa, maybe Kelleher would pay Chapparosa to maintain that to continue that to happen. Chapparosa now is maintaining something that by the current CC&Rs is supposed to be handled by Kelleher. We can do that, but one guy would mow on Tuesday while the other guy mows on Wednesday, because we're doing different maintenance agreements. That would be another thing that we could work out, another cooperative agreement. **C/Young:** What's being presented tonight is full separation from the HOA? **Jane Suggs:** Yes, full separation. My planner heart wants me to sit down and work this out if at all possible. This is something that you as a Commission was hoping would be done before now. This problem is that I don't see a united front from the HOA. I know that this would take a long time. We will do our best to work with them, and it looks like it has already started. The problem is that it started today. We had our pre-application meeting in March. **C/Damron:** You said that you're representing the developer, and you said the developer was not willing to accept a postponement? **Jane Suggs:** We're hoping that we will not be postponed tonight, because we have a plan. The reason for the plan we have tonight is so that we can move the project forward. We never said that we wouldn't accept a postponement, because we do not have control over that. If in your deliberations you decide that you want to postpone, I will take a denial. I will close the public testimony at 6:50. This takes us back to our discussion. **C/Damron:** It sounds like they began to work on an agreement. Looking at the project, if we pass it, and they cannot come to an agreement, that's going to add a lot of stress and financial cost to Chapparosa. They're not going to incur. They've got enough problems of their own. I think that they can work together and come to an amicable solution to this issue. If they sit down and talk honestly with each other and voice what they can get to each other and how they can help. They have to be willing to. **C/Young:** I have several other concerns with the project as a whole. The density of the lot itself is an issue. We've done a fair number of these fourplex type homes in the last couple of years, and the number of units they have on the lot is over four and a half units per acre. Previous ones we've done are just under 2.5 units per acre. I think the density is too high. I also have traffic concerns with the number of units. I know Ada County Highway District bought off on narrowing that gap. They're still 100 feet shy of meeting that with this density. Another concern I have is with the landscaping as it is. If they separate, I don't know if that gives them enough common area. With all that combined, I have enough concerns about this project overall. It's not just about whether they have an agreement with the subdivision. **C/Damron:** Chapparosa would own, if they separated, the east side and the north side of the grass on that. This leaves only interior common areas, which is not very much at all. **C/Hennis:** I thought the density, as well as the makeshift entrance, will route a lot of people in and out of the area. It's going to be difficult for access, especially as this progresses through the years with the traffic circle coming in. It's a nice-looking project, but I do not think is the project that was presented at the beginning. **C/Laraway:** I'm thinking about this the same way, we went from R-4 to C-1. Now we're at eight units for 32 families, trying to put them on two acres at a very heavy intersection. It's only going to get worse, because of the high school traffic. This will increase traffic on Hubbard going east, that's just a lot of units for a two-acre corner. You're talking about one entrance, and I agree with Steve that this is going to be a total de-annex. I think overall that we're supposed to be here for the community and for the city's growth. I don't know if this is the best route. **C/Young:** To clarify, one of the reasons that we postponed last time was because they could make an agreement. We as the city don't have control over CC&Rs and how those are done. The agreement between the two, to me, was trying to figure out the open space and amenities. If there was an agreement, then that offers more open space. Since the proposal is separate, they're not getting that open space. **C/Hennis:** Also, it was to see if the HOA and developer to work together. I wanted to see if the Chapparosa community was willing to accept this or not. **C/Gealy:** The parcel is zoned commercial, and this is an allowable use in a commercial zone. I'm also concerned about amenities and open space. I'm concerned about the two working together. I'm concerned about the fences and keeping people out. I prefer to see agreement between the two neighborhoods. As far as traffic, Ada County Highway District determined that it is not unsafe. They plan for traffic, and I do not know why

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 25, 2018**

there is just one entrance. If there is only one entrance, it makes other commercial uses seem highly unlikely. It's not clear that there is a better use for this parcel than what has been proposed here. **C/Young:** I understand, my concern is more with the density. I think that a multi-family project on the corner there is a good location for one, but not at that density. **C/Hennis:** Several citizens have said the same thing, but for town houses. Because single level or not, we don't know, because we weren't at those meetings. That would cause a much different amount of density and such. Also, if you do commercial use, then you could put three little office buildings or something in there. Because you do not have as many people living on that same property, I think your traffic could still maintain that one on that driveway fairly easily. You could put something there like a convenience store. Some of these other offices would not necessarily have a problem with that. I just have a feeling that we're just trying to stuff too much on that space. **C/Young:** To reiterate, I'm not opposed to family housing on that corner. **C/Hennis:** The main concern that some of the neighbors have concluded is the size of it, not what it represents. **C/Damron:** One of the things I look at is, as planners and zoners, we try and strive to create a cohesive, livable community. If we do not look at what is happening in the neighborhood, then we lose sight of that. I think this is one instance, as the Chairman said, is way too dense for the area that it's in. How do we change the livability for the people in the Chapparosa Subdivision. By approving or allowing stuff like this to change their makeup? **Richard Roats:** Chairman Young, the rezone application for the record did come through, listing nine fourplex buildings. That was on the rezone. **C/Young:** As the rezone, yes, but without seeing a preliminary plat or any kind of plat, we have nothing to base the decision out of. **C/Young:** That's another point, when did do the rezone, we heard the citizens concerns about future developments and densities. We commented at the time that we could address that when we see a true application come in. This is another case, where, you know, I'd be afraid to rezone a property where I fear that someone is going to bring something in and something else out. It comes back to density and my concerns with the number of units. That many people in two acres is another concern.

Commissioner Hennis motions to recommend denial of Case No. 18-01-CPF to City Council; Commissioner Damron Seconds; Motion carried 3-1.

Commissioner Hennis motions to deny Case No. 18-12-DR; Commissioner Damron Seconds; Motion carried 3-1.

C/Gealy: The applicant may go ahead to go to the City Council, even with our recommendation to deny. **Jace Hellman:** I believe that 350-foot notices were sent out for this meeting. 350-foot notices will be sent out again for City Council. You guys will be aware of when the date is. **C/Gealy:** That decision is up to the developer, the applicant. **C/Young:** Yes, with our recommendations.

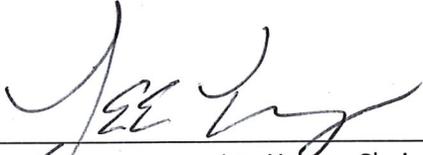
3. COMMISSION REPORTS

4. ADJOURNMENT

Commissioner Hennis motions to adjourn; Commissioner Gealy Seconds, all aye and motion carried 4-0.

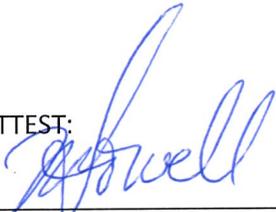
**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 25, 2018**



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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