

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, February 12, 2019**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	Absent	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	X	Jace Hellman, Planner II	X
Commissioner Stephen Damron	X	Sam Weiger, Planner I	X
Commissioner John Laraway	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

Meeting Minutes for January 22, 2019.

Findings of Fact and Conclusions of Law for 18-06-AN (Annexation), 18-08-S (Preliminary Plat) & 18-35-DR (Design Review) – LedgeStone Subdivision.

Findings of Fact and Conclusions of Law for 18-07-S (Preliminary Plat) – Arbor Ridge Villas Subdivision.

Commissioner Gealy Motions to approve the consent agenda; Commissioner Damron Seconds, all aye and motion carried 3-0.

2. PUBLIC HEARING

18-09-S (Preliminary Plat) & 18-36-DR (Design Review) – Sapphire Ranch; Victor Clark requests to subdivide approximately 0.508-acres into three (3) single family buildable lots. The subject site is located on West Park Avenue, Kuna, ID 83634, within Section 23, Township 2 North, Range 1 West; (APN# R5070002532).

Eric Anderson: I represent ALC Architecture at 1119 E State St, Ste. 120 Eagle, Idaho. We've been through this project a few times. We have come back for the design review with single-level homes. These are fairly modest homes, and we've addressed the fencing while giving privacy to the neighbors. We've provided a common driveway for all three homes per fire department requirements. We have a landscape buffer on the left side that is required, so following previous meetings and hearings that have come up. I've read everything in the staff report and don't find anything concerning. We agree to what we've read. **Jace Hellman:** Chairman, Commissioner, for the record, Jace Hellman, Kuna Planning and Zoning Staff 751 W. 4th St. The application before you this evening is for a recommendation of approval or denial to the City Council for a Preliminary plat. Additionally, there is a design review accompanying this application for the landscaping, and that is for your approval or denial this evening. The applicant proposes to subdivide the approximately half of an acre lot into three lots, and has reserved the name Sapphire Ranch. complete with landscape buffer along the site's frontage, and a shared driveway that will be used to access all three newly created lots. Staff has reviewed the preliminary plat for technical compliance, and confirms the application a complies with the goals and policies for Kuna City, Title 5 and Title 6 of the Kuna City Code; Idaho State Code; and the Kuna Comprehensive Plan, and the Comprehensive plan future Land Use Map, which identifies the site as Medium Density Residential; Staff has included preliminary findings, which can be found at the end of the staff report in the packet, if the commission wishes to modify all, or specific findings those changes must be specified, I will now stand for any questions you may have, thank you. **C/Hennis:** We'll open the public testimony at 6:05. **Glenda Sanders:** I live at 260 Cedar Avenue. Thank you for having us tonight. I thought

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there was going to be a shared driveway that we would share with the other three. That's how it was proposed to us when we had our neighborhood meeting. I realize that they will put a fence three feet from my house. I'm asking if it's possible, instead of having a five-foot strip of turf on the other side of the fence, maybe moving the fence over a couple of feet and put landscaping or rock. I have family members that are a little wider than three feet, and it would be hard to get a wheelbarrow there, a lawnmower or garbage can. If it's possible to move the fence over, we did talk about it in the neighborhood meeting minutes. They did talk about the five-foot buffer from the property line. We're just asking for two or three. There's also a tree, and the tree has been growing there since we moved. When we bought the house, there was a deck back there, a hot tub and a gazebo. We moved the gazebo and the deck to the other side of the house. The tree was left to grow, it's about eight years old now, and I'd like that to be relocated. I would just not like it to be sacrificed for these three homes. **Jeff Marlor:** I live at 260 Cedar Avenue. If we could put that fence a couple feet more away that would be great. The other issue we have is irrigation, and according to their map on page 87, there is gravity irrigation going right under the house. I don't know that you can put a house on top of that. That pipe has broken many times over the years, with the previous owner just driving a pick-up truck over it. It's buried about 2-3 inches below the ground level. We rely on that irrigation water every year. We don't want to have any interference or issues with that. I don't know how that part of it is going to be resolved. There is a 15-foot easement that used to be a road that we would walk around. Has there been any thought of using that as a second access point? The only access into that whole area is on Cedar Avenue, which is classified as an alleyway by Ada County Highway District. I'm sure the garbage pickup people would love it. This would alleviate our issues as having an entrance and an exit as two access points as opposed to one. It's an easement apparently, so I don't know what can be done on that part. It would make everybody's life much better in and out of that area that is limited by about a 15-foot alleyway, which is Cedar Avenue right now. **Katrina Kitrell:** I live at 215 Cedar Avenue. We have lots of concerns about this. Our irrigation is the biggest concern right now. We are considered an alley way on Cedar Avenue, and our irrigation has always run into problems, because we don't get any road service, we don't get much maintenance and we have probably part of the oldest irrigation system. In certain pieces, it's always been flood irrigation. In some areas, they've tried to put pipe and the pipes break constantly. There is a big issue about the street. It's only 16.5 feet wide. You always have problems with people being parked on the side of the street and nobody able to pass. If there is ever any kind of irrigation, or fire trucks, or any other kind of emergency, nobody else can go down the road. We that have lived here for 25 years need to have a little more of your help understanding that you're building a city around a little community that's never been upgraded. Why can't we have forced irrigation? You're going to build a house on top of our irrigation pipe that is only two to four inches under the ground. That's a big issue, you can't interrupt our irrigation. That's ours and we have to pay for it. It shouldn't ever be interrupted. It's going to interrupt it. We need to fix the irrigation problem. I don't know really that the fire department knows that they can only go one way. You have to back up into a neighborhood driveway, Mrs. Custards driveway, in order to turn around. **Rob Kitrell:** I live at 215 Cedar Avenue, and my concern is the same as these folks over here. The developer is well within his rights to do what he wants to do, he's at least knocked it down to single-level houses and three of them on a half-acre. The irrigation is the huge issue for me. I'm in the construction trade, and I don't see how you put houses on top of irrigation. That's my biggest concern. **Eric Anderson:** We're not building a house over an irrigation ditch or pipe. We discussed this to relocate that and rebuild it, so that does require an upgrade to their irrigation system. Our engineer will take care of that, right now it shows the existing, and right now it shows a simple block on the plat where the building may go, but we're all aware that we have to redesign that, reconfigure it, and rebuild it. If it's only two inches underground and crumbling, then it's probably good that we relocate it and fix it up. We discussed the ACHD requirements for the three-foot landscape buffer. At the neighborhood meeting, we said that's going to be an ACHD requirement, that is what it is and that's what they're going to make us do. That's what we're indicating right now what ACHD has requested. Our common driveway location and the buffer. As for the tree, that's something that we can negotiate with the neighbors here. The irrigation will be redone. **C/Damron:** Looking at the pictures that are in the packet, where is the property line on the house that the citizen saying it is three feet from her house, is that right on the property line? **Eric Anderson:** They have an existing property line

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and the issue would be coming against this previous construction. The building was built very close to that. When we actually got it surveyed, I mean really the property line goes right off the house. ACHD isn't going to let us have a common driveway that we can all share. That's what we've been requested to do. **C/Gealy:** Who is requesting that you have the fence? **Eric Anderson:** ACHD. **C/Damron:** The issue I'm looking at is if anything happens to that resident's house, they're no room to even repair the house in there. You can't get heavy equipment in there too, without destroying the fence and your property. Can we back that fence off another two feet to allow them room to move through there? **Eric Anderson:** Yeah, we've talked about running the fence along the property line until you get close to the house and then jogging that fence around. **C/Damron:** I would like them to have at least six feet back there. **Eric Anderson:** I'd like to give them a five foot, because a five-foot yard is typical there. **C/Laraway:** You said that ACHD is requiring you to have a fence. **Eric Anderson:** One of the guys that works for me was doing that correspondence, he's no longer with us. It was understood that ACHD was a requirement. **Jace Hellman:** A fence around a subdivision is a city code requirement as well. Additionally, if the applicant and the commission were to come to the conclusion that the fence should be moved off of the property line a couple feet, then they'll have to figure out some sort of maintenance agreement. Additionally, they will have to guarantee that this portion of their property is maintained that's outside of the fence. **Eric Anderson:** We'll work around that setback when we get close to the house. **C/Hennis:** With that, I will close the public testimony at 6:22 which then brings up our discussion. **C/Damron:** He pretty much answered my question that I can see the concern over the irrigation to be repaired so everybody has irrigation all of the time. My main concern was that, that being so close to the neighbor's house on the fence that you can't do anything so if we can get it moved off to five feet, that would work great. **C/Hennis:** That's a typical setback, so I think that we should do both of those if we condition those. **C/Damron:** Also, moving that tree form, so they can definitely do that. **C/Laraway:** I think that last time this application was in front of us, we had the same issue with that setback on that house to the west. We can't change it, I guess if there's some kind of cooperation between the two parties, if they can work out their little issues with the fence, to me this is better than the two-story things they had coming in last time. **C/Hennis:** It was the same with the irrigation main the last time as well. There was a weird jog, but that's going to have to be dealt with by the City Engineer. They'll have to do that appropriately. **C/Gealy:** I want to say that I really appreciate the applicant working with the neighbors and coming back after we had approved your previous preliminary plat. We all had concerns about the three two-story buildings right there. The neighbors were particularly concerned and yet it was approved, and I appreciate you looking at it again and working with the neighbors. Coming back with the one-story was good, it fits better with the neighborhood and addresses a lot of concerns. You're going to be working on the irrigation. I'm not sure what the requirements are going to be for the neighbors when pressurized irrigation goes in there. Will the neighbors be required to hook up to pressurized irrigation? Will the neighbors continue to do flood irrigation? **Jace Hellman:** They'll have to work with the City Engineer, and it would be more of a modification to the current system rather than installing a whole new irrigation. It's modifying what's already there rather than dragging completely new services all the way over there. They'll be doing improvements to the pipe that's out there already. **C/Gealy:** Will they be installing pressurized irrigation in this new subdivision? **Troy Behunin:** I don't believe that pressure irrigation is within 1,000 feet of this location.

Commissioner Gealy motions to recommend approval Case No. 18-09-S with the conditions as outlined in the staff report; With an additional condition that the applicant work with staff on the location of the fence on the west property; An additional condition that the applicant work with the neighbor to determine the feasibility of relocating the eight-year-old tree; And an additional condition that the applicant would work with the City Engineer and staff on resolving irrigation issues. Commissioner Damron seconds, all aye and motion carried 3-0. Commissioner Gealy motions to approve 18-36-DR with the conditions as outlined in the staff report; With an additional condition that the applicant work with staff to relocate the fence; An additional condition that the applicant work with the City Engineer and staff on the irrigation issues; And an additional condition that the applicant work with the neighbor to determine the feasibility of relocating the eight-year-old tree. Commissioner Damron seconds, all aye and motion carried 3-0.

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18-04-ZC (Rezone) – Caspian Addition Rezone; On behalf of Waters Edge Farm, LLC, B & A Engineers (applicant), requests approval for a rezone of approximately 57.50 acres from A (Agriculture) to R-6, Medium Density Residential (MDR). These lots are known as Lot 17 and Lot 28, Block 1, of Patriot Ridge Estates. This site is located near the northwest corner of Lake Hazel and Linder Roads and are parcel No's R6934730350 and R6934730210, in Section 35, Township 3 North, Range 1 West.

David Crawford: I'm with B&A Engineers, the address is 5505 W Franklin Road, Boise, ID. I am here representing the applicant. We are talking about a rezone application to R-6 for 57 acres of land located west of Linder Road, west of Jarvis Court, north of Lake Hazel Road. The property is a portion of Patriot Ridge Estates Subdivision, it's two lots, two large open space lots in Patriot Ridge Estates Subdivision. We're not presenting a development application tonight. We're specifically requesting a rezone to R-6. As we're aware from the Commission's staff report, it was presented by the staff that there has been a significant investment of infrastructure in the area related to the Kuna wastewater treatment facility, new, large main line extensions down Lake Hazel Road and Ten Mile Road that have occurred recently. Caspian Subdivision is south of the development, which is noted on my map here. I'll see if I can steady out the red dot here. It was approved and rezoned R-6 in 2016. The lands that we're talking about tonight exist right here, and it's on the northeast boundary of the Caspian Subdivision. Since Caspian Subdivision was approved, there's also been several projects approved around it. They are located on the west side of Ten Mile, southwest there's a Memory Ranch and Cazador Subdivision, and Silver Trail to the southeast. Those are zoned R-6 to the south and R-4 to the west. We are aware of some other annexations that occurred within the Patriot Ridge Estates Subdivision, which is located in the southeast corner of our development. There are two lots in there. They were zoned R-2. The Comprehensive Plan that governs this area indicates that this area is a Medium Density Residential development. The R-6 designation that we are requesting tonight is consistent with that Medium Density Residential. We don't believe that we're asking for anything different than that which was afforded, the opportunity for other landowners in the area. We believe that there's a consistent plan in place, primarily to deal with the Caspian Addition Subdivision that brings all of the infrastructure necessary for development related to pressurized irrigation, domestic water services, and sanitary sewer services. Much of that construction that started this whole thing has just recently been finished last year. Those extensions were extensive, and there's two crossings along Mason Creek that had to occur on Lake Hazel Road just east of Ten Mile and one on Ten Mile Road just north of Lake Hazel. That took a significant amount of time and dollars. This area is primed for redevelopment. We have had the neighborhood meeting, we've had extensive discussions with the neighbors about bridal easements that occur within the development. We're willing to work with them as we make it through the development process, but tonight's application is simply about the rezone. Based on that information, we respectfully request the rezone to R-6 for the property tonight. **Troy Behunin:** Troy Behunin, Planner III, Kuna Planning and Zoning Department. The application before you tonight, 18-04-ZC, is a rezone request and the applicant is requesting a rezone of about 57 acres that are currently already in the city. Your decision tonight will be a recommendation to the City Council for final decision. Staff notes that all of the noticing procedures have taken place, the property has been posted, mailings went out to landowners within 450 feet of the property, which exceeds the 300-foot minimum. Kuna Melba News published a public hearing notice also. All information has been put in your packets and I know that there was an extensive staff analysis about the project and about the area. Mr. Crawford is correct, the city has anticipated this area being in the City of Kuna for a number of years, as early as 2005. That is specifically why the wastewater treatment plant was placed advantageously where it is, which is about 750 feet south of Lake Hazel. The applicant has supplied everything we've asked them to, they are asking for an R-6 designation rather than the current agricultural zone. It does conform with the Kuna Comprehensive Plan Map. That map in your packets for your consideration is actually a second version of what I have seen in my time here at the City. This is the second time that the area has been designated as Medium Density Residential. The R-6 fits squarely in the middle of that. There's been a lot of significant improvement by the City. There's been a large amount of infrastructure by this applicant on other

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projects in the area. There has been a number of projects and other developers in the area. It has been contemplated for a number of years. In their letter of intent, the actual planning, if this gets approved, the actual platting comes under the five units per acre. When a development application has come through, it would actually be under the five units per acre. This is consistent with what this developer seems to do. He asks for an R-6 but he develops well below that. Other than that, I would stand for any questions you might have. Staff has received no comment or citizen letters or phone calls or visits. They would have been included with the packet. **C/Laraway:** From this parcel that we're talking about, I know this isn't a plat design, I get that. Where is the entrance going to be? It is going to be transit through the south to Lake Hazel? **Troy Behunin:** That will be discussed at the preliminary plat. This developer is used to the Kuna Code, which is that each subdivision has to provide a way for parcels to connect with their subdivision. He was a developer of Caspian Subdivision which is directly south of him. I believe there is two connections to these parcels and he will connect to those as well. **C/Laraway:** It looked like he was landlocked, that's why I was trying to figure out where this was going to go. **Troy Behunin:** It does look like that, technically the parcel does have access from Jarvis Court in the northern part of the larger parcel. That's the current access at this point. It's also important, staff would like to note that these two parcels are already within the City and they are already in the Patriot Ridge Subdivision. They are lots and blocks. They are not parcels, but they are actually within the Patriot Ridge Subdivision. **C/Hennis:** I'll open the public testimony at 6:38. **David Berryman:** I live at 2705 W Berryman Lane. My property is directly west of the parcel that they are talking about. My only concern is that I was under the impression that in Caspian, the one that was already approved, there was 497 homes. That I figure in my math is R-4. I just think that the R-6 in that area is just a little too close in my opinion. **Dale Vorace:** I live at 1710 West Jarvis Court. Slightly on the access point off of Jarvis Avenue, is that a designated access? **Troy Behunin:** The current access is off of Jarvis Court. We're not talking about access tonight really, because it's not part of this hearing, this is just a rezone. Access to the parcels really will be quite in depth and it will be covered completely when and if a development does move forward. **C/Hennis:** Will that be an ACHD typical use that they would make the applicant use? It takes that weird jog, and it doesn't appear that it actually services that parcel. **Troy Behunin:** It will be handled at the time of preliminary plat, and the applicant will have to produce what's called a Traffic Impact Study. ACHD will then review it with their experts, and they will generate a staff report based on their findings. **Allison Woodland:** The R-6 does seem steep, and I think they said it would be R-5. There is an electric wire going through the property. You can't build under those. There has to be a space, but that's the only reason. Otherwise, they would build more homes there. An R-4 isn't conducive to the environment that is already there with the country atmosphere. We are a merging school district on Jarvis. It goes up to Lake Hazel Road. Is that all going to be changed? Is it still going to go to Meridian School District? How does that impact it? It wouldn't be going to benefit the schools in Meridian. **Troy Behunin:** That is correct. That property is within the Meridian and West Ada School District. It's going to stay there. **Allison Woodland:** That's a mess for our schools. **C/Damron:** The difference between school district lines and city lines are often overlapping. **Allison Woodland:** I understand that. If you're going to build and approve massive amounts of homes, he needs to work on that school district and get that figured out. **C/Gealy:** Was the Meridian School District noticed? **Troy Behunin:** Yes, but they are their own taxing district. We have no control over their taxing, what they do with any of that. This is also within the Meridian Fire Department. This will also be served by Meridian Fire. **C/Gealy:** The residents in these homes will be paying taxes to the West Ada School District, the Meridian Fire District and the City of Kuna. **C/Damron:** Troy, are they also going to pay City taxes for fire services and stuff they are not receiving? **Troy Behunin:** They will pay the fire tax and the tax to each of those entities that protect and serve them. They will pay for the fire protection for Meridian. They will not pay Kuna School District fees, they will not be double taxed. **Jeremy Woodland:** I live at 1990 Jarvis Court. We're in Patriot Ridge Subdivision and we've been there for 11 years. We're short timers there. A lot of people have been there ever since it was built. The area that they have lived in and we have lived in has always been country. It's all been a field since we've been there. We understand that someone invested money in this and bought it to develop. We don't want to see any houses. Obviously, that's going to happen, but we just request the minimal impact. There was a comment made earlier that all of the subdivisions out there have been approved as R-6. Why not just stack another R-6 on an R-6? What will happen is

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people will keep stacking R-6 on R-6. Is there a point where it needs to feather out a little bit into the country area? This area that we were in previously was in Meridian City of Impact. Now, Kuna has kind of taken that over, they've overlapped. I believe that the only reason that this area is now in Kuna City Limits is because Kuna bought the first Caspian Subdivision property. They bought it, there was going to be a park there they said. That created a continuous property for all of the rest of this to become Kuna. There's not going to be a park there now. Another question I have is that we've been told that this area may not develop for six to ten years. A lot can happen in that time, so why change it now, why not wait until they get closer to the time of development? If Jarvis Court doesn't up me in the through street, that would be a serious detriment to our homes, to the traffic going down that street, we're all one acre or greater lots. There are two acre lots in there, it's just going to be totally different than what we have right now and what we're used to. Those are my comments, thank you. **Tim Eck:** Good evening Commissioners, my name is Tim Eck, I am the applicant at 6152 West Half Moon Lane, Eagle, Idaho. There have been some major capital improvements out there, water and sewer, pressurized irrigation mains extended from a point that was about an eighth of a mile south of Lake Hazel to now about a quarter-mile north of Lake Hazel as well as gravity sewer main extended all the way up Lake Hazel from Ten Mile to Linder. The Memory Ranch Lift Station was oversized significantly, increasing its capacity several thousand units in anticipation for development in this area to gravity sewer into that lift station. Millions of dollars of infrastructure have been already built by various development entities as well as the City to accommodate this. Currently, water, sewer and pressurized irrigation is about a quarter mile and it completely crosses our west boundary. It then runs the full mile up Lake Hazel across our south boundary, the sewer does. The R-6 as we've discussed is just right smack in the middle of Medium Density Residential. We've discussed the dimensional standards that the City of Kuna has. Dimensional standards are a hurdle. Minimum lot widths and minimum lot sizes in order to provide more diversity and lot sizes, we require a higher density which gives us more flexibility. We currently have at preliminary layout for this plat that's right at 4.01 units per acre. We would like to have some flexibility, but that's where we're targeting. We do have 10.15 percent open space, so there's a lot of open space in this one. We are platting lots in the Patriot Ridge Subdivision, that was non-farm application 15 to 20 years ago, where you're allowed 20 percent density on 25 percent coverage with 75 percent of the land. There was use restricted for 15 years or until a land-use controlling agency changed. When the property was annexed into the City, it was no longer controlled by the county. It was controlled by the City, therefore the land use agency changed so that requirement expired then. It also expired in 15 years, so that use restriction has long since expired. This will be a continuation of the existing Caspian. We just want to get our entitlements in place, get our layouts done so that once we start developing out there, it's just one phase after another for 15 years. It will take a long time to work from one to the other. All of our services come in currently at the west end. We'll be starting Ten Mile and working our way to the east for a long period of time. Caspian, as it exists right now, has two stub streets, one to each of these two parcels. We have to connect to those. Those will be our primary sources of ingress and egress. We've designed the phasing to stay away from the Jarvis Court folks as long as possible. It will be one of the very last phases of Caspian before we get there. That's where the utilities come from. If we jumped, we're putting in millions of dollars of sewer and pressurized irrigation. We're going to start at one end, and work our way through. Platting doesn't change the school district boundaries, we've got subdivisions all over the place where kids on one side of the street are going to one school, and kids on the other are going to the other. Until the school districts get together and modify their boundaries, that's the way it's going to be. The taxes that they set are district specific. If we're in the Meridian School District, it will go to Meridian, if we're in the Kuna School District, it will go to Kuna. The Comp Plan designation is medium density residential. For the comment about the park, the City actually acquired that property one time for a dosing site. When they were designing the lift station, they weren't exactly certain what the discharge was going to be. Certain measurements would be taken. If they exceeded certain capacities going into Indian Creek, they were going to have to lay and apply. They had to own a site to lay and apply, or have a perpetual leasing somebody for that land application. Once they got through the design process of the wastewater treatment plant, and they knew what the discharge was, and a couple years after improving it, they were relieved of their requirement to have the dosing side. At that point, the City decided it was an unnecessary piece of property. It was actually owned by the

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City sewer fund. They put all that to the public auction process and sold it off. If and when they start building a regional park, they want it in the center of the city, not clear out on the fringe. We are in overlap area, and for ten years it was Meridian and it was Kuna, it was a one-mile overlap. There's still some existing controversy out there over where you can go. Basically, I think the consensus is that wherever the applicant makes an annexation application, that's where they're going to go. If they're contiguous to Meridian, they can. We don't have that option, we're already annexed into Kuna. It's in the City of Kuna and has all services available to it. We're just looking for a zoning, then we can work on finishing layouts. We'll see what we can do, and that will go through its whole preliminary plat process. Our layout right now is at 4.01, if I took one light out, we'd be considered low density residential, but we're trying to stay at a medium density residential by that one lot. **C/Damron:** The original Caspian was zoned at R-6, correct? **Tim Eck:** There was an addition to it, there was a parcel that was 25 acres. The original parcel was all R-6. When we rezoned the additional 25 acres that went into that layout, that was definitely all zoned R-6. **C/Damron:** And your plan build density for that one is around 4 to 5? **Tim Eck:** 3.6. **C/Damron:** Are you staying with the 3.5 to 4? **Tim Eck:** There's about 4.01. I think as everything progresses towards Meridian, the land prices will go up, utility costs will go up, the density is going to go up. Once Meridian makes that touch to Kuna, I would expect to see higher densities to the north of this when it gets there. **C/Gealy:** In past proposals or developments, you've also included consideration from the neighboring land uses and looking at transitional lots, are you taking that into account in the work you've done so far? **Tim Eck:** We haven't so much on this one, we have about a pretty significant piece of our frontage that abuts Jarvis Court. Patriot Ridge Subdivision ends right here, so across here it's all agricultural. Across there we abut one lot. Up and down here is Jarvis Court, and then there's one lot there. Across here, we back up to five lots. We do have power lines that go right through that and transitions through the property. That's a 120-foot wide power line easement. That will be a 120-foot wide open space strip that continues through Caspian right here, and will continue through all of this property. There are overhead power lines, but in both cases, as well as continuing over through Springhill, it ends up being a very large open park area. We've been working with parks and recreation trying to figure out where it can become a City asset. If we can get there, it can become a City asset, then it becomes public. If we can't get there, it will be private to our developments. We'd much rather make big long pathways like this. Those power lines go all the way through the city. Just like the Mason Creek Greenbelt, if the City doesn't take them, it all stays subdivision private. If we can get the City on board, and we've been working with them for a long time, then it becomes a City amenity. **C/Gealy:** With respect to transitional lots. **Tim Eck:** We have not planned any here. **C/Gealy:** When it develops, do you think that there would be traffic? Jarvis Court would become one of the access points for that northern piece. Is that what you anticipate? **Tim Eck:** It's an ongoing controversy between what the City requires and what the Highway District requires. It is a public road, it is currently built to rural road standards. It provides 30 feet of pavement, 22 feet of lanes and four foot of paved, nonmotorized traffic. Basically, an attached asphalt sidewalk was the design. It will likely have a stub street connecting to it, or a street that connects to it. That's just a requirement of the City and the Highway District, it is a public road. That didn't stub to us, but they paralleled it. If there was no connection there and if it was held over, the county and the Highway District would've required them to stub to it. **C/Hennis:** That unfortunately is an ACHD requirement as we've gone through in another subdivision. Although the intentions might be good, it's their directive only. I will close the public hearing at 7:01. That leaves our discussion. I've worked with this developer on several occasions, especially Caspian. It seems to hold to at least a lower density. **C/Damron:** It matches up with the other subdivision, and it makes it contiguous with what's going on in that area right there. We have to infrastructure to support it, and that's why we put that infrastructure in there. We knew this was coming, and I think it's a good plan for that area. As far as the other portion of that subdivision that leads into it. **C/Laraway:** It is consistent to the project that's to the south, it's going to be a good transition. **C/Gealy:** The concerns that I heard from the public were with respect to the R-6 density and the potential for traffic through Jarvis Court. The applicant has stated that at this time, they're looking at a density closer to 4.1 units per acre. The applicant mentioned dimensional standards. I'm probably not the best one to try to explain that to the public, but with our R-6 zoning, there are lot widths and depths that are required as a part of that zoning. The lot widths and depths that are part of R-6 give the applicant the flexibility that they need to put

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the lots in a size that gives them more flexibility to match to the available lands area. What they're saying is, it's looking like it's going to be more of a density of R-4, but if we make it an R-4 zone, then they have to follow the dimensional standards for an R-4 zone. This makes it more difficult for them to adapt to the land that they have. It's going to look like an R-4, but because of the dimensional standards required in the zoning, the zoning that they're asking for is R-6. I would like the applicant to look investigate additional opportunities for transitional lots, especially along Jarvis Court, where those are one acre lots. I know the applicant has been quite creative in other subdivisions, in minimizing the number of backyards that back up on large one-acre lots. I would encourage the applicant to do that. I'm also encouraged that they're looking at 10 acres of open space in this development as well. When this plat goes through to ACHD, and ACHD is looking at traffic on Jarvis Court, will the neighbors on Jarvis Court be notified of those ACHD hearings? **Troy Behunin:** That's a good question, Commissioner Gealy, the neighbors that were notified for tonight's rezoning hearing will also be notified several different ways for a development, a preliminary plat. There will be a sign on the property again, they'll get a letter from the applicant inviting them to a neighborhood meeting, where they'll get their first look at what the subdivision looks like, and then there will be another letter from staff sent out, just like for tonight's meeting for the public hearing for the preliminary plat. At that time, they would have the opportunity to come in and review the ACHD staff report and also the Traffic Impact Study that is also required by ACHD and the City at that time. Nobody will get a notice that the Traffic Impact Study or that ACHD specifically is ready. They'll get a general notice about the project, and then they can come in and request a copy. **C/Hennis:** That's also available on the website, in the packets, under the meeting minutes, correct? **Troy Behunin:** Yes, traditionally we have been putting in the executive summary, and then the full Traffic Impact Study and the ACHD reports are available here if people would like them. The ACHD report is always in full, but we are now beginning the entire traffic impact study online as well. **C/Laraway:** When we ran into this before, if I remember the question and the answer, this is off of Chisum. We were talking about not using that one road, and I was told I believe that ACHD dictates that the road will be used. It's not the developer, it's ACHD that dictates that. Is that what we're looking at here also? **Troy Behunin:** That certainly will become a discussion, yes. **C/Gealy:** I will just observe that there's an ACHD Board of Commissioners, and they are elected. Anyone in Ada County has representatives on the Ada County Highway District Board of Commissioners. **C/Hennis:** If we have no further questions, then I will stand for a motion. **C/Gealy:** I would like to suggest that we include as a condition that if we do approve a rezone to R-6, that we include as a condition that the effective zoning be something less than R-6. The applicant indicated that currently they're looking at 4.01 units to the acre, and I think we've done that in the past. We said that the effective zoning would be something less than R-6, perhaps 4.25 units to the acre, effectively. **C/Hennis:** We're not declaring the zoning at that point, the parcels per acre gets capped at a certain amount. **Troy Behunin:** It's important to remember that the R-6 is just a maximum allowed, it doesn't mean you have to develop at R-6. It is within the Planning and Zoning Commission authority to say yes you can have the R-6 dimensional standards, but then bring in something less than R-6. You do have that authority. I just want to go on the record, R-6 does not mean they have to develop at R-6. It just means they have the ability. **C/Hennis:** We recognize that, unfortunately we've had it come back to haunt us in the past. That's why we're a little gun shy. We don't want to have these people thinking one thing, and then it come back and haunt us in the past either. **Troy Behunin:** The difference between that application and this one is that the developer has actually gone on record and, even though that's not part of the discussion tonight, it was volunteered. You do have that ability. **C/Damron:** Can we make that change during the plat approval? **Wendy Howell:** You could recommend a condition of a maximum density of 4.25, however you would be approving this within an R-6 zone.

Commissioner Gealy motions to recommend approval of Case Nos. 18-04-ZC with the conditions as outlined in the staff report; With an additional condition with the R-6 zone that there be a maximum density of 4.25 units per acre. Commissioner Damron seconds; All aye and motion carried 3-0.

3. COMMISSION REPORTS

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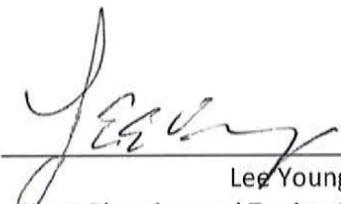
Wendy Howell: I hope you're working your way through the new Comprehensive Plan. I did get Commissioner Gealy's recommendations for changes, thank you very much. It has been recommended by the mayor that for our staff reports, if there's any difference from the code, we will state that and if the application complies with the Comprehensive Plan. As the hearing continues, then the Commission and Council would be able to ask us questions for any specific facts. If you would like to give me feedback now or through an email, that would be fine. **C/Gealy:** The concern I would have would be are you building the record that you need to build with simple yes or no's? **Wendy Howell:** I understand what you're saying, but it is up to the applicant to provide the facts for their case. We will follow up with anything that may deviate from our facts that we've researched out. Then we will leave it to questions. **C/Gealy:** I appreciate the staff reports we get. **C/Hennis:** I appreciate it too, because we look to staff to enlighten us on certain aspects that you've been working with over the months, if not years at some time with the particular applicant or the case that's before us. We don't have the ability to really look at that long-standing history there. We do look to you guys for adding us a lot of information that we can't necessarily glean from the report in here as well as what you bring to us. I personally think it's important to have as much information from staff, because unfortunately we've had some applicants that have kind of steered us in the wrong direction, but presented a good argument. **C/Hennis:** I think it's an important thing that we get the opinion and as much information and background from staff as we can. **Wendy Howell:** We will continue to do this at the Commission level. Additionally, you will probably be seeing a little bit more in the staff reports as far as pre-application meetings and other general information.

4. ADJOURNMENT

Commissioner Gealy motions to adjourn; Commissioner Damron Seconds, all aye and motion carried 3-0.

ATTEST:



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

Lee Young, Chairman
Kuna Planning and Zoning Commission