

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, August 27, 2019**

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

6:00 pm – COMMISSION MEETING

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

Call to Order and Roll Call

1. CONSENT AGENDA

Meeting Minutes for August 13, 2019.

Findings of Fact and Conclusions of Law For 16-13-DR (Design Review) – Winfield Springs Landscape Modification

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

2. PUBLIC HEARING

19-05-S (Preliminary Plat) & 19-03-ZC (Rezone) – Athleta Subdivision (Mulberry Place); The applicant, Epic Development Idaho, LLC, requests to rezone approximately 4.11 acres in Kuna City from C-1 (Neighborhood Commercial) to R-20, (High Density Residential) zone; and to subdivide the approx. 4.11 acres into 63 total lots (single-family home lots & common lots) and have reserved the name *Athleta Subdivision*. A Design Review Application for the common areas and buffer landscaping accompanies this application. The site is near the northwest corner of Ten Mile Road and Crenshaw Street, Kuna, Idaho in Section 15, Township 2N, Range 1W, APN #: S1315449223.

Troy Behunin: Good evening Commissioners, Troy Behunin, Planner III, 751 W 4th Street, Kuna Planning and Zoning Department. The application for the Athleta Subdivision has had all noticing procedures met to hold this public meeting and public hearing tonight for this application. Staff has been working with the applicant for a very long time. This project has been in the works in some degree for more than two years. Hopefully you’ve had a chance to read everything in the packet. The applicant is requesting a rezone from the commercial neighborhood district zone to the high-density residential zone. Originally, the applicant was pursuing a project that would’ve brought around 63 units of multifamily housing, in fourplexes on that property. During the course of time and the change of City Code that no longer allows for multifamily for a commercial zone. That occurred in February this year. The applicant had decided in early December, late November that they wanted to pursue a different product. In between the meetings we had, the idea was conceived that we should look at a different product. They brought back for-sale, small lots, connected buildings, single-family homes. It’s a townhome project, each of these homes are intended to be sold. The applicant proposes a preliminary plat in order to have them sold. It will function just like every other subdivision in the City and in the nation for that matter. The project is 4.14 acres in size, very small. With the R-20 designation, that zone change would allow them to put in the townhome product. The proposed gross density is almost three units under the requirement. The net density, which is everything on the project, is much less than 20 units per acre. Athleta Subdivision is proposing almost 25 percent open space. They are proposing a gazebo and

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

walking paths for residents. They are proposing a dog park and other usable open spaces. In addition to all of that, they are also proposing additional off-street parking. In addition to two driveway spots and a two-car garage for each unit even further than that. The applicant, had they come in last year at this time, they would've been able to put in four-plex units. They decided they wanted to do something different to leave a good impression with a fantastic product. What you have before you is that change. The applicant is proposing buildings that house 4-7 attached single-family homes. I will let the applicant give you the low down on what the project will actually be. The project complies with Kuna City Code, Comprehensive Plan, the Future Land Use Map. I'll stand for any questions you might have. **C/Gealy:** On the design review, we generally see that as a separate item listed. **Troy Behunin:** The design review actually took place for this earlier this year. You've already approved it this year. The applicant never brought a fourplex product to staff before. **C/Gealy:** You mentioned in the staff analysis that you would like the applicant to be conditioned to provide street lights throughout the subdivision. Do you feel like the conditions of approval cover the street lights? **Troy Behunin:** Yes, it's not a condition. **C/Laraway:** These buildings are going to be sold off, correct? **Troy Behunin:** They may be sold, just like single-family homes that are attached. Take Timbermist or Winfield Springs for example. Those are detached single-family homes. Anybody can buy or sell those at any point. Some of these units will be connected. That will be the only difference with this one. **C/Gealy:** Is there going to be a homeowner's association (HOA)? **Troy Behunin:** Yes, the HOA will be responsible for maintaining the 25 percent open space and common areas as well as the private streets. **C/Laraway:** Do you see Ada County Highway District (ACHD) being involved? **Troy Behunin:** Their responsibility ends where Ten Mile right-of-way ends. **C/Laraway:** What about snow removal? **Troy Behunin:** That will be 100 percent on the HOA. That would be a differentiating factor between other subdivisions and this one. Regular subdivisions rely on ACHD. **C/Laraway:** Just from my experience, the only problem that I have with this is that any type of vehicle accident is all private property. **Troy Behunin:** Law enforcement can also get involved with any kind of accident at the local grocery store or at the regional shopping mall or car dealership. **C/Laraway:** I'm looking after the homeowners. **Troy Behunin:** What's the concern? **C/Laraway:** This is the second one that we've done where we labeled it private property roads or private roads to where we're eliminating ACHD and some benefits of public streets. We're eliminating the normal procedure on public roads by making everything private within this subdivision. **Troy Behunin:** They will be responsible for maintaining them. The City requires that they maintain it at a good working condition at all times. **C/Laraway:** Potholes? **Troy Behunin:** Potholes, cracks, removal, replacement, installation, removal of snow, garbage collection. **C/Laraway:** Utilities will be the City's problem, correct? **Troy Behunin:** Only the one's that are in the easements. They'll work that out with the City Engineer. They'll have to provide that, just like any other plat. It's not going to be one big lot where there's utilities all over the place and the City has to figure out what's going on. There will be dedicated easements for all utilities and anything that happens with those public utility easements is our responsibility. **Jane Suggs:** Good evening Commissioners and members of the neighborhood, I appreciate you all coming out. I'm Jane Suggs with WH Pacific, 2141 West Airport Way. I'm here representing Athleta and Epic Development, and the developer is here if you want to ask more detailed questions about the operation of this. Troy did give a good summary of the report. I'm going to highlight a few items. The landscape plan for the project is the landscape plan that was presented during the design review application. Marla Carson with NeuDesign was here for that. She and her company Stack Rock did the landscaping, and NeuDesign did the design of the buildings. As Troy mentioned, one of the conditions of the design review approval that came was to rezone the property at the time that we came through with the preliminary plat. The rezone was from C-1 to R-20 and it does meet the Comprehensive Plan as Troy explained. By definition, R-20 zoning is a residential zone that should occur with direct access to a collector or an arterial, which it does have that access. It can be serviced by municipal, water/sewer and irrigation. That's one of the definitions in your code about R-20 in your Comprehensive Plan. C-1 was one of those zones where you could put fourplexes for rent, rental housing. When your code changed, not only did C-1 not allow multifamily, but you added townhomes. This is a little different. Townhomes are not necessarily considered multifamily, they are single-family attached. You're buying land with your townhome. You're not just buying the building, you're buying a piece of property underneath it. That's what I call the "Idaho Way", because everyone likes to have that little piece of land. After meeting with the City, we did explore other opportunities and

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, August 27, 2019**

came up with this attached townhome product. This is the type of home that allows individual for purchase. An individual can purchase one of the four to seven units in the building. You're purchasing your land and the townhome. You just have neighbors next door, and they're attached to you. This kind of development builds equity and wealth. That's one of the things that we're finding out that sometimes the rental properties don't allow you to do, you rent and rent but gain no equity and wealth that lets you transition into the community. When I think about building this wealth, I could kind of translate that equity into a different home. As I moved across the country, that's kind of what I think of when I think about the American Dream. This is what you do, you can purchase a small piece of property if you're single. Also, downsizers that don't really want to have a yard anymore. Maybe it's somebody that just wants to go low maintenance. They love Kuna, but they don't need the yard. They just want to live here in lovely Kuna. These townhomes may be just right for a certain population, and they really fit in with the area. You have single-family detached homes that are in Crimson Point, you have Crimson Point Villas, which is the for-rent fourplexes. Just in this community, this little area, you can have various housing types. This is a type of housing that really appeals to young people or even people downsizing. The rendering shows that each of these two-story craftsman homes have two bedrooms and two-baths, or three bedrooms and two baths. Best of all, as Troy said, each home has a two-car garage and there's parking for two additional vehicles in the driveway in front of the garage. The units don't cover the entire lot, but most of the lot. There's about a ten-foot setback from the front lot line to the front of the building itself. The property at 4.11 acres is 57 single-family attached townhomes, and the gross density is fourteen units to an acre. Typically, when you talk about densities in your comp plan or in your zoning code, we're talking gross densities, that's kind of right in the middle of that R-8 to R-20. Eight is the top of your medium density, and 20 is the top of your high density. This is right in between. You'll see on the plat, there's one entrance to the site close the north boundary. That allows plenty of separation from Crenshaw and Ten Mile. The second access, which is further to the south is actually for emergency vehicles only, because it's close to Crenshaw. We've been through ACHD, and they don't have any issues with the emergency access. We don't have issues with fire or any emergency vehicles as well. I think it's in the staff report, I think there were some concerns about possible access onto Crenshaw, but when Crenshaw got platted, they kept a strip of land that doesn't allow us access to the Crenshaw right-of-way, so we do not take access to Crenshaw. The strip of land belonged to someone who did not want to allow us access. Each of the homes will either face Crenshaw to the south, Ten Mile Road to the east. The properties to the north and to the west will actually face open space, a small amount of open space and ag land. It's located in the County. They're not so small, because when you look at the units themselves, they're something like 1,400 square feet, which is about the size of my single-family home in Boise. The smaller living spaces do demand that we need some well-planned common spaces. The central open space has a tot lot, a picnic pavilion for gatherings, and some parking spaces. Along the south side, you'll see a little pie-shaped piece that's a dog park. We also have a walking path made by the sidewalks that kind of circle the entire property. The sidewalk serves as the front door to the units facing Crenshaw and facing north and west and facing Ten Mile. They provide a nice, little walking path, kind of a little meandering walking path that goes around the entire property. As Troy mentioned, the rezone meets the Comprehensive Plan and the requirements for the plan as a high-density residential neighborhood. It mixes well with the other uses in the area. Our subdivision meets all the requirements of Kuna's Code. All the common areas will have lush landscaping that really enhances those common areas. We had folks come to our neighborhood meeting and some are here tonight. We read all of the conditions of approval, and most of them are very standard. We agree with all of them. I really appreciate the staff, because this is a little different, being attached single-family homes. We respectfully ask that the Commission send our rezone and preliminary plat for a recommendation of approval. I will stand for questions. **C/Gealy:** You mentioned in your letter that you would welcome a condition to limit the number of homes to 57. **Jane Suggs:** Yes. That's part of the rezone, often we don't do development agreements on the R-20 zone. This is because if we rezone at R-20 and over four acres, the idea is that some people come in with 80 homes, right? We want to make sure that one of the conditions is that we will be limited to this particular plat. Most of the rezone conditions of approval do tie this to the particular plan. In this, we say we want R-20 because it meets the dimensional standards. We want to limit to 57. **C/Gealy:** There was a letter from the school district asking for a school bus stop. **Jane Suggs:** We were a little surprised about that. We do

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, August 27, 2019**

understand that there will be kids living here, and there are kids going to Crimson Point. These kids will want to go to Crimson Point. They'll live right down the street. They wanted a bus pick up. We don't know if we can build a bus pick-up on someone else's property. I think that was written without recognition that the Crenshaw location was actually not in our project. There will be a fence there. We will definitely be working with the school district to make sure that we provide adequate access and a place for the buses to pick up our kids. Last time I talked to Kuna, they like to pick up kids on busier streets, because it saves them money. Now it looks like, going into Crimson Point they can pick up some kids there too. We just need to work with them to figure out where the kids can stand. **C/Gealy:** Will you work with the City on establishing a bus stop, correct? **Jane Suggs:** Yes, a bus stop and anything else that they may need there. As far as building something, we don't have permission to build on someone else's land. I think that the school thought that the Crenshaw strip of land belonged to us. It does not. **C/Young:** I'll go ahead and open up the public testimony at 6:28. **Stephen Harris:** Stephen Harris, 2255 North Ten Mile Road, Kuna, ID 83634. Good evening. In the late 80's I worked for Del Monte. We harvested lima beans in the Treasure Valley and some right here in Kuna. Kuna was a small farming community at that time. Now, people like to raise houses instead of lima beans. Houses are a fair crop, I guess, except they are permanent not seasonal. Along with the housing comes more of everything. We get crowded schools, roads, and many other congested areas. It's kind of like the cows that are squeezed into the dairy over on Deer Flat Road. The dairy is maybe the small-town attribute left in Kuna. If that dairy ever gets in financial trouble, I will be the first to donate to the cause and start a save the cows foundation. Back in 2016, I encouraged my wife to help my daughter Ivy while she was recovering from an operation. Ivy, our son in law, John, and my wife, came with a scheme for us to move to Kuna. They found 5.3 acres on 2255 N Ten Mile Road next to this proposed project. We plan on living in Kuna until our grandchildren graduate high school. I moved to Kuna, sight unseen. I have to admit that I was disappointed in the overgrowth Kuna has experienced. I remember a small farming community in the 80's. Fourplexes and houses have closed in on the 5.3 acres John and Ivy own. Having many big brother eyes, which shared walls looking down on us 24/7 with the awkward at best is what this project would present to us. I enjoyed helping out around the place, killing weeds, especially goat heads, irrigating and substitute feeding of the animals. I also enjoy riding my bicycle, fishing Indian Creek and the local pond. Plus, we have another daughter, Daphne, who lives up on Columbia, just off Ten Mile Road. I'm okay with a "Grapes of Wrath" setting, I can still harvest here. The way it is right now, I'm plenty okay with that. Speaking of grapes, it reminds me of a story. A duck walked into a bar and jumped up on the counter and asked, got any grapes? The bartender said no. The next day, the duck came back and asked, got any grapes? The same reply, no. On the third day, the bartender said, "If you come tomorrow asking the same question, I'm going to nail your feet to the bar top. The next day, the duck asked, have any nails? The bartender said no, then the duck asked, have any grapes? These townhouses are unprecedented in the Treasure Valley that I could find, putting 57 units on 4.11 acres, with shared walls between units. I ask if you're asking us to swallow these sour grapes? We have no nails, but we do have votes. I want to end with First Corinthians 14:40 which says, something we can all live by: "But let all things be done properly and in a royally manner." Thank you. **Jonathan Durfee:** Jonathan Durfee, 2255 North Ten Mile Road, Kuna, ID 83634. Mine is the property that borders the north and the west side of this proposed development. I am here tonight to oppose the development and rezoning of this property from C-1 to HDR. The development of this property will directly affect the current use of my property and create a large financial stressful burden upon my family. Already the proposed plan has caused me multiple days of stress and work rebuilding my barn to create more privacy for myself and my animal, because the proposed dwellings they want to build along my property line. Any development on these four acres will create multiple issues that will affect my property. The major concern I have is with the irrigation, watering system. Currently, my irrigation is on 3203 Ten Mile and I have to partially flood their property in order to irrigate my southeastern pasture. Major ditch pipe and engineering design will need to take place in order for me to maintain our watering abilities. That being said, the proposed development is downhill from my property and is at risk of flooding if something unforeseen was to happen during weekly irrigation. Whenever my family is irrigating our crops, we cannot be worried that we are giving flooding damage to neighboring houses. I definitely do not have the means or the ability to rebuild 600 feet of ditch line. I request that any developer coming in would address this issue to protect their property. My farm is home to a wide variety of animals who come with varying characteristics, including

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

loud noises, unpleasant habits, sexual behaviors, large messes, and the ability to attract flies and pests. There are currently 37 animals on my property, including alpacas, llamas, large livestock, dogs, wildcats, chickens, roosters, and cows. There are also 10 or more active beehives on my property whose natural flight pattern runs through the 203 Ten Mile. With every dwelling that is built in 203 Ten Mile, the liability factor greatly increases. More people bringing this concern that my livestock could be injured has the negligence and curiosity of people. Animals don't understand property lines, and they do not respect the noise ordinances. I am constantly repairing fences damaged by mischievous livestock. I have had multiple animals break through the fences and end up on 203 Ten Mile. Any developer of this property must concern themselves with the proper securing of the boundary. A waterproof berm and livestock proof wall would ensure that the future owners would be safe having children playing in common areas bordering my land. I suggest a two-to-four-foot berm and a six-foot concrete wall be built to properly ensure the safety of this property. I understand the restrictions that this property faces with Ada County Highway District and the rights-of-way, but I still think that Kuna would benefit much more from a commercial development being at this location. There are no storage facilities anywhere on Ten Mile Road for the existing property owners to keep vehicles. The traffic in this area is already difficult to deal with, and adding 57 units in such a small space is not going to help the situation. It's only going to overcrowd schools, add more traffic with the limited services that Kuna can currently provide. If there were some way to allow a second entrance of this property onto Crenshaw, it would open more development options and help with traffic issues on Ten Mile Road. At this time, I do not think that the high-density residential matches Kuna's identity, and jamming more people into our small town is not a solution. I think we need to create more opportunities for businesses to come and create jobs. It will stimulate population growth and allow the residents of Kuna to work and play where they are instead of having to commute somewhere else. **Ivy Durfee:** Ivy Durfee, 2255 N Ten Mile Road. Three years ago, my husband and I made a decision to buy a house on 5.35 acres in Kuna. Kuna has always been known for its small-town, country feel. We were excited to start this new adventure and enjoy the privacy of not having neighbors right up against our property. On April 23, 2019, we attended a neighborhood meeting. We were told about plans of a subdivision with 57 single-family attached homes to be built on the property next us. Their maps show that the plans of 15 homes would be against our property looking down on us like a fish in a glass bowl. I left the meeting frustrated, like our privacy was getting taken away and a great burden was placed on my shoulders. When they came up with this plan, they had no care or respect for us, the existing owners and our farm. We have 37 animals on our farm. Two of them are dogs. As guardian dogs, their job is to protect the animals and us from danger. This means that they bark. We have roosters who like to tell us good morning, we have alpacas and llamas who make a high pitch squeak sound when they are in danger. We have boxes of bees that pollenate and make delicious honey. We have two alfalfa grass-hay mix fields which are cut and baled two to three times in the summer. That causes a stirring up of dirt and loud noises from the machinery being used. All that to say that we are requesting that as a requirement of the conditions of approval, that any buyers for these units must sign a clause stating that they understand that they are moving next to an active farm and will not complain or report us. We have accepted the fact that something will be built on that property next to us. I'm opposed to the high-density residential rezoning. The property would be better off zoned commercial. This would allow for a small residential development, commercial property which would bring revenue and opportunity for the residents of Kuna, so that more families with kids to put in our already overcrowded schools. This high-density design plan belongs in the downtown area and not near country farms. Thank you. **Amy Harding:** Amy Harding, 1852 West Crenshaw St. I'm not sure if there's anybody else from the Crenshaw development. I just moved into Kuna back in April. I moved my children here thinking it's a great place to live as there's country here. We picked a home that has no property next to us, a drainage ditch and five acres behind us for a reason. To see those of things go away is kind of sad to me. We want to keep developing smaller not so high-density areas. Also, we took my children and moved them from Lake Hazel Elementary School to Crimson Point Elementary and crammed my children into the classrooms, because there's already 36 children in each class that they were being put into. That was a challenge that brought challenges of not bringing enough attention to the children that are at the school district. That is a concern of mine, do we have enough teachers in schools to support putting 57 low-income, newer families with children into a school district. That's a huge concern on mine. Education to my children is very important. I have a

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, August 27, 2019**

master's degree of my own and I expect the same of my children. It's going to be difficult if they don't get a proper education. I just had a kindergartener start two days ago and she came home frustrated. That just concerns me that this may continue if we have too high of a density. I'm also a leader in a business where we are looking to develop. It's more medical oriented and I can see needs of that in Kuna. I would love to be able to see opportunities for other things that can provide more support to the current existing people here in Kuna. The other concern I had is that I did buy the end home right next to the flood area. To put in more low-income homes there, I am concerned about the values of the homes and is that going to be degraded if we have too many rental properties to limiting how many can be charged into rental properties would be something that I encourage. I was a first-time homebuyer at one point. It got me to where I'm at into Crenshaw, so I appreciate that and value that. Limiting how many rental properties there are if this were to go through. I would not encourage putting any more traffic onto Ten Mile Road. I go off Crenshaw, which is very difficult with the intersection so close by. Without lighting and traffic control, it's very difficult to get out onto Ten Mile. I leave at 6:30 every morning and I have a line at stop signs. It's very difficult to go from where I currently am right now to go to work. With construction, it takes me about 45 minutes to get to my current place of employment. Thank you for your time. **Glenda Nelson:** Glenda Nelson, 2082 N McClure Lane. My property is one of two that would physically touch bases with the property that we're speaking of this evening. I've lived in the Boise area since 1976 and in Kuna since 2011. When my husband and I bought our property, it was still quite a rural feel in Kuna. I know the roots of Kuna are in agriculture. We moved to Kuna, because we liked that small-town feel. I'm here to adamantly oppose this development for a variety of reasons already mentioned. I want to focus on safety. The proposed property borders my property as well the neighbors who have already spoken. I believe that a large number of people including children on the border of small farm provides inherent risks. First off all, I have horses and goats. My horses are enticing to children. As an example, we have a privacy fence along the Crimson Point Subdivision. We've had multiple episodes of children climbing over the fence. We've had three panels of that fence pushed and broken into our property. One time it was in the winter, and the kids were sledding in their little water hatchments. They came in while we had the horses turned out in the snow. We found several children in there. We've had to call the police about broken fences. There are currently about two broken fence panels in the back of our pasture right now. The neighbor kids that we know, they're not bad kids. They want to see the horses. They want to feed our animals in appropriate stuff like bananas. They come over to get their balls and throw them over the fence. About three days ago, my husband was on the trailer. He was cutting our hay field and two of the boys were in the hay field and popped up and scurried back over the fence. There are inherent risks, should my animals come in contact with them, even something that shouldn't be fed. Kids should not be around large animals, that could be inherently hit, bitten, stepped on, pushed, etc. I have goats that we use to mow the border of the fence line. They're pushy, they can knock kids over, and I think that we have six single-family homes on our fence line. Now we're talking about putting 57? All of them have several stories, which will be the most enticing things for the kids. They can look directly into our lovely property. It's already been mentioned that this is a draw for families to have this lovely open space to come and view. I feel like we are part of the fabric of Kuna. Those of us who live on farms, so even small ones, we have the right to enjoy our properties safely as well as newcomers to the community. I'm in agreement with those who spoke already. We need to understand that this property is going to be developed. Couldn't we put something on it that would be more useful to the community? Thank you. **Steven Nelson:** Steven Nelson, 2082 N McClure Lane. I'm just going to echo some of the stuff that's already been said, especially what John said. Two story units, picture windows looking right into his yard. I don't think anybody here wants that. The fencing issues, I've had more than one. I've had to monkey with their vinyl fence in the cold, trying to get it to snap back together to keep your animals in them. If they're going to put a vinyl fence around this and it get approved, I'd like to see it backed up with five-foot no climb at a minimum on our side of the fence so that when the kids do inevitably knock a panel out of it, the animals can't walk through it. I am opposed to the rezoning. It's been said that the traffic on Ten Mile is already horrible. I know that's not your issue, it's ACHD. We're concerned about 57 units going right into that little space. **Jane Suggs:** I do appreciate the neighbors coming out. I like this part of the process. That's what it's all about, everybody having their say. Let's see if I can address a few things, and I do recognize that just to the north and west of us are RUT zoned lands. Those are lands that are not in Kuna, they are still in Ada County. We

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

don't know if they will ever be annexed into Kuna. They are in the area of impact, but I don't want to propose or suppose that those would go into the City at any time. We do recognize that there is agricultural use. We agree that there should be some kind of notification. There is always a Right to Farm Act, it is an Idaho Statute. It is on every plat. Who reads their plat when they buy a piece of property? You do sign a lot of documents, and we do know that in other places that are similarly situated, they often have a document that you have to sign. It should be something that very clearly states that you are buying a piece of property that is adjacent to agricultural land. There are sounds, smells, activities that can happen and you are buying next to them and they were here first. The purpose of that document is to let people know what they're buying next to, because the granite countertops always make you want to buy the house. Sometimes you forget what is next to the house. We agree that there should be a condition of approval that every purchase of a property there would have a special document that would allow the buyers to know that they're buying next to active agricultural land. As far as the Comprehensive Plan, we do meet the comprehensive plan as a high residential area. I've been looking at commercial properties all over town, because with other developers, not necessarily in Kuna, access is the big issue. You really have to have wonderful access and vehicle access to make a commercial property work. This is not that property. We're looking at something similar to this that is on State Street. With all that traffic, we can't make the commercial property work. These are not what I would consider low income housing, this is not going to be a project of any kind other than a great neighborhood. These are very well designed and with your permission, I can show you a couple of pictures of what these look like. You'll see this example of the product, which is being built now in Garden City. These are for-purchase, two-car garages with connected housing. I'm concerned about the fence, too. I think it's because I've had some other projects where kids will be kids. If there is some way that we can put in some sort of fence with a chain-link fence that normally we don't allow, but we put in a fence. Then we put a vinyl fence next to that, so that it actually can control the action behind that. Also, for John and Ivy, we will be piping in a big portion of that ditch that actually runs coming through the subject property. We know that the engineer's been out there. There is a ditch that runs along the north property boundary and then cuts across. We'll have to pipe that around our entire property, which would improve the flow. We think the irrigation of course, again another state statute that says we cannot interfere at any time with someone's irrigation. If irrigation is not on, we will be doing that pipe work. When the irrigation is on, it'll be great flow for him. It will move this flow around the property. Here is an example, this is not low-income housing, this is great design, great housing. Again, the smaller footprint makes it somewhat affordable as opposed to buying five acres or maybe even a Crimson Point home. A condition to work with the neighbors on the appropriate fencing and the City, so that we don't have a problem with animals getting out through some sort of vinyl fence. We like that, we like the condition of actually in fact. We should propose to do some sort of document so that people know they're buying next to active farm. I think that was most of what I heard from the neighbors. We do want to be a good neighbor, and we do think that this is an appropriate housing type in that location and in that mix. Again, if you want this type of housing, it needs to be on an arterial. Ten Mile is an arterial now that connects. I can stand for other questions or clarify things. If you remember this from approval back in April, through the design review, this is a condition of approval to come in with a plat and a recommendation for the rezone to meet the comprehensive plan. We very respectfully ask for your approval to move this up to City Council. **C/Young:** We'll close the public testimony at 6:57. This brings up our discussion. As far as the rezone itself from commercial to residential, looking at what's just south of this, the 20 or so fourplexes south of this, I think this model would be a welcomed change. There are other developments that I've seen like this in the valley. The additional parking and clearances for those look good. As far as the plat goes, it's a welcomed change to the fourplexes we've been seeing enter the City. **C/Laraway:** It inevitably starts to get east meeting west when we start doing stuff like this. The developer has the right to develop the property and the right to build within the zoning that we are requiring in our Comp Plan. Some of the concerns from the citizens are right on, but the agricultural noise, nobody can sign a noise complaint against an agricultural noise. The traffic, my specialty, ACHD approved this. I don't have the wisdom to override what they're thinking when they do this stuff. I do state my concern about the private roads, because the number one complaint from citizens is traffic. Law enforcement cannot enforce speed limits within private property. So, these cars are going to rolling down this road, homeowners are just going to have to contact the HOA. I did have an issue with the private

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

road scenario, but it seems to be going down this road. It's not a big proponent of the R-20, of course that's based on history. As we've learned, our hands are tied sometimes. I love the idea of chain-link fencing if they approve it or if it's a condition, that will keep people safe but I don't think it will keep the kids off the property. No trespassing signs help. There's a lot of small things that are going to be irritating for the neighbors, but Kuna's growing, there's more stuff coming in, I'm with you I love the small atmosphere here. I'll die with the belief that this is a great little town, but it will have its hiccups and its growth. Developers will buy the land, and they have the right to develop it. I can't stop that. City Council can, but I cannot. I have to go by the Code and by the book, with my heartfelt concern for you. **C/Gealy:** We really do appreciate people coming out and sharing their concerns as Kuna grows. We are all concerned as Kuna grows, we are concerned about the schools, and schools need to continue to serve the children. We're all concerned about the traffic and ACHD, and building the roads that we need to have for the traffic as it grows. As Commissioner Laraway said, we have private property rights. People who buy property has a right to develop it. It's in the code, in the ordinances established in each community. I think our staff does a great job working with developers to make sure that when we have a proposal come before us, it meets the code required. I think this brings a different kind of housing product to our community. I like that there is ownership available for a small development. I especially appreciate the open space that's made available to the future residents of this community. I appreciate that there is access from this property to Ten Mile that limits the number of options that are there for development. I hear the neighbors concerns that irrigation and planning the property to the south, but to me it sounds like the developer is willing to work with the neighbors to mitigate those concerns with respect to irrigation and fencing. Which additional conditions will we include? **C/Young:** I think that certainly working with staff and the neighbors for the fencing along the agricultural properties is definitely one. Working with the district or location for the bus shelter as requested by the school district. **C/Gealy:** There was a condition to limit the number of houses to 57. There was a condition to work with staff and the neighbors on fencing and irrigation. **C/Young:** We can make two separate conditions out of that. Even without conditioning irrigation, that has to happen, but we can make that a condition that way. **C/Gealy:** The applicant wanted to prepare a document regarding the sale of the property. **C/Laraway:** Regarding the south entrance, it says emergency entrance. It is that open for the public or everybody? On the actual picture to the bottom, that's removed. I don't know if that will be an open access. **Jane Suggs:** It is for emergencies only, it will have bollards that will be knocked down or removed when emergency vehicles go through. It will not be open for anybody else to use. You can walk through and walk out.

Commissioner Gealy motions to recommend approval of Case Nos. 19-05-S and 19-03-ZC with the conditions as outlined in the staff report; With an additional condition that the applicant work with staff and the neighbors regarding fencing along the boundaries of the proposed subdivision; An additional condition that the applicant work with staff and the neighbors regarding irrigation issues; An additional condition that the applicant work with the Kuna School District about providing a bus shelter based on the number of homes within the subdivision (57); An additional condition that the applicant work with staff to provide a document regarding notifying future purchasers that are buying adjacent to the project; Commissioner Laraway seconds, all aye and motion carried 2-0.

19-08-AN (Annexation), 19-04-S (Preliminary Plat), 19-19-DR (Design Review) – Indian Creek at Crimson Point Subdivision; ACME, LLC requests to annex approximately 8.68 acres located west of Ten Mile Road and south of Hubbard Road with an R-8 (Medium Density Residential) zone; and to subdivide approximately 8.68 acres into 39 total lots, (33 buildable single-family lots, and six common lots). A Design Review application proceeded this application. The subject site is located at 3001 West Ardell Road, Kuna, ID 83634, within Section 15, Township 2 North, Range 1 West; (APN# S1315325550).

Troy Behunin: Good evening again, Commissioners, Troy Behunin, Planner III. The application before you tonight for is Indian Creek at Crimson Point Subdivision. Staff is willing to present tonight even though there was no final staff report from ACHD. I received that report just late afternoon yesterday, and I have copies to pass to you tonight. Then you can let me know if we weren't receipted, or if you would like to postpone so you can take time to read the

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

report. It really only has about nine pages of substance to it. Let the record show that this is going to be Exhibit B-2. Additionally, the Kuna School District did issue comments for the project. However, they misspoke when they put Hubbard Road as the proposed bus stop. As you're probably aware, that's nearly one half-mile north of this project. Late this afternoon, I also received an updated comments sheet from the Kuna School District. I'll pass that out as well. That's going to replace Exhibit B-8. It's up to the Commission which direction you would like to take. Why don't I go ahead through the staff analysis, and then you can render a decision on what you would like to do. All of the noticing procedures have been met for tonight's hearing. The site has been posted, it's in the newspaper and letters were sent out. The applicant is seeking annexation of approximately 8.68 acres from Ada County into the City of Kuna. They are seeking an R-8 designation. R-8 is within the medium density designation. The Future Land Use Map indicates that the property should be medium density residential. They are looking to put 33 homes on the property with six additional common. The net density, which is everything minus the streets would be 5.61 dwelling units per acre. Staff finds that this is in concert with the Future Land Use Map and they are connecting to existing stub streets to the south which is Thistle Drive, and they are continuing that connection through their subdivision and they will punch out to the north for another subdivision that will be coming before the City Council. That was already an approved subdivision from years ago. To meet all of our standards for connectivity and providing stub streets for future development, which is a very big deal for the City. For all of the reasons listed in the ACHD staff report, there's a lot of benefits for connecting to existing roads. Staff does back up all of those reasons from the ACHD staff report. We have worked very closely with the applicant to bring this project before you. They meet all of the Future Land Use Map goals. They meet all of the Comprehensive Plan goals and they are also providing a significant amount of open space and recreation in addition to providing a pathway that will continue on along Indian Creek. They will work with the Parks Department to dedicate that to the City. The Design Review App comes with the preliminary plat, and staff has found that it does comply with 5-17. I will stand for any questions you might have. **C/Young:** For the staff report from ACHD, shall we take a 5 to 7-minute recess to review that? **C/Gealy:** Yes, I would like to have time to review that. **C/Laraway:** I just have one clarification question. It talks about Ardell going through the subdivision and have a line through Navy Street to the subdivision that way? **Troy Behunin:** That's correct, Ardell Road will not be extended in the future due to the shear cost of going over the creek and the railroad tracks. There's just nothing to justify that at this point in time. Staff does support that Ardell ends where it is basically right about now with some kind of ending treatment, so that it looks better than it does now. It actually stands out as a dead end. However, it will funnel traffic south and north with the new subdivision. It was a difficult decision for ACHD I'm sure and also for the City, but there are better alternatives like Hubbard Road and other east-west connections. The separation between the railroad track and creek is a significant difference. You wouldn't have time to go up and over, down and back up. **C/Gealy:** I have a question regarding the pathways and open space. As I understand, most of the open space will be there on the west end, including across Indian Creek. **Troy Behunin:** Yes, both sides of Indian Creek and Indian Creek itself. **C/Gealy:** On the pathways map, though, it looks like there's a planned pathway across the entire northern part of the property. **Troy Behunin:** There is something, but again that's a general location. We can work with the developer for the northern piece. **C/Gealy:** Is it your intention to work with the developer to extend that pathway across the northern boundary? **Troy Behunin:** We will do whatever this body recommends that we do. **C/Young:** Along the lines of the pathway, the applicant's letter indicates property to the west that the City owns. Does the City also own property south, and is there separation? **Troy Behunin:** The parcel will actually touch. I believe that the piece it does touch that the City does own is a 29-acre parcel. **C/Young:** As far as the pathway for the applicant, with the creek going through there, are there easements from the back parcel line for housing units and the creek as far as the irrigation district or anything? **Troy Behunin:** I'm not aware of anything with the irrigation district, but at the back property line of the houses along Indian Creek or the lots in Crimson Point No. 6, where their fence line ends, that's where the City property begins. That would be a Parks and Recreation project, but they'll figure out how that will work. **C/Young:** It's just kind of an odd parcel having the canal running through both sides of it. At the same time, saying here's all this open space, but how much is really usable out of it? **Troy Behunin:** It is a challenging piece, because it's only about 6.5 acres on the development side of the creek. The other 2.5 acres does touch City property as well. Crimson Point is in the exact scenario that this is in, it's just a larger piece. That's lot 39

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

for Crimson Point, and the bulk of that property is actually on the other side of the creek. There is a footbridge just off of Thistle not too far from Cerulean. I don't think it's necessarily from this applicant, but where Ardell terminates on the northeast corner of the property, currently it shows that there's existing landscaping there, but there isn't. There's a fence that separates the last residential parcel on Crimson Point No. 4. It's not landscaped. Going back to an issue several years ago, un-landscaped HOA land. The City is willing to work with everybody involved to make sure that takes place. I have no answers as to why that was never landscaped. Without looking at property lines and right-of-way, I suspect that most of the area you're actually inquiring about is actually ACHD public right-of-way.

Commissioner Gealy motions to take a recess to have the time to review the ACHD report; Commissioner Laraway seconds, all aye and motion carried 2-0.

C/Young: We'll officially come back to order at 7:34. **Troy Behunin:** In a phone conversation with Josh earlier today, he did indicate that they did receive, read, and accepted all of the ACHD conditions. **C/Gealy:** With respect to the pathway, ACHD has decided that they will not continue Ardell Road. Do I understand that ACHD does have a right-of-way that's not sufficient to extend the road? **Troy Behunin:** I believe that there is no Ardell right-of-way already existing on this property at all. It may touch the very northeast corner of this property but that's where it ends. It even stretches that far. Ardell does not continue. **C/Gealy:** Not even as a right of way? **Troy Behunin:** Not even as a dedication. ACHD reached that tough decision to not continue Ardell. Staff supports that, because of the shear cost and there's better alternatives. **C/Gealy:** My question is, if there is an existing right-of-way, can we put a pathway on it? **Troy Behunin:** There's a very big difference between public easement. Rights-of-way indicate that ACHD owns it. They maintain it and they expect certain things and certain provisions that they have to follow as the stewards of the right-of-way and Ada County. The pathways don't reach that. **C/Young:** There is no easement at this point. **Troy Behunin:** My maps don't show anything like that. **C/Laraway:** There is no imminent domain or something like that? **Troy Behunin:** The ACHD staff report says that they're not taking that position. In the event that right-of-way exists in the ACHD staff report, the existing right-of-way would have obliterated this site. **Josh Beach:** I'm Josh Beach, I work for Konger group, 4824 West Fairview Avenue in Boise. This is a 33-lot residential subdivision, R-6 common lots. We're not connecting to Ardell. If you look at the staff report for the highway district, there technically is right-of-way that touches the property, but it is not wide enough for a street section. It is a little more than half. There's enough room for an emergency access, which we will be providing until such time. As the road continues further north, if you have more than 30 blocks in any subdivision, you have to provide a secondary access, so we'll be doing that where Ardell touches the property. Lot 16 I believe shows an emergency access. One of the conditions from the Highway District is that there would be bollards there so that vehicles can't drive through there. Obviously, we're planning on putting a single-family there. I'm not sure how ACHD is going to clean that up long term. I'd like to thank Troy and Planning staff for the assistance and information they've given us through this process. We are in agreement with the staff report from the City. As far as the staff report from ACHD goes, we are currently showing a little bit narrower of a right-of-way section. We'll discuss that with them, but I don't see any big issues there. We've been working with staff and the highway district, public works and planning for several months, trying to get this ordinance to go. We are sandwiched between Crimson Point on the south and east side of our project and then the Arroyo Indio project just to the north of us is coming in to get their final plat approved. The reason you're getting the staff report later than you normally would have is because Dawn, one of the planners at ACHD, had the staff report written several weeks ago, but we are showing our stub street to their property not quite in alignment the way it needed to get lined up. We're close, and we'll get the engineer to get that to where it needs to be. We're in front of you asking for an approval this evening for this 33-lot subdivision with six common lots. We are providing an asphalt pathway from Thistle out the east side of Indian Creek and we'll be building a pathway section from the north side of the property to the south side of the property as required from the master plan as recommended by staff. With that, I'll stand for any questions you might have. **C/Gealy:** On the ACHD staff report, on the site-specific conditions of approval, they say terminate Ardell Road in a cul-de-sac turnaround and amend the turning radius at 45 feet. **Josh Beach:** They're referring to our Ardell, the one that we're going to construct as a cul-de-sac, absolutely.

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, August 27, 2019**

With respect to a pathway on the northern piece of property, it shows up on the master pathways plan. Would you be willing to work with our Parks and Rec Department regarding a pathway along the northern edge of the property? You'd be looking for a pathway from the east side of the property out to Indian Creek, that entire plank, the far northern boundary, correct? **C/Gealy**: Basically, it would connect to Ardell. **Josh Beach**: That would be a surprise to us, because nothing came up in discussions with the City in terms of providing a pathway along there. I know that there was discussion from them to build a pathway on the east side of the creek, but not along the northern boundary. **C/Gealy**: Is there any connection from your subdivision to the pathway on the western side of the creek. Is there any way for the people living here to get to the pathway? Other people could walk in for access to walk to the creek, correct? **Josh Beach**: Yes. **C/Gealy**: Are you willing to work with the school regarding the bus stop? **Josh Beach**: We will work with the school district to see what they're looking for. I will see what they're looking for based on the incorrect letter that we got previous to that. We won't be building a bus route for them, because we don't have any property offsite to be able to do that. We can get in touch with them and work with the school district on coming to some understanding of what they're looking for. **C/Gealy**: I did not understand the conversation about landscaping and common lots. **Josh Beach**: We own a section of property on the west side of Indian Creek, is that what you're referring to in terms of landscaping? **C/Gealy**: Would that be left undeveloped? **Josh Beach**: At this point, yes. We have been in some discussions at least initially with the City as to whether the parks department would want to do something and partner with us in making that a larger part of open space. As Troy mentioned, the City owns property on that west side. We have no plans for that right now, and it's not to say that we couldn't do something in the future with the City. **C/Young**: I'll open the public testimony at 7:45. **Holly Murray**: Holly Murray, 2327 Rubine Lane. I am one of the houses on the east that backs up to the new development. I actually submitted a safety concern. We will have a shared driveway in our backyard. I am curious to see what they are planning to do there. I did see that there is a 10-foot easement on our back fence. We still don't feel faith, so we want to make sure that barriers or something will be placed to prevent someone from getting into our backyard. We're going to be responsible for our back fence since our HOA isn't responsible. If something can be put there, we'd appreciate it. **C/Young**: Are you referring to the shared driveway on the east side or the one that runs going northbound? **Troy Behunin**: Actually, she lives off of Rubine Lane, which is to the east. She is one of the first two or three houses south of Ardell. There is an emergency only access on the far east cul-de-sac, as soon as there is a secondary access through another one, that EMS will go away. This will not be a permanent access. **Holly Murray**: There is an actual shared driveway with four homes, and this is our backyard. We're neutral, because we know that new development happens. We would love to oppose it, but that sums it up for me. We appreciate you making the effort to keep us safe. **Steven Alpha**: Steven Alpha, I live at 2247 North Rubine Lane, when I moved to my home five years ago, there was no Navy Street. There was no Crimson Point No. 6. Now there's a high volume that uses Navy Street to come to Rubine to get to Ardell to get to Crenshaw to the school or to leave our subdivision. There's a lot of traffic trying to get out onto Ten Mile Road off of Ardell now already. If this project is approved, there will be an additional approximately 60 to 80 more cars twice a day coming from Thistle to Navy to Rubine to Ardell until this other project is approved down the road. I have seven grandchildren and when they're not at my home, we have at least double the number of neighborhood kids. People speed down Rubine now. If you start adding that much more traffic, turning the corners, you have young people that are doing that at high rates of speed that creates a hassle for the children. It's a hindrance. I'm opposed to this project, because the volume of traffic will just continue to increase. A lot of the people that are adding into the sections of Crimson Point No. 6 are all coming down those back streets. They've got Navy to Rubine to Ardell. Very few people are going out the back side of the subdivision, because that road is horrible. That corner there is horrible. Anyway, that's the reason for my opposition to this project. The extra volume of traffic on Navy Street would be a major hindrance to the homeowners with all these young children there in that area right there. Of the four houses across there, each one has children. The houses on the corner of Rubine and Mahone have children. It's just impacting the volume of people that will be turned up and down that street. Thank you. **Jeff Carter**: Jeff Carter, 3002 West Navy Street. My home backs up to this project. I'm the third house from the west end of Main Street. I just want to put it out there that I'm really tired of builders giving plans that are packing houses. Nobody is really responsible for making our community grow. I would like to know that developers

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

and builders have some responsibility, some impact fee that will help with our public schools. Right now, it seems like once we solve a problem with our public schools, we are already overcrowding what we can do with the limits and bonds that we have to improve. We have to improve new schools, step inside. We see a constant perpetual restructuring of school zones and trying to figure out bus schedules. This community needs its space, and the space it has is already tightened in the neighborhoods will impact traffic and some home value. Forget about the fact that this is 8.5 square acres that we're looking at. We're only talking about developing 6.5 acres of usable when you do the math, what's an acceptable space? Is it R-20, R-12, R-8? Redo the math and think about what we're actually putting on 6.5 acres. That two acres will not even be used. As it was mentioned, I live on Navy Street and when you count the number of homes that are on that street alone, the traffic will have to reroute and construction that has to go there before that. It is going to increase the traffic over three times on my street. I live in a single-level home and I will soon see two-story homes behind my house. These lots are so narrow, they're narrower than they are tall. I am going to end up with three new backyard neighbors to my one piece of property. It is not the Idaho dream to own a little piece of land. We all want some space. The east-to-west fence are going to end up with homes that have to share driveways, that was pointed out. There's no access to Ardell, take out the bollards and put a street through there. It doesn't have to have 33 homes on it. That's just what the developer wants, because it's a money-maker. We shouldn't be building homes based on the developer's mentality of if you build it, they will come. If I can just say one more thing, please consider building more commercial establishments, businesses, bring jobs to Kuna before we bring more homes and more population. **Scott Scally:** Scott Scally, 2270 North Rubine Lane. I am the house on the corner of Rubine and Mariben Drive. My opposition to the project is to the Ardell Road not going into that subdivision. As you can see, there are at least four intersections once you get into our subdivision there. There are at least 15 to 20 kids, age 14 and below. 99 percent of them are all friends, they've all grown up together. They literally play all the time, there's balls that run into the street. There's bicyclists and vehicles will come up Ardell Road at a high rate of speed. They already do. They will then continue down these roadways and create a significant hazard to our resident. I understand that ACHD said they think it's the right thing to do, because they don't want to punch through. I don't think anyone ever expected them to punch through Indian Creek. I don't understand, I guess it is because they don't live there, why we can't extend Ardell into the subdivision. We'll have an additional 70 vehicles twice a day driving through this area. I understand that it's going to be docked to another subdivision. That subdivision will cut out half a mile to the north and I guarantee you the people in the subdivision to the north of that are just on the border are not going to go to Hubbard to go out. They're going to come out through that subdivision into our subdivision. I'm probably not saying what I need to say, but the traffic safety is a very significant factor for me. This drainage ditch here off of Ardell and Rubine is a very common snow sledding area for the entire subdivision. Anytime there's a snow there, a snow day could have 50 to 100 kids that come all the way from over there. Adding that traffic, I would ask how to figure out how to get Ardell Road to punch into that subdivision so that there would be a safer access to that. I am on the HOA board, I'm not speaking on behalf of the board, because I don't think I can do that. I don't know if this is the right person to ask, but I do have a question about which HOA would be involved with this road. **C/Young:** I'm sure the applicant can answer that for you, and as a Commissioner for the City, we don't create or manage HOAs, it's a civil matter so that's not something we handle. **Scott Scally:** I was asking so that we could get the information to go back to people who are looking to annex into ours. **Jason Kotter:** Jason Kotter, 2240 North Glacier Blue Road. I echo the same concern as my other neighbors, I'm not opposed to the development because that's one thing that we cannot prevent. I would like to ask that we have a good safe means of getting those people to their home without impacting our neighborhood. Thank goodness I don't live directly on Navy, but I live close enough that I'm concerned about the safety of my children and their friends that play in that area. Also, I'm concerned about the number of homes, 33 homes will add maybe 70 extra cars not counting the teenage drivers that live in those homes too. All speeds are extremely excessive already. Maybe with the floating traffic and construction and the people that live amongst the neighborhood. I'm concerned about the smaller homes, usually smaller homes yield rentals. Usually rental people don't care about the neighborhood as much as owners would. Also, what is the plan for the future growth? I know the developer mentioned that they don't own the land north of that. I'm assuming whoever does is planning making a better exit for those 33 homes as Mr. Scally mentioned most

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

likely they will just continue up Navy. This could be a permanent burden for the neighbors that live in there. **Tara Martinez:** I live at 1971 North Maroon Ave. I don't even think this project should be considered until another road is made for this community. Ardell is a pretty busy road. Coming into our community by several streets to get to a completely separate community by a different developer is only fair to the people that already lived in that community. The traffic is already not great between Ardell and Ten Mile. If you go out Ardell to get to Ten Mile, you already have for several cars in the morning. Adding more cars to that area is not going to benefit this community at all. There are a lot of kids in this neighborhood, having more kids playing in that area while more cars are coming up and down the hill. We already have another community within Crimson Point, and it has not been a great relationship that I am aware of. Building another community inside of our community just creates more tension within the community, because we have all these different HOAs. There are all these different rules they're trying to get everyone to abide by. Crimson Point Elementary is already a very packed school, and they just approved around 50 homes. I'm not sure where those kids are going to go. I definitely don't know where these kids are going to go. All of that together, I just don't think this is very good project. Thank you. **Kevin Johnson:** Kevin Johnson, 2958 West Navy Street, I'm the fifth house from the west. The concerns I have is the traffic and safety. I have two little children, one just turned three next week, one is six months old. There are two kids on our right and four kids on our left. There are several across the street as well. They get to play on the sidewalk, they go to each other's house. Now adding 33 homes and six common lots will add at least 70 more vehicles coming through. There are no speed bumps, no way to mitigate the speed to protect the children. I can't be there all the time to protect the kids. It falls on us to protect these children. The other thing that I think several of you have also mentioned, I don't think anyone planned on having Ardell cross over Indian Creek and go over the tracks to Black Cat. Rather, they were just looking to have a secondary access through Ardell just into the community and terminate wherever it's feasible. This could relieve some pressure off of the already crowded adjusted streets for the children as well. The only other concern I have is about these other new homes, the 57 homes from the previous case. Then approving these 33 additional homes. For the new homes, that's the concern we have. What's going to protect our children? **Josh Beach:** Josh Beach, 4824 W Fairview Avenue. To go through the list of comments from the neighbors, I heard a discussion about safety and making sure that children are safe playing outside. I am sensitive to that, because I have a seven-year-old and a four-year-old myself. I make sure they're safe when they're on the sidewalk. There will be an increase in traffic in the neighborhood. That's just the way that works when you have a residential subdivision. Traffic does increase. We rely on the highway district to give us the information as far as whether or not the existing roads have met capacity. If you look at the ACHD staff report, all of the information provided shows that all of the roads are well within the capacity range to handle the trips that the subdivision will be providing or the vehicles that will be passing through the subdivision. I understand the concerns, I don't live in the area so I'm not sure if there of lots of folks speeding down Ardell. I know that the Kuna Police Department would definitely be the ones to handle those types of concerns, There was some discussion about the size of the lots. My perspective is a little different than most of the folks in Kuna, I didn't grow up in the country. The smallest lot we have in the subdivision is 6300 square feet, which could be seen as small depending on your perspective. The largest is about 9400 square feet. The minimum lot width is one lot, and it's about 47 feet. These lots are generally about 50 feet wide and some 120-130 feet deep. The building area is about 4,000 square feet including the setbacks in the rear, front and the sides. You can fit a fairly decent-sized house in there. That's not to say that these homes will all be two-story, but some of them will be, some will be single-story. I have a builder picked out, so I don't know exactly what is going to be his style. Generally, those are between 1,800 to 2,600 square feet in size. The next one was a discussion about uncontrolled intersections. ACHD will review the traffic studies and determine whether or not traffic control is needed. Whether that be a stop sign, street light, that's on their per view. We've moved onto the next step, pulling from one of the residents, Ardell Road does have about 20 feet of right-of-way. The highway district requires 50 feet in order to build what they call a complete road section. The asphalt, curb, gutter, and sidewalk are about 28 feet, so even if we wanted to build a road coming from Ardell, it's just not possible. We don't own that property. There isn't enough right-of-way already dedicated there to make that work. The appetite from ACHD isn't there either. Regarding HOAs, we will have our own HOA, so we're not asking Crimson Point to include this property into their existing HOA. **C/Young:** Regarding

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

the future development to the north, that's nothing that you can really speak to, because it's not your development.

Josh Beach: We don't know much about it, but we have worked a little bit with that developer in aligning our stub street with his to make sure it lines up. Other than that, I don't know what his timing is for construction or anything like that. **C/Young:** I'll close the public testimony at 8:15. We will now have our discussion. **C/Gealy:** I am concerned about the lot size and the open space. I appreciate that there is a significant amount of open space along the creek and across the creek, but it seems that there's a higher density of actual housing in the development part than warranted given the existing neighborhood and the location. You can sometimes make an argument that it's closer to a collector, it's on a busy street, it's closer to downtown. There may be a need for mitigating circumstances to argue in favor of a higher density. I don't see that in this location. I don't really understand why it's not an R-3 or R-4 in the surrounding area. I do appreciate the significant open space that's being provided. I agree with the neighbors, I don't understand why there's not additional access to this development from Ardell. If there's space for a 45-foot cul-de-sac, I don't understand why there's not space for an extension. Those are my concerns. **C/Laraway:** The ACHD report says that Ardell Road will not be required to be extended. In other words, it could be. I understand that it's a 45-foot turnaround, I just think the configuration of this, forcing everybody out and back around through the neighborhood when you're 50 feet from Ardell, doesn't make sense. Why not use Ardell? ACHD has the bigger stick so I get it, but we're left with these homes shuffling this traffic down onto Navy Street and I feel for the neighbors. Chances are that when Navy Street was being built, the neighbors were thinking that traffic is going to be a problem. It's a perpetuating thing to me, I didn't go to college for that stuff. Regarding the free space across the creek, I understand that we're offering this great travel experience. I realize people can go down the road to the creek and cross it with a foot path, but kids are going to be kids. They're going to try to cross the creek. That's not the best open space in my opinion. Those are my two biggest concerns, and I don't know how to fix it. I realize the developer is trying to do the best they can with what they're dealt, but it just doesn't make sense. **Josh Beach:** Josh Beach, 4824 West Fairview Avenue. **C/Young:** With respect to connection to Ardell, in lieu of the cul-de-sac, has there been thought to putting in some angled connection to hit Ardell at the northeast corner to give more ebb and flow for both ends of the subdivision. No, specifically because in discussions that we had with the highway district, they don't want to have that road go through. **C/Young:** I misspoke, not to extend Ardell, but to have one of your new streets connect to Ardell at the northeast corner where it exists currently. **Josh Beach:** You're saying not connected, correct? **C/Young:** I'm saying, how much effort has been put to extending your new section of Ardell instead of a cul-de-sac on the east corner or east end of the subdivision to the northeast corner to connect to Ardell? I'm not saying extending the one on the north property line, I'm saying drop down into your subdivision. **Josh Beach:** You're asking if we have made any effort to connect our Ardell with the existing Ardell at the northeast corner of our property. **C/Young:** Correct. **Josh Beach:** No, we haven't. The initial discussion with both the City and the highway district is that they don't want it to connect, so we didn't push to connect. If it meets the ordinances and requirements of the highway district without connecting to Ardell, then there's no space. It's not that we wouldn't if we were required to, but specifically the staff report from the highway district says to terminate Ardell Road in a cul-de-sac. There's no space for it. If you look at the property in Crimson Point that is not quite on the northeast corner, but just south of that common lot that's there, that is in conjunction with some large irrigation facility that is on the northern property. We don't control that property or the common lot that's there that we would need to facilitate the space required to connect. **C/Laraway:** You're saying ACHD says no, but the report says may not be required. **Josh Beach:** The actual condition of approval says to terminate Ardell Road in a cul-de-sac turnaround. **C/Laraway:** Technically you are extending it, so my point is that instead of that cul-de-sac at the end, you could get rid of one street at the very west end. That way, you could move it to that other end, so you're not really losing a lot. **Josh Beach:** Are you talking about Thistle? **C/Laraway:** Yes, to eliminate that street, that entrance, couldn't you just move it down here and have access to Ardell? **Josh Beach:** Where there is a stub street, which there is at Thistle, the highway district requires us to connect to that. We don't have a choice. When there's a stub street to the property, we have to connect to it. **C/Laraway:** The access that goes from your Ardell north to that unknown subdivision they haven't developed yet, they require that too? **Josh Beach:** They require us to connect to adjacent parcels, absolutely. **C/Laraway:** They won't let you connect at the end of the cul-de-sac, though? **Josh Beach:** They

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, August 27, 2019**

won't. Are you talking about the far eastern property line? **C/Laraway:** If ACHD is requiring you to have that entrance that goes to the north in the middle of your Ardell, why couldn't you move it down to the eastern end, still have access to that new subdivision when it comes in, and still have access to Ardell? **Josh Beach:** Sure, and maybe Troy can discuss a little bit more too, there's been some interesting happenings with the Arroyo Indio Subdivision to the north. I know they own a weird piece of property. I can show you on my computer, but I don't know if that's kosher. We've got the information here for their subdivision, which shows that they own a piece of property that will come from Ardell and go north to touch their eastern boundary in place of an Ardell. The highway district is already in process to make something like that happen. The whole plan is to not connect our Ardell and have our stub street head to the north, then have another stub street kind of on the southeast corner of that property that will then come down to Ardell. That's part of the plan right now, I'm not sure why other than there's not enough right of way, there's not enough space right now between the common lot and the irrigation facility. There's not enough right of way dedicated in order to facilitate a public street right there. Even if we push our stub street over to the side, that boundary, the highway district doesn't want Ardell to be there. I have not been per view to those discussions as to why, other than that they don't Ardell to go over the bridge and railroad tracks. **C/Laraway:** In understand that the way they're making it sound is, if you don't do it this way, you're landlocked? **Josh Beach:** If we don't connect to Thistle? **C/Laraway:** If you do it the way you have it developed, right here, hypothetically you're landlocked. There's no access to your development, correct? **Josh Beach:** Except for from Thistle, correct. **C/Young:** I'm kind of with you, John, I see ten pounds of stuff in a five-pound space. As far as R-8 districts go, the thought is there. If we have to go to shared driveways to make your subdivision work, then it needs to be reworked. It's not part of a planned use development or something. I'm not necessarily against R-8, but I think that the configuration that I see here is too dense, and you're trying to squeeze too much into the property and too much into the shared driveway. I think the biggest thing is trying to squeeze those additional lots with shared driveways. It's too dense for where it is and what's going on. If you happen to get the shared driveways, and you're not in a planned use development, to me you're just trying too hard. I understand making money, but at the same time I think it will cause too much congestion. **C/Gealy:** The annexation application is to annex with the R-8 zoning. **C/Young:** I could ask the applicant if as far as the annexation goes, would they be willing to come in under a less dense zone? **Josh Beach:** Josh Beach, 4824 West Fairview Avenue. We're not 100 percent committed to the R-8 zoning district as was mentioned, it's more for the lot sizes and setback requirements. As you talking about that and discussing that, I pulled up the requirements again for what we're looking for as far as frontage requirements and understanding that when we initially spoke with staff, they were a little flexible on those types of things. We encourage creativity in the design of its subdivisions, so and as was mentioned, there's several other zoning designations that are in the area. I think that we could fit in another zoning designation, but that doesn't necessarily change what the density would be. It would just be the zoning designation that we're calling ourselves. I guess that goes both ways, right. Technically, right now we have the majority of our lots at 50 feet wide. That meets the R-6 standards as well. It would not meet the R-4 standards, those are at 66 feet. Our smallest is about 47, which would still meet the R-6 standards as far as frontage goes, so if the Commission wants to recommend that we go for R-6 and comply with those standards, I don't see a huge issue with that. Again, I'm not sure what we're trying to achieve by doing that. **C/Young:** I'm trying to find a way to allow these to develop, but for me, without shared driveways, it's an issue. There are other avenues for shared driveways through land use development, but in a standard subdivision, I for one don't like that. I get that if it was a planned use development, you could say that you have all this open space over here. When it's the creek, it's not like there's a two-acre park over here. It's just a great view. **Josh Beach:** It's a tough piece. **C/Young:** I understand it's a hard parcel on your side as well, it's just that for me the shared driveways are the biggest thing. It just adds to the congestion. Trying to fit those extra couple lots in is adding more congestion and traffic problems for me. Making it a less dense subdivision was my request, and it sounds like you're maybe open to that. **Josh Beach:** As you mentioned, we would comply with the R-6 standards, but that still fits within the Comp Plan designation of medium. Even if we could rezone to R-6, the density of the project wouldn't necessarily be affected. We'd still have the same number of lots, but they would just be zoned as R-6. Rezoning this would not require us to lose any lots. **C/Young:** It's more to me about looking at the plat itself, a common driveway would be nice, but there's other things that we'd

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

look for to make it something else. As an R-8 or R-6 or R-4, one-acre lots, driveways like this with four homes sharing the same driveway, I don't think it's appropriate. I guess I was asking if we potentially approve a rezone to a different annexation with a different zone. If not, we could recommend denial of the application to Council and start over. At the same time, there's a lot of time and effort that's gone into this. I guess what I'm asking is if we can recommend approval to Council with an R-6 zone. Then, as far as a recommendation, it would be for denial of the existing preliminary plat based on the layout and the potential traffic problems and the density that is in there. **C/Gealy:** I think that we wanted to see something with less density, keeping with the surrounding community. We would like to see another take on the access, coming back to ACHD and saying that this isn't making any sense to us. The Planning and Zoning Commission doesn't understand why this access was here. We haven't talked about it very much, but I'm concerned about this pathways plan. This shows two pathways through this little parcel here. If we just throw that out, where's all the access going to be to this wonderful greenbelt on the creek. Those are the three concerns that I have. We can't deny it, but we can recommend to City Council that they deny it. **C/Young:** To me, it's density and traffic, just the way it's laid out. Traffic and shared driveways are my concerns. **C/Gealy:** I'm going to ask staff a direct question. Do you feel that we have explained the reason we would recommend a denial, or do you feel like we need to go further with that explanation? **Troy Behunin:** The concerns about the driveway, I don't know that those would be valid. It sounds more like an "I don't like this." You need a reason. **C/Laraway:** How can the open space not be contiguous with the property? **Troy Behunin:** The open space touches the property. **C/Laraway:** There is no access to the property, though. **Troy Behunin:** Absolutely, there is, on the east side of the creek. **C/Laraway:** You have to leave to go across City property to get to it. **Troy Behunin:** Then, how many bridges do we build up and down Crimson Point lot 29, where the 29 acres are. We only have one footbridge there now. Are you suggesting that we go back and require that they put in ten more footbridges? **C/Laraway:** Do you think that it's appropriate open space? **Troy Behunin:** On a challenging piece like this, yes it's appropriate. They will have a foot path on the east side of the creek, in between the homes and the creek that connects to future pathway also on the east side that's directly south of them that leads to the footbridge. How many footbridges do we need? **C/Laraway:** The open space doesn't count, the Ardell we can't use because ACHD said no, shared driveways aren't a big issue. **Troy Behunin:** The thing with Ardell is, where Rubine is right now, there is dedicated right-of-way right now on another piece of property so that when the property to the north of it, which is ahead of this project actually, it's already been approved by ACHD in December of 2018 or January of this year, they've already set their connection to this property from the north. They are also providing a continuous road from that connection to Ardell through their subdivision. This property is actually already designed to something that's already been approved. **C/Laraway:** The big subdivision to the north already gives access to Ardell, but this one can't? **Troy Behunin:** There's no need to, because they've already got an approved access for the property to the north. **C/Gealy:** You'll have to figure out a way to get the subdivision to the north as an exhibit for the record. **C/Laraway:** Somewhere down the line, six months, nine months, whenever the status is going to be functional, traffic will leave your Ardell and go north and come out of that subdivision to the north? **Josh Beach:** That's correct. I'm not sure what the timing is, but that is what will be constructed. I'm not with ACHD, but I kind of understand why they don't want both of them to connect within 50 feet of each other. That's already in the works, that's already been approved. That property to the east of Arroyo Indio, they've already figured out a way to dedicate right-of-way to connect to their where their stub street and their east boundary will be. It's going to be an easy out for folks in the subdivision that we're proposing, to get out to Ardell. In theory, that's a lot easier of a trip. **C/Laraway:** That's the common sense I see, eventually, that's why I wanted to see that information. Chances are, most of your subdivision is going to leave out on the north and use that other subdivision to get through. **Josh Beach:** Correct. **Troy Behunin:** It is well within your right to table this until you get further clarification from ACHD. They have already made a decision on a piece of property that impacts this property. It is actually the third one in line, it's not the second one. But it is well within your right to table this until you get further clarification from ACHD. That way, you're not rendering a decision. That way, you don't have to worry about stepping into is this how and why and what.

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

Commissioner Gealy motions to table Case No. 19-08-AN, 19-04-S and 19-19-DR until we get further information from ACHD on the traffic in the area; Commissioner Laraway seconds, all aye and motion carried 2-0.

Josh Beach: I'd like to know the wording of the specific question you're looking for. Right now, it sounds pretty general. When you say traffic in the area, are you asking to know the timing of certain things? **C/Gealy:** I would like to know that this subdivision has other access to Ardell than what we're seeing on this. **C/Young:** A confirmation from ACHD, then? **C/Gealy:** Yes, on how they see the connectivity from this subdivision to the north and the proposed subdivision to the south. **Josh Beach:** You're seeking firm information as to Arroyo Indio, how that's connecting to Ardell, what's been approved. **C/Gealy:** Correct. **Troy Behunin:** We will need a new motion with that information. **C/Gealy:** I can't amend my old motion. **Josh Beach:** We can do that as quickly as you'd like. **C/Gealy:** Would two weeks be sufficient time? **Josh Beach:** Absolutely.

Commissioner Gealy motions to withdraw my previous motion; Commissioner Laraway seconds, all aye and motion carried 2-0.

Commissioner Gealy motions to seek clarification from ACHD regarding connectivity to the existing subdivision to the south as opposed to the subdivision to the north, and table Case No. 19-08-AN, 19-04-S and 19-19-DR to September 10, 2019 pending the information from ACHD.

19-04-ZC (Rezone) – Kuna Rural Fire District; On behalf of Cloverdale Ranch (owner), the Kuna Rural Fire District is requesting to rezone approximately 1.63 acres from an "A" (Agriculture) zoning district classification to a "P" (Public) zoning district classification. The subject site is located at the southwest corner of South Cloverdale Road and East Kuna Road, Kuna, ID 83634 (APN: S1428111010).

Jace Hellman: Jace Hellman, Planner II, 751 West Fourth Street, Kuna, ID 83634. The application before you this evening is for the rezone located adjacent to the southwest corner South Cloverdale Road and East Kuna Road from it's current zoning classification of agricultural to public. There are no plans at this time to develop anything on the site. From what I understand, it's the Kuna Fire District's wish to get it rezoned for the potential of developing something in the future on it. The applicant's proposed zoning is compliant with the comprehensive plan and future land use map. Staff has determined that this rezone is compliant with Kuna City Code. I'll stand for any questions you may have. **Phil Roberts:** Phil Roberts, Kuna Fire Chief, Kuna Fire Department, 16378 North Franklin, Nampa, ID. The plan for this property is to get a rezone for future use. The only use that we would use for that is a future development for firemen. With the city planning and some of the commercial development that's going out in this area or is planned for this area but hasn't quite gotten to a development point. We want to secure some land for future sites for the Fire District. Right now, we don't have a plan to meet this need. The way the property is being developed and sold in this area as you have seen with the last two applicants is that we need to secure some piece of property in the future. Right now, there's no plan for the size of the fire station. It would just be to secure the lot. **C/Gealy:** I saw in the application that the property that is further out from Kuna Road and Five Mile was sold. **Phil Roberts:** Yes. An existing fire station that was there was determined prior to my employment with Kuna Fire, and that was by the past chief and the past commissioners. That site was not in the specific perfect location, and the building on that was undersized. **C/Young:** I'll open the public testimony at 8:55. **Cheryl Gerla:** My name is Cheryl Gerla, I live at 13340 South Cloverdale. My house is the one directly across from the proposed rezoned area. I came tonight just to hear what the plan was. We did get the brochure, invitation for this. We moved out to this property three years ago. My house sits at an angle that will look directly at whatever they put on this property. Right now, I have a view of the mountains and pastures and everything. Every time I look out my front window, I imagine this fire station. Although, I know they are important for the community. We lived in the West Bench in Boise near a fire station. We heard the noise, the alarms, the activity. We moved out here to get away from that. It just breaks my heart to think about this building going in across the street. This will change the way I feel about the area. I know

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, August 27, 2019

progress happens, so I object to the rezoning just for the record. It's mostly emotional, but I just wanted to share that. **Phil Roberts:** We will address those concerns with design. With our future plan, this will be three to four years down the road. The other thing that we've determined over time is that we don't start out our engines initially when we know there are concerns. We will go down the road and then turn on our sirens and blinds. We are cognizant to neighborhoods and ask that denser areas come up as indicated. The other is that we would take her view into account, we'll try to make every accommodation when and if this ever developed. Right now, we just plan on securing the property for potential. We can't even guarantee that we'll build. We just need to secure some property on Cloverdale. We have CS Beef and some others. Kuna Mora Road is becoming more active. We've had three fires out there already this year. One of them was a 350-acre fire. Vegetation went out by the correctional facility. We have a need, and one of the future plans for this site, not to linger the conversation, but it's a more rural station that will not be staffed 24/7. Those plans are varying. We are working on what those phases will be, but we are sympathetic to the needs of the community. **C/Gealy:** When we actually come up with a plan for construction, that there will be another public hearing for design review. **Jace Hellman:** Commissioner Gealy, there will be a design review, not necessarily a public hearing. It will be a public meeting, which means we won't have public testimony for it. However, there will be an active application that people can view. I'm sure the fire district would be willing to work with people, not to mention they are going to be required to move improve the roadway, which you can see in the staff report. Sunbeam is actually to the south once it develops. There will also be landscape buffers, everything like that to buffer the use as well. As far as development purposes, unless they came back to plat it for some reason, there would be nothing but design review left at this point. **C/Gealy:** Would neighbors be notified? **Jace Hellman:** Not for a design review. We can encourage them to talk with the neighbors before they build, but they're not required to. I'll close the public testimony at 9:02. **C/Young:** Knowing what the future growth is going to be like out that way with Falcon Crest and the more interesting industrial areas, I think it's great that the City is trying to be proactive and find sites for the growth instead of being behind the curve brush. **C/Gealy:** I appreciate the fire district being willing to work with the neighbors.

Commissioner Laraway motions to recommend approval of Case No. 19-04-ZC with the conditions as outlined in the staff report; Commissioner Gealy seconds, all aye and motion carried 2-0.

Troy Behunin: For Indian Creek Subdivision, it was tabled, it needs to be continued. We will still hold the meeting on the tenth, but I need the motion to be modified to say continue rather than tabled.

Commissioner Gealy motions to seek clarification from ACHD regarding connectivity to the existing subdivision to the south as opposed to the subdivision to the north, and continue Case No. 19-08-AN, 19-04-S and 19-19-DR on September 10, 2019 pending the information from ACHD.

3. COMMISSION REPORTS

4. ADJOURNMENT

Commissioner Hennis motions to adjourn; Commissioner Damron Seconds, all aye and motion carried 2-0.

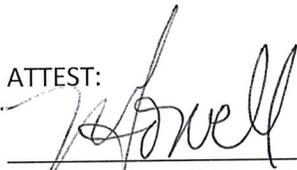
**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, August 27, 2019**



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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