

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

**MEETING MINUTES
Tuesday, May 13, 2014**

NOTE: *These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.*

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Vice-Chairman Stephanie Wierschem	Not present	Troy Behunin, Planner II	Not present
Commissioner Dana Hennis	X		
Commissioner Cathy Gealy	X		
Commissioner Joan Gay	Not present		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at **6:04pm**.

1. CONSENT AGENDA

- a. Approval of Meeting Minutes for the March 25, 2014 meeting:
Commissioner Gealy motions to approve, Commissioner Hennis Seconds, all aye and motion carried 3-0.

2. OLD BUSINESS:

None

3. NEW BUSINESS:

- a. **14-03-DR** (Design Review) of 1403 N. Meridian Road for McDonalds America, LLC

For the record, Troy Behunin, Senior Planner, 763 West Avalon Street in Kuna. Before you tonight, we have the applicant representatives here tonight from Keller & Associates, Jeremy Wilson will likely have a few comments. The applicant is proposing a new 3,833 square foot restaurant, a parking lot with 42 total parking spaces. They have an accompanying parking plan which is enclosed in your packets landscaping and advertising signage on an approx. 1.32 acre site in the Profile Ridge subdivision, A.K.A. Ridley's Family Market. The applicant has submitted all necessary documents and

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materials including site-civil plans which are also included in your packets for review. I will stand for any questions you might have.

No questions for staff.

My name is Jeremy Wilson with Keller & Associates which is the civil engineer on record for the McDonalds at Ridley's family marketplace. Troy gave good background information on the project. I wanted to confirm that the Commissioners received a landscaping plan in the packet for review and if there were any questions on that. I would like to walk you through some of the design elements and if you have questions, I'd be happy to answer those.

So, this will be a new restaurant building, approximately 3,800 square feet. The building will have two (2) sanitary screw lines coming out of it –one will be from sanitary sewer and not from the kitchen and two (2) one thousand gallon –*inaudible*- before both tie into the main line which goes to Meridian Road. Storm water facilities on-site will tie into existing system which is already designed and installed to accommodate the property when Ridley's was constructed. That takes care of this sheet. Did you have any questions about the materials board? I will take you through this to identify which is which.

This side faces Meridian Road so if you're stopped, it will be on your right side. The front elevation will be facing north so if you're driving south, you will see the front here. I believe that's all we have, I appreciate your time; did you have any questions for us?

C/Young asked about the staff report indicating removal of the seven (7) parking stalls just north of *inaudible*-Ranches Shopping center. Is there an issue with removing those and replacing that landscaping?

Jeremy Wilson stated it is a non-issue and they will do that.

C/Young asked where the grease interceptors were located outside of the structure; which side of the building?

Jeremy Wilson indicated they would be located on the west side of the building as indicated on the plans.

C/Young asked about another item that was listed in the staff report that indicated the need for a berm on Meridian Road to screen for lights and cars coming down into that intersection. If I remember right, they kind of left that a little open-ended as far as how to approach that. Is there anything that you propose at this point or is that something to be discussed during design review?

Jeremy Wilson stated that what is requested at this point is a height requirement, and we do have another proposed alternative as discussed with staff, that is if we have *inaudible*- and so the thought was to place a barrier on this side of the building between the drive-thru and the existing sidewalk. So we are requesting a height recommendation to let us know what options are, if that's appropriate.

C/Young stated they could revisit that after having the discussion.

C/Gealy did not have any questions, but did ask before the height requirement discussion took place, what were the applicant's thoughts regarding the berm.

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Jeremy Wilson stated that the applicant (McDonalds) preferred to do some sort of a landscaping hedge which would likely be more beneficial if they used non-deciduous plants which would be in place year-round. The reasons behind this are: 1) irrigation, gas, electric and utilities located along the corridor, so if you're putting up a berm, you limit access to utilities. 2) At the smallest point here, which narrows up along that sidewalk which is parallel to the drive-thru which is 15 feet width, so what would you recommend as far as slope to make sure that nothing is crumbling up over into the drive-thru and also the sidewalk that is there would be a

3:1 slope so with the berm it would be 2 and ½ feet tall. So if you wanted a berm, another option would be a retaining wall or a fence type structure bringing the preferred functionality for the structure.

C/Young- You say this is a utility corridor, are those running parallel to the drive-thru?

C/Young to Jeremy Wilson -*Inaudible discussion*- ...you may want to make the berm a little bit longer if cars are entering here and making the radius to make that connection with oncoming traffic on Meridian Road – *inaudible discussion*-

Council Discussion

C/Gealy asked to hear from staff regarding the berm

Troy B: Staff's number one concern is the safety of everybody, not just the users of the site but adjacent users which is the genesis for removal of the seven parking spots which the applicant has been graciously compliant up to this point. Also as cars enter the drive-thru and round the corner, there could be a distraction for oncoming traffic even though the travel lanes are approximately 30 feet from the site; this is a very busy intersection. So if this body can come up with a satisfactory solution to the berm which satisfies the safety concerns and also with regards to year-round screening of headlights in the early morning and late night hours, we would be open those ideas. I have discussed it with the PM (Norton) who could not be here tonight and Jeremy Wilson who is here. The berm height, location and depth of utilities were all discussed and the applicant does not wish to create a hazardous condition; therefore, an evergreen hedge which is permanently maintained, which is pleasing and effective, and could be replaced immediately if the plants died. I think there could be compromise there.

C/Young: Asked if there were any more questions of staff.

Council discussion

C/Young: In my mind, if we put like a two foot six berm in there, if there were a wall there then if there were any issues with utilities, it would be easier to deal with. But I think the combination of the berm and the landscaping, that way with other landscapers infilling you still have protections along the corridor until those marry up.

C/Hennis: The problem with the landscaping as it's shown, it's going to be on the bottom side of the slope. Most of them are indicated at four and five feet at mature size, but for a few years you're not going to see much growth.

C/Young: I think the landscaping would change along that stretch on the drive-thru so that it will be year round.

C/Hennis: Right, with maybe some of the grass...

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C/Young: Yeah, as far as some of those bushes that will grow...

C/Hennis: Yeah, I think... with the combination it would.

C/Young: Overall, I think the site looks good as it's presented. I think it will be a nice addition to the city.

C/Hennis: As far as the existing trees and evergreens along the *-inaudible-*

C/Gealy: I think that ...it sounds to me like we maybe need a redesign of the landscaping to incorporate a berm and some screening, and I hesitate to specify exactly what that will look like since I'm not a landscape architect. But it would seem to me that... I understand what they're saying about the narrow part of the sidewalk and with the area of the berm, it would be narrow but there is room for some flexibility and some creativity in designing the berm with landscaping to meet the safety concerns, and the concerns about how narrow it is. Maybe there is a berm up there at the turn out or a higher, taller berm where there's more space and down here where they're making a turn but... I'm reluctant to say well it's for fifteen feet and this side is a berm and this side is landscaping so I'd like to see them redesign it. I'm also curious, which are these seven spaces that are being eliminated because I've got nine here on the north.

Troy Behunin indicated the location on the site plan.

C/Gealy: Oh, I understand now. Thank you for that clarification. So, how about that?

C/Hennis: *-inaudible-* ... we could specify them to work with staff and the city arborist that they get the right evergreen.

C/Young: And so.. I don't think that...

C/Gealy to Jeremy Wilson: Is that agreeable to you to work with staff?

Jeremy Wilson: No problem. Absolutely.

C/Young: Ok, are there any other site concerns?

No additional concerns were noted.

Commissioner Gealy commented that it will be a really nice building. And it was also a very nice package, thank you very much.

Commissioner Hennis motioned to approve 14-03-DR as noted in the staff report with the conditions that the applicant works with staff to determine the correct amount of evergreen or the type of evergreen or plant, to include approximately a two foot, six height berm to help shield the headlights from Meridian Road; Commissioner Gealy seconds, all aye and motioned carried 3-0.

4. PUBLIC HEARING:

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- a. **14-01-CP** (Combination Plat); **14-02-DA** (Development Agreement) between the City of Kuna and Todd and Laura Zimmerman; **14-03-AN** (Annexation) annexation of approximately 28.5 acres into the City of Kuna as R-4 (Medium Density Residential) zone.

Commissioners, for the record, Troy Behunin, Kuna Planning and Zoning department. The application before you tonight is a public hearing for 14-03 annexation, 14-02 Development Agreement and 14-01 CP which is a combination plat. This is approximately 28.5 acres in the county. It is currently zoned RUT. The owners, Todd and Laura Zimmerman would like to annex into the city. As the rules for annexation go, they are adjacent to existing city limits. They are a part of the Saddle Ridge Subdivision which makes this a unique situation so this would be a re-plat of an existing final plat.

C/Young asked if Troy could speak up.

Troy Behunin agreed. Again this application is for a combination plat which includes the preliminary plat and final plat. It is eligible for a combination plat because it's not dedicating any Right-of-Way it's less than the number of lot required and they have no other outstanding issues. The applicants have been seeking a path to annexation for a number of years. There is actually an open space requirement on the face of the plat that prevents the subdivision of the area that they own which this application covers; however, when annexed into the city, that county requirement is extinguished because now they would become part of the city's jurisdiction. What Todd and Laura Zimmerman would like to do is subdivide this lot and carve off a 1.5 acre lot to place a single family residence on the lot. The remaining 27 acres would be left to use for the agricultural and farming uses which the applicant now enjoys. From what I can see, they are not eligible for what we call a 'lot split' so they have to go through the subdivision process which is how Canberra Estates was conceived. So in order to do what they want to do they have to go through the final plat subdivision process and that's what this application is for.

Normally when someone subdivides their land into lots, they are required to put in the entire infrastructure that a subdivision requires such as streets, curb, gutter, fire code sign-off, etc. The only difficulty here is they only want the one lot, which is for the single family home and the closest utility is approximately 2100 feet away from the edge of their property, as the crow flies. Utilities are not close enough so they will rely on the existing septic and well to supply that single family home. In the future the applicants may want to further subdivide the 27 acre lot but two things must happen: The desire to subdivide must exist and utilities must be a lot closer than they currently are. It is just not feasible to pull the required water and sanitary sewer to the property which is nearly a mile away. It is just not economically feasible for the applicant to be able to do that so they are waiting for a future day when they could do that. In the future they would like to be able to subdivide the 27 acres, but in order for that to happen, several other rocks would need to be knocked loose. So for now, it's just not feasible given the distance of the site from those utilities.

The applicant has followed all of the necessary administrative procedures. He held a neighborhood meeting, the site was posted, letters were sent out to landowners within 300 to 350 feet of the property, and it was published in the newspaper. So with that I will stand for any questions you may have.

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C/Young: In the future, if the Zimmermans were to develop the 27 acre parcel, is this the same process they would have to go through to do that?

Troy Behunin: They would actually have to do a re-plat, of a re-plat, of a re-plat. They would have to go through the same process as they are now. They would have to apply through the city, hold another neighborhood meeting, the site would need to be posted again, letters sent out to landowners within 300 feet, and it would need to be published in the newspaper yet again. This is actually the same process they would have to go through in the future if they wanted to do that. Oh, and another thing I wanted to mention is that I know it is mentioned in the staff report, I know it is in the development agreement that the applicant wishes to keep the agricultural zoning. He would like it to be zoned R-4 currently but in the future if he wants to subdivide it, he would have to go through the same type of procedure that are doing now. He would not be able to just sneak in a subdivision and throw-up... well, just waltz in and build 20 or 30 homes and just do it overnight. It would have to be further subdivided.

C/Hennis: Do you have a copy of your staff report in front of you?

Troy Buhenin: I do.

C/Hennis: On page 5 *-inaudible-* ...you have in there, based on the facts and findings of the staff report...Blah, blah, blah...it says cases 14-0-3 AN, and 14-0-1 CP, the special permit design review and sign request? *-inaudible-*?

Troy Buhenin: That must have been a ... yeah, that's a typo.

C/Hennis: Ok, copy and paste? Ok.

Troy Buhenin: That is a severe typo. But yes that's under the proposed decision for you folks.

C/Hennis: I thought you'd just read the annexation and the development agreement and the combination plat.

Troy Buhenin: Yes. It is just the annexation, development agreement, and the annexation. I apologize.

C/Hennis: Ok, thank you.

Troy Buhenin: That's very embarrassing, I am sorry.

C/Young: Did any of you have any additional questions for staff?

No additional questions from the Commission

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Troy Buhenin: I know that the applicant, Todd Zimmerman is here tonight to address the Commission if you don't mind.

C/Young: State your name and address for the record please.

Todd Zimmerman addressed the Commission. Address is 7206 Lime Drive, Nampa, Idaho 83687. I just wanted to say that since we are going through this process now to subdivide this lot, it made sense to find the future and we know that it could be 10 to 15 years down the road. Rather than us trying to create growth now and let it spring out from where we are now, we wanted to wait and let it come to us. What I mean by that is it only makes sense to wait until sewer services become available and with the distance, the demand and growth will bring them our way. And once it becomes available and makes sense, then at that point we would subdivide and that would be developed. And when that day comes, it makes sense to have the R-4 zoning now. And we could certainly have picked a higher density, but for now we thought that would be a good balance. Someone in the future may look at a possible mixed-use or a higher density but for now we will leave that to the future. But since we were going through the process now, it made sense to pick a higher density because a lot of times people will forget to plan ahead and when those times come, they're not prepared and not ready. So that's what we are trying to accomplish is just create that one buildable lot there and the rest we would just use as agricultural use. We've got a great farmer that maintains the property and because of that we get to enjoy the wildlife and the crops and all the open space there now. But as time goes on and growth comes our way, we want to be prepared. And that's all I have.

C/Hennis: Ok, thank you.

C/Young: Does anyone have any questions for him?

No Questions from the Commission

Troy Behunin: Chairman Young, I did just want to highlight one thing I did forget. The R-4 zone stands for residential 4 units to the acre. That's the maximum allowed. He does not have to put in that many. He could put in 2 houses to the acre or 3 houses.

C/Gealy: But not six?

Troy Behunin: No, not six with the R-4. That would require a rezone in order to do that, on top of the other required application.

C/Young: Thank you. Before we start public testimony, *-inaudible-* to see if anybody's signed up... *-inaudible-* we'll go ahead and open up public testimony at 6:42 and we will start with those in favor who want to testify.

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-Some discussion between C/Young and a citizen wishing to testify that was not in favor, but had marked the wrong box.

C/Young: We'll go ahead and scoot over to the neutral position and anyone wishing to testify. Just checking the list here... I'll see if I'm saying this right, I have Janelle Wells listed as a neutral?

Janelle Wells stated that audience members were having a real hard time hearing what Commissioners were saying.

C/Young: And you are?

Janelle Wells: My name is Janelle Wells.

C/Young: Oh, I see. I have Janelle Wells listed as a neutral?

Janelle Wells: I'm opposed to it.

C/Young: Oh, ok. We'll take those in opposition and then we'll go back to neutral or in favor.

-Some discussion about the order of testimony for those opposed instead of neutral

Wendy Howell asked Commissioner Young if he would clarify whether individuals testifying were opposed or not.

C/Young: Ok, Kent Wells wants to give testimony.

Kent Wells: Yeah, I am opposed. I'm sorry; I didn't understand the form so I marked it wrong. I just signed the last name on the list. Yeah, my name is Kent Wells. I live at 7440 Black Cat Road. The proposed change affects me on three sides of my property. I am opposed to this for a number of reasons. Every lot in that area is at an acre or larger. By allowing the R-4 zoning or the high density zoning as we see it, we all chose the area because it had large lots. I think what you're doing is driving down our property values, especially mine. Ultimately it's reducing the tax base for the city because the lots now are all an acre or larger. I think it's not good for the city. I think the Zimmermans with what they're doing right now; there is currently a moratorium on that property. They couldn't build for another year even if they wanted to because the moratorium would prevent that. I believe what they're trying to do is bypass what the County would require by being in the County. The lots out there would have to be at least an acre or two acres in size before the County would approve anything. The County wouldn't allow anything more to be built because it would require water and sewer. They're not allowing any more septic systems to be put in, or at least with my current discussions today with the County so I think what they're doing is trying to go around the County by getting into the City. But I believe the City has very little to offer them at this time. They're not going to prove them with water or sewer so I'm not sure what services they would ever get from you. This is an attempt to take a requirement for an acre or two acres parcels per building

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to be cut down to maybe five or six houses per parcel in the future and that's one of the reasons why I'm opposed to it. I'm not sure he cares too much about the laws and regulations anyways because he just barely sold the raceway for a service entrance to the one acre or one point five acre lot that's next to my lot because he hasn't bothered to get a building permit for it yet. You don't get building permits after you install services and raceways, you do it before you dig the trench and put the raceways in.

There are already a number of subdivisions in the area with no houses or very few homes so we certainly don't need another subdivision. I'm told, I have not seen it yet, but I'm told the proposed plot for this subdivision he's got takes the road around two sides of my property. That's not a very conducive thing or certainly doesn't help my property value taking the major way into the subdivision of the four houses per lot will be somewhere around a hundred homes probably. Or seventy five to a hundred homes; however many he took out for the roads and sewer and the like. So I'm opposed to this. I'm not the only one opposed to it. If we show the kinds of things that other subdivisions in the area were required, Saddle Ridge which is the one right on the corner of Black Cat and Columbia, they got like twenty eight and thirty pages of CC&R's to make sure the homes meet the standards of this and you're not helping any of us out by approving this R-4 zoning.

C/Young: Just so you know the city does not enforce any of the CC&R's.

Kent Wells: Well I understand that but the CC&R's are legal and if any individual in the subdivision could take the homeowner or person in a home next to them to court under a CC&R in a civil action. The City may not enforce them but they're enforceable.

C/Young: Right, but as far as the Planning & Zoning Commissions...

Kent Wells: I know, but I merely presented this to show you what other homes in the area that have been built, require. I realize that the City requirements are different but the County doesn't necessarily require that. But I do think it is an attempt to beat the County requirements by doing that, by going R-4. I do feel that if you approve the R-4 with *-inaudible-* it's just going to destroy the property values, or at least substantially decrease the property values around there. I'm probably the most impacted of everybody out there because it borders three sides of my property.

C/Young: Ok, thank you for that. Does anyone have any questions for Mr. Wells?

C/Hennis: Not at this point.

C/Young: Ok, thank you. And next up under opposition we have Janelle Wells?

Janelle Wells: Hi, I'm Janelle Wells and I live at 7440 Black Cat Road. We moved to the country because we wanted to be in the country. We didn't know that it would be a subdivision eventually. We were told when we purchased the property that they would be acre or larger lots. The way that I understand it's plotted at the present time, I have not seen this but I've been told that it will be on the side of our property and that back of our property, that there are a hundred homes coming in

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and out past my house. And it just makes it easier for that, for if they're smaller homes or starter homes they'll be fluctuating in and out. We started out in a starter home, a ten thousand square foot home, I mean a thousand square foot home, you know in Boise Cascade and as you get older you go up, and our home is forty five hundred square feet and it's a nice home and I appreciate the Zimmermans building that home and we could purchase that home, but I am concerned about a hundred homes. If it's to be rezoned, why not do an eight for now? If you put it a forth of an acre, it's probably not going to get changed. I know that there were some people that were going to be here tonight, but they've moved. But our understanding is that they would be acre lots like the Saddle Ridge. We've lived in subdivisions where there has been CC&R's and we were sued in Albuquerque about an RV parked at our home so we don't really care for CC&R's but I don't think that you need to have a restriction on property at the beginning and not coming back and saying .. Maybe with the roads, it won't be a quarter acre lots but maybe bigger, but that's an awful lot of houses coming in and cars coming in off of Black Cat Road. And another thing, the irrigation, which he didn't mention, how are they going to get their irrigation? That ditch, we have irrigation because it's being farmed but how are they going to get that? They will all have irrigation rights in there. Are they going to have pressure irrigation in there? They can't cover that irrigation or the ditch because it's not thiers and it goes the full width of the property. Thank you.

C/Young: Thank you very much. And next on the list is Jeff Moore. State your name and address for the record.

Jeff Moore: Good evening, my name is Jeff Moore, I live at 4618 W Saddle Ridge Drive, Nampa Idaho.

I agree with a lot of what the Wells' have said. I do have a couple of thoughts about this, just to be up front, I am the HOA secretary for Saddle Ridge Estates. We received a note from the Zimmermans about the annexation. When we first read it, it seemed very innocuous and simple as it requested the subdivision of said acres into two lots. We thought that this was reasonable because there is already a house there, and there'll just be another big lot and maybe someone will want to build another big house. I understand that but then we started hearing rumors and the gossip about more homes, smaller homes and as it's been noted already, we live on an acre lot and the reason we moved to that area was because they were much larger lots and we'd like to maintain that area out there as bigger lots. When we did hear that they were going to subdivide it potentially into a number of small lots, I had visions of my previous home, I lived in Middleton in the middle of the country like I do now and with the great increase in land values, a lot of farmers said they wanted to get in on this cash cow and they jumped in and they sold their lots. And now within a mile of my house there are now four subdivisions at my house in Middleton and there wasn't a single house out there, I mean large, large lots like fifty to a hundred acre subdivisions. I just think that putting in another as far out as we are away from Kuna, is a mistake. We've already got a lot of close-in subdivisions. If it is ever going to be platted, then I just think this is a way for them to circumvent the County which has already been stated, so I won't go into that again but if they do that kind of deal, the maximum number of homes per acre would be one. That's all I have to say.

Commissioners thanked Mr. Moore.

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C/Young: I have one other person listed in opposition. I don't know whether they want to testify or not, but it is Bruce Jackson.

Bruce Jackson: My name is Bruce Jackson, I live at 7850 S. Saddlebag, Nampa, Idaho. I'm not too up on the facts of what's going on here. I heard a rumor that there was going to be a subdivision built, and they wanted to be in the city limits of Kuna. Well I disagree with that because I've happy where I'm at living in the County. I think that if that goes in and if the sewer goes by my house, I'm going to have to hook up to sewer and if something else goes by my house, I'll have to hook up to that and I don't want to. I don't want any of the City's services because I'm satisfied right now. I think that if they're going to build a big subdivision like this is should be closer-in like the former gentleman just mentioned, I think would suit the City of Kuna better to at least have its boundaries not spread around in piece-meal areas. I also see the possibility of Kuna putting their city limits out by my subdivision that gives them... I'm not sure if I'm using the proper terminology but that puts me in the area of impact. And that puts my property in the city because this gentleman wants to be in the city. I don't want to be in the city. I'm happy the way I am. Thank you.

Commissioners thanked Mr. Jackson.

C/Young: Is there anybody that I have missed or is there anyone else who wants to speak.

Zane Robinson: I am on there as opposition, unless I put it in the wrong spot?

C/Young: No, you're on there but I hadn't been marked as you wanted. I apologize. Please step forward and announce your name and address for the record.

Zane Robinson: I'm Zane Robinson, I live at 4671 Saddle Ridge. I am the president of the HOA in Saddle Ridge. First of all, I have a question. If he (Zimmerman) was in Kuna, is that going to annex us into Kuna? Or do we have a choice?

C/Young: No, that does not annex you.

Zane Robinson: So there's no way for Kuna to come in and just say, well you are part of us?

C/Young: A situation like that does not exist. It's something that would have to be applied for.

Zane Robinson: So if everybody around you is in Kuna, you can still be in the County?

C/Young: Yes

Zane Robinson: Ok. I'd also like to say that the houses that are around that area, Danskin, Iron Horse, Saddle Ridge, they are all an acre or above. It doesn't make any sense to have an R-4 right

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next to us, basically across the canal from us. I don't mind anyone trying to subdivide something, but at least it should match what is out there. And that's really all I've got to say.

Commissioners thanked Mr. Robinson.

C/Young: That does it for public testimony on this spot. And if Mr. Zimmerman would like to add anything or respond?

Todd Zimmerman: I'm sure if I can answer all those questions, I'm sure if some of them were questions so much as some confusion or understanding of the process. The last thing that I want people to think is that I am trying to circumvent the process. The reason we chose to go through the city is because literally, you can see city sewer district so that in the future, we know that is a prospect, and everybody has a choice whether they want to be in the city or not. I don't know if anybody realizes that the farm ground that is directly across Black Cat from us is all in city limits and it is still enjoyed as agricultural use and will for some time to come so I wanted to clarify that. I wasn't sure about the raceway question; I think that has to do with power. And I did bring ours to service the shop, the building that is there on Black Cat. The Wells' purchased our home about four years ago, and as a part of that, the shop that we maintained or kept back was on that same meter, and so certainly we had that disconnected so that they could use that for their new shop so that's simply all we're doing now is bringing power in there and setting a transformer and that is quite an expensive ordeal to be able to bring power and do that, so I had them bring in all the appropriate sizes if the houses gets approved. But if it doesn't, we'll simply just service the shop. So that's all that was there for. That was all I had, I just wanted to clarify that. Now, I'd open myself up for some questions.

Commissioners thanked Mr. Zimmerman.

C/Hennis: So I just had a couple quick questions. So the one half acre lot that you're trying to pull off is that basically where the farm is? At this point?

Todd Zimmerman: Correct.

C/Hennis: Now will that be a residence for you guys, or is that just going to be another spec home there?

Todd Zimmerman: No, it's not going to be a spec home. We will either build something there ourselves or we'll sell to someone else and let them build a home. I don't currently build in the area. We've got construction all over the valley but I'm a travelling contractor.

Commissioners thanked Mr. Zimmerman.

C/Young: We'll now move to our discussion.

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C/Hennis: The issue with this isn't the annexation, it's the zoning. I know that there are several subdivisions around them; they mentioned Iron Horse and Saddle Ridge are larger acreages.

C/Young: As far as the rezone itself, I'm sure that's what will come down as the biggest issue, actually by all of them that have been here. And it's going to be quite a while before the City will bring those utilities out there *-inaudible-* for the density that's proposed for that subdivision.

C/Gealy: I have a question for staff regarding the proposal for R-4. Why is recommended for the R-4 zoning? Why not just continue with the agricultural zoning within the city?

Troy Behunin: The applicant actually touched on that during the presentation. It's just one less obstacle for a future developer to have to overcome. He is going through a very expensive process to try and subdivide. He's hired an engineer to prepare two plats, a preliminary plat, a final plat, a legal description for the property and because it is such an expensive proposition, why not shoot for something other than just ag? It would remove the mystery for someone in the future who may or may not want to develop. He can continue the agricultural uses on the land because the taxing districts go up with use, not the zone. I would like to just highlight that the city does not have an R-1 or one home per acre. The lowest one we have is an R-2, and as a very strong property rights state, he can request any zone that he wants. Now it's up to you folks to make a recommendation to City Council and City Council will decide whether that's an appropriate zone or not. He's not asking for anything outside the norm for a subdivision. The other answer to your question Cathy is in the ag zone, you can't have a single family residence. Now if somebody annexes into the city and they have a farm and a home all on the same property, they can annex into the city and keep their home and still live there and enjoy all of the same things that are not an illegal use. But that becomes a non-conforming use or what everyone likes to call a grandfathered right. But if you expand that non-conforming right, then the zoning should conform.

C/Gealy: That is something that he is requesting, is the R-4 for both lots?

Troy Behunin: For both lots, yes. It's also important to note that Saddle Ridge is not in the city and doesn't pay city taxes. Danskin isn't in the city and doesn't pay city taxes and they're more than a mile away. Iron Horse isn't in the city and doesn't pay city taxes.

C/Gealy: In your initial remarks, you mentioned something about the County had an open space requirement. Could you explain that?

Troy Behunin: It's something that was used as a development tool. When Saddle Ridge was originally platted in the County, it was an open space requirement for clustering. They cluster all the homes together in one area leaving open space for the future so...

C/Gealy: For future development?

Troy Behunin: For future development.

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C/Gealy: And these twenty seven acres, this was set aside for future development?

Troy Behunin: It was an open space requirement. It doesn't necessarily say it will be developed, it just says we're going to preserve it for the future.

C/Gealy: Until 2015?

Troy Behunin: Until April of 2015. And the R-4 does conform to the comprehensive plan for this area.

C/Gealy: So this is in our area of impact?

Troy Behunin: It is within our proposed area of impact. But no one else is being annexed in. No one will be forced to annex into the city. We have two properties just down the road which are still in the County. There are three or four properties to the east which are still in the County. We have another annexation coming which they are on Swan Falls almost a stone's throw away from the Railroad tracks and they're coming into the City and they're in the County now.

C/Hennis: So if this were like an R-2 or if was an R-4 and they wanted to go to like an R-6 zone, does that actually require a rezone? If you wanted to come in and re-plate it anyhow, is that any easier than if it were to go from an Ag to an R-4 at that time?

Troy Behunin: Let me understand your question. Is it easier to go from an R-2 to an R-4, or is it just as easy to go from an Ag to an R-4?

C/Hennis: They're aware that if you wanted to go to a different density, they would have to go through a rezone just like this one?

Troy Behunin: Yes, anything greater than an R-4 would require a rezone. And anything that we would do like here to tonight, it would require going in front of City Council.

Commissioners thanked staff.

C/Young: I fully appreciate everyone's testimony here tonight. I always value input from people at these public hearings because it is helpful. In this case which is before us, my thought is with everything else, and it's always hard when you move somewhere for anything to change, but they sometimes do. That doesn't necessarily mean that's the case here and we don't know what the rest of it is going to develop. That's kind of where I'm at. I don't know what you're...

C/Hennis: Well, I have been in this position before as a landowner and I respect the opposition's point of view on this because I've been in their boat. Especially with this particular one in the future, not knowing what's going on, my preference would be to see something more like an R-2 to give a good compromise -to give the ability to look out in the future as to fit in the with others around.

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Because it is like Vic said far and away from the City it doesn't benefit to have a medium density subdivision out here necessarily. I wouldn't be opposed to a couple houses per acre there but four, I mean, is a lot. I don't know if we can also recommend the access points to go around that, but I don't even know if we have that ability.

C/Gealy: At this time? No access points

C/Hennis: Right...-*inaudible discussion*-

Troy Behunin: To quell your concerns, that is something that would come up at the time of re-platting. There are already mechanisms in place to prevent too many entrances and exits too close together. ACHD has a policy; the city also has a policy. But that would be addressed later because there are just too many variables and unknowns at this time.

C/Hennis: Right. Ok.

Troy Behunin: But the development agreement would handle that.

C/Young: I guess my final comment to the R-2 would be if, as a property owner, the restriction being placed on how to deal with my property. Whether it's... I just have a hard time mandating 'you can only do this with your property', as long as their meeting the standards of the City and codes and they're compliant with all the City requires and it's in our current code, I have a hard time telling a property owner 'yes you can do this, but then no, you can't do that'.

C/Hennis: Yes and no, but then the whole thing behind this is that it isn't a City property. He wants it to be city property, but is it appropriate to be a city property considering that kind of restriction -I mean the zoning of the surrounding properties, that's what we're looking at here. We don't have to necessarily say well this is city property so yeah, we don't have those abilities. That's really what it is -do we want this to be a city property, but with the abilities to deal with the neighbors and all of that. That's the reason they're out there, and not closer to the City. That's just my point of view.

C/Young: I fully understand. Any other thoughts?

C/Gealy: I would prefer to see it stay agricultural until it's ready to be developed at some point in the future. I understand the applicant wants an R-4, but if we change it to an R-2 we're not really forcing him to have to go through the same thing again if he wants something different. But if we leave it agricultural, they can't build a home on it.

Troy Behunin: The property would maintain its agricultural feel. You would like to see it remain agricultural until it's developed?

C/Gealy: Until there's a development agreement.

Troy Behunin: That's exactly what would happen.

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C/Gealy: But with splitting it out into the two lots, it appears there is an intention to put another home on that one piece which would not be allowed in an agricultural zone.

C/Hennis: It wouldn't be allowed here either. There's only one lot that could be built on –inaudible– the one for the five acres?

C/Gealy: Do we need to re-open the public hearing?

Wendy Howell: No, but will Todd please come to the front and address the Commissioner

Todd Zimmerman: Commissioner, to answer your question, the twenty seven acre lot cannot be built on. That would require an additional well and septic. Anyway, it can't be built on at this time so the only one that can be built on is just the acre and a half. And that was the whole design was to continue the use as agricultural until services become available. Now when services become available and sewer can be hooked up to and water and all those other amenities, then the city because of the simple cost of the infrastructure involved, the City has a tough time providing all of those services at two lots per acre. So it made sense to go with four lots per acre and the reason for that is that it's going to happen in the future when services become available, but up until that time it will continue to stay as agricultural use.

C/Gealy: When you say one and a half acres, one point on seven, is that the lot with the barn?

Todd Zimmerman: I believe it's more like one point seven acres, but yes that's the one.

C/Gealy: So you could build a house on it?

Todd Zimmerman: And that's the reason for it is to be able to build a home on it. Just that lot, but not on the other parcel. There are a lot of other aspects that come into play, you know like access and the irrigation would need to be changed.

C/Gealy: Would you object to an R-2 zoning?

Todd Zimmerman: I wouldn't. I mean, right now that makes sense but there again, we are looking toward the future and so at that point, you're looking at city water and city sewer so then there's sewer hook-ups for each home. And the other thing is, I mean you're not looking at four lots on each acre, and there's a balance between accesses, storm water pollution prevention, and so you're not looking at four lots for every square foot of acres there. It'll be a balance approach. And that will be determined at that time, when that subdivision process comes through again. It'd have to come through another application, another review again. And it would be timely because it would be based on that time and what the demand is and what's in the area at that time. Goodness knows what's going to be in that area at that time. ACHD says that Ten Mile is going to be a five lane road...

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Wendy Howell interjected and asked that Mr. Zimmerman limit his responses to the questions being asked.

-Commission discussions inaudible-

C/Young: Does staff have any idea of the time frame for when utilities will be built out?

Troy Behunin: Utilities are developer-driven. The City does not put in sewer and water facilities or pressurized irrigation. On the rare occasion when the city does take charge on a project, it is usually to correct a problem or fill in the gap that is needed. The city does not undertake those. It's 99.9% of the time development-driven. And it is a significant distance away.

C/Hennis: And the property across the street, which is in the city limits, what is their current zone?

C/Gealy: It says it's agricultural.

Troy Behunin: I believe that it is agricultural. And it is being actively farmed.

C/Hennis: Oh yeah, agricultural. Thank you.

C/Gealy: Again, I'm inclined to approve the annexation with the two lots but to continue the agricultural zoning at this time.

Troy Behunin: Agricultural use?

C/Gealy: Agricultural use.

Troy Behunin: Be careful when you say zone.

C/Gealy: Actually the use, and to not specify a residential density at this time.

-Inaudible discussion-

C/Gealy: But then they can't build a house.

C/Hennis: So we'd have to recommend the R-2 zoning.

C/Gealy: To build one house. So, let me ask you this about the R-2 zone, because I thought that I understood; that if you had ten acres and you had an R-4 zone, you could put forty houses on that?

Troy Behunin: If you can make forty houses work, you can have up to forty houses. But if you can't make it work due to constraints, or run-off problems, or limits due to access, or whatever...

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C/Gealy: But, you don't take out... you don't subtract from that ten acres roadways, right-of-ways?

C/Hennis: Yes you do.

Troy Behunin: It's the gross acres, not the net.

C/Gealy: No, see now I thought it was the gross acre. But if you subtract that out; the roadways and rights-of-way, you've got a net increase.

Troy Behunin: It is the gross acre. If you have one acre of land and you want to put four houses on it, you still have to provide the roads.

C/Gealy: But you can still put four houses there.

Troy Behunin: If you can match all the other standards for an R-4 zone, then yes.

C/Gealy: Because the residential zone applies to the gross acreage, not to the net. So when you say, you've got twenty seven acres and it's an R-4. You're talking about a hundred houses. Because all of the roads, all of the common lots, all of the rights-of-way, all of the utilities... doesn't subtract from the total gross land, is that ... Am I right? It leaves you with less.

C/Hennis: It does leave you with less.

C/Young: It leaves you with a smaller area that you can actually build on.

C/Gealy: It leaves you with a smaller area; so in fact, in the buildable area you now have a higher density than an R-4.

Troy Behunin: Just because you have ten acres, doesn't mean you have forty units.

C/Gealy: You can, if you can make it work.

Troy Behunin: There is a chance you can make it work, that rarely is achieved.

C/Gealy: But when people say, well if you take out the roads, and you take out the right-of-way, and you take out the common lots...

Troy Behunin: The most popular zone in Kuna is R-6. Most subdivisions typically achieve five point five or five point six. So it doesn't even achieve six.

C/Gealy: Right. You never get six because of that.

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Troy Behunin: Yes, because of the constraints. You have to provide for roads, you have to provide for buffers, you have to provide for easements. You have to provide for a great many things. And on top of that, you have to meet the setback guidelines. You have your zoning requirements for setbacks, frontage of your lot...

C/Gealy: But the fact remains the zone applies; be it R-4 or R-6, it applies to the gross, and not the net.

Troy Behunin: Yes, so it leaves you with a smaller area.

C/Hennis: A smaller lot. Or a smaller home. You couldn't make that work with a bunch of two thousand square foot houses, but you might make it work with a bunch of twelve hundred square foot houses.

C/Gealy: But you'd still get forty houses on there.

Troy Behunin: But the city doesn't stick its finger in that pie. We don't get to dictate what the market will bear.

C/Hennis: That's right.

C/Gealy: Well thank you for clarifying. I was thinking that maybe I had misunderstood. Thank you Troy.

C/Gealy: No that's all. So is it an R-2 then?

C/Young: Is there a motion?

C/Hennis: I just have one digression here. In the development agreement, the first page; item C *-Inaudible-* ...1.5 acre lots but for the remaining 27.5? Is that what you clarified in your presentation on the remaining twenty seven acres?

Troy Behunin: Yes, the remaining acreage was the R-4.

C/Hennis: I remember you saying that now because yeah, that makes sense now, ok.

Commissioner Hennis motions to recommend approval to the City Council for 14-03-AN as presented; and recommends approval to the City Council of 14-01-CP and 14-02-DA with the condition that the density requested by the applicant changed to R-2 instead of R-4; Commissioner Gealy Seconds, all aye and motion carried 3-0.

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5. DEPARTMENT REPORTS:

- a. Summary of the Assessor's Report was tabled; to be given at the next meeting.
- b. Announcement that new planner has been hired (Trevor Kesner) and will begin the following Wednesday in Planning and Zoning.

6. CHAIRMAN / COMMISSIONER DISCUSSION:

No Discussion items

7. ADJOURNMENT:

Commissioner Hennis motions to adjourn at 7:34 p.m.; Commissioner Gealy Seconds, all aye and motion carried 3-0.



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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