

**OFFICIALS**

Lee Young, Chairman  
Dana Hennis, Vice Chairman  
Stephen Damron, Commissioner  
Tyson Garten, Commissioner  
Vacant



**CITY OF KUNA**  
Kuna City Hall Council Chambers, 751 W 4<sup>th</sup> Street, Kuna, Idaho 83634

**Planning & Zoning Commission Meeting**  
**MINUTES**  
**Tuesday November 9, 2021**

**6:00 PM REGULAR MEETING**

*For questions, please call the Kuna Planning and Zoning Department at (208) 922-5274.*

**I. CALL TO ORDER & ROLL CALL:**

(Timestamp 00:00:26)

**COMMISSION MEMBERS PRESENT:**

Chairman Lee Young – In Person  
Vice Chairman Dana Hennis – Via Zoom  
Commissioner Stephen Damron – In Person  
Commissioner Tyson Garten – Absent  
Vacant

**CITY STAFF PRESENT:**

Bill Gigray, City Attorney – Via Zoom  
Jace Hellman, Planning & Zoning Director – In Person  
Doug Hanson, Planner II – In Person  
Jessica Reid, Planning Services Specialist – In Person

**2. CONSENT AGENDA: ALL OF THE ITEMS LISTED ARE ACTION ITEMS**

(Timestamp 00:00:56)

- I. Regular Planning and Zoning Commission Meeting Minutes Dated October 26, 2021
2. Findings of Fact & Conclusions of Law
  - I. Case Nos. 21-04-ZC (Rezone), 21-05-S (Preliminary Plat) & 21-12-DR (Design Review)  
Ewing Meadows Subdivision

(Timestamp 00:00:58)

**Motion To:** Approve Consent Agenda.

**Motion By:** Commissioner Damron

**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 3-0-1, Commissioner Garten was absent.

**3. PUBLIC HEARINGS: ALL OF THE ITEMS LISTED ARE ACTION ITEMS**

*(Timestamp 00:01:14)*

- A. *Recessed from October 26, 2021* Case Nos. 20-01-PUD (Planned Unit Development), 20-06-ZC (Rezone), 20-08-S (Preliminary Plat) & 20-05-SUP (Special Use Permit) for Merlin Cottages Subdivision – Doug Hanson, Planner II

A Team Land Consultants on behalf of Merlin pointe, LLC, requests planned unit development approval for an approximately 7.04 (6.61 developable) acre site, with C-1 (Neighborhood Commercial) and R-12 (High Density Residential) zoning districts and to subdivide the property into 66 total lots (54 residential, 6 common, and 6 commercial). The subject site is located at 115 N Sailer Avenue, Kuna, ID 83634, within Section 24, Township 2 North, Range 1 West; (APNs: R5672430020, R5672430040, R5672430060).

*(Timestamp 00:02:05)*

Planner II Doug Hanson stated he had sent a second request for comments to ITD (Idaho Transportation Department) per the Commission's request; ITD responded they would have comments but did not have them ready in time for the meeting. Mr. Hanson explained ACHD (Ada County Highway District) had provided an updated Staff Report (Exhibit 2.61). Additionally, KSD (Kuna Joint School District No. 3) had provided a late submittal that morning and a copy had been provided to the Commissioners; Mr. Hanson notified the Commission that KSD's late submittal would be entered into the record as Exhibit 2.65. Mr. Hanson proceeded to explain to the Commission a decision could be made that evening if they were comfortable with the updates regarding ACHD and ITD as provided, or they could continue the hearing once again in order to review updated comments once received; if the Commission wished to continue the hearing, Mr. Hanson requested the Case be continued to December 14, 2021. He then stood for questions.

*(Timestamp 00:03:10)*

Commissioner Damron asked if ITD had provided an estimated timeframe for when their comments would be submitted; they had not.

*(Timestamp 00:03:23)*

City Attorney Bill Gigray suggested the Chairman ask the applicant if they had been able to review the submitted ACHD and KSD comments. Chairman Young invited the applicant to the podium.

*(Timestamp 00:03:46)*

Applicant Steve Arnold addressed the Commission and confirmed they had been able to do so. Mr. Arnold stated they were in agreement with the requirements laid out by ACHD and explained he also had a traffic generation of the Wal-Mart proposed in the past, and the current potential count per 1,000 SF of living space; it resulted in approximately 600 trips per day due to the project. Mr. Arnold commented that ITD was currently understaffed and only had one individual reviewing applications. In regards to KSD comments, Mr. Arnold explained they felt that the standard taxes generated by the project already had the largest portion going to KSD, and did not agree with KSD's request. Additionally, they had offered to provide a school bus pull out as KSD was concerned the turning maneuver onto N Sailer was unsafe; Mr. Arnold did point out that school buses already made this turn and reiterated their willingness to provide an ample turnout. He then stood for questions.

(Timestamp 00:07:02)

Commissioner Damron asked Mr. Gigray if it was legal for KSD to request impact fees. Mr. Gigray explained school districts were not yet allowed to collect impact fees as they did not have Ordinance authority. Mr. Gigray stated the request may have been generated as a result of House Bill 389. He continued by stating he did not feel comfortable creating a Development Agreement that requested these additional fees either.

(Timestamp 00:10:35)

Chairman Young asked the Commissioners their thoughts on moving forward with the Case, or continuing the Case so they may receive and review ITD comments.

Vice Chairman Hennis felt there was more going on then previously received; he did want to review ITD's comments but he was also concerned with KSD's comments on it being unsafe for school buses even though buses were already accessing the subdivision. He felt safety of the school buses needed to be verified, especially because the proposed project was denser than usual (per Planned Unit Development).

Chairman Young asked Vice Chairman Hennis if he felt ITD comments were necessary in order for the Case to move forward.

Vice Chairman Hennis questioned if the turn onto N Sailer would be safe and wanted to see ITD's thoughts on that, especially since the concentration of traffic would be more centered around leaving and returning home times instead of spread throughout the day like with a box store.

(Timestamp 00:13:54)

Commissioner Damron agreed with Vice Chairman Hennis and was concerned about children safety. Vice Chairman Hennis stated he believed this issue needed to be looked into more.

(Timestamp 00:14:30)

Chairman Young asked the Commission if they wanted to continue the Public Hearing to December 14, 2021, pending ITD comments. Vice Chairman Hennis thought it would be fair to the project and make a properly informed recommendation to City Council. Chairman Young then stood for a Motion.

(Timestamp 00:15:18)

**Motion To:** Continue Case Nos. 20-01-PUD (Planned Unit Development), 20-06-ZC (Rezone), 20-08-S (Preliminary Plat) & 20-05-SUP (Special Use Permit) for Merlin Cottages Subdivision to December 14, 2021.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Damron

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 3-0-1, Commissioners Garten was absent.

(Timestamp 00:16:03)

**B. Tabled from October 12, 2021** Case Nos. 21-04-AN (Annexation), 21-03-ZC (Rezone), 21-01-PUD (Planned Unit Development), 21-03-S (Preliminary Plat), 21-04-SUP (Special Use Permit),

21-01-DA (Development Agreement) & 21-26-DR (Design Review) for Sabino's Rocky Ridge Subdivision – Doug Hanson, Planner II

Providence Properties LLC requests Planned Unit Development approval for approximately 136.17 acres, with C-1 (Neighborhood Commercial), R-6 (Medium Density Residential) and R-8 (High Density Residential) zoning district classifications. The applicant requests Pre-Plat approval in order to subdivide the approximate 136.17 acres into 697 total lots (619 single family, 76 common, and 2 commercial). The subject site is located at 3250 W Hubbard Road, Kuna, ID 83634, within Section 10, Township 2 North, Range 1 West; (APNs: S1310314800, S1310346805, S1310427810, S1310449300).

(Timestamp 00:16:50)

Planner II Doug Hanson explained staff had not received comments from ACHD (Ada County Highway District), which was why the Case had been requested to be tabled to a date uncertain.

(Timestamp 00:17:00)

City Attorney Bill Gigray made a point of clarification that the Case would require re-noticing as the item was being tabled.

(Timestamp 00:17:27)

**Motion To:** Table Case Nos. 21-04-AN (Annexation), 21-03-ZC (Rezone), 21-01-PUD (Planned Unit Development), 21-03-S (Preliminary Plat), 21-04-SUP (Special Use Permit), 21-01-DA (Development Agreement) & 21-26-DR (Design Review) for Sabino's Rocky Ridge Subdivision to a date uncertain.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Damron

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 3-0-1, Commissioners Garten was absent.

(Timestamp 00:18:05)

C. Case No. 21-07-AN (Annexation) for Ledgestone South – Troy Behunin, Senior Planner

GEM State Planning, LLC on behalf of Trilogy Development, Inc. requests Annexation of approximately 99.78 acres into the City of Kuna and to zone approximately (approx.) 83.33 acres as R-6 Medium Density Residential (MDR), and 16.45 acres as R-8 MDR. The Applicant only requests Annexation at this time and will propose a Preliminary Plat in the future. The subject site is adjacent to Kuna City limits on the north and west side; and is currently zoned RR (Rural Residential) in Ada County. The subject site is located at 2425 N Locust Grove Road, Kuna, ID 83642, (APN's: S1418123460, S1418123496, S1418123498, S1418123490, S1418427800 & S1418417200).). Section 18, Township 2 North, Range 1 East.

(Timestamp 00:18:20)

Senior Planner Troy Behunin presented an overview of the project and reminded the Commission the Case was strictly for the Annexation, and that any development application would come forward in the future. He then stood for questions.

(Timestamp 00:19:46)

City Attorney Bill Gigray asked a clarifying question in regards to a Rezone & Mr. Behunin confirmed a Rezone was not part of the application because a zone must be indicated when requesting Annexation.

Planning and Zoning Director Jace Hellman further explained Rezone's are typically seen when a subject property was already part of City Limits and required a zone change as part of development, however, staff historically did not require a Rezone when only an Annexation was requested since the applicant is required to indicate a zone as part of their Annexation application.

Mr. Gigray thanked staff for their clarification.

(Timestamp 00:21:36)

Chairman Young recalled issues with the previous development application regarding services, and asked if that had been mitigated.

Mr. Behunin reiterated the application was strictly for Annexation and serviceability issues would be addressed at time of a development application. Additionally, Mr. Behunin explained a DA (Development Agreement) would be presented to the City Council which stated a development application would not come forward until services were available.

(Timestamp 00:23:47)

Jane Suggs of Gem State Planning presented an overview of the proposed project and some of the previous development applications history. She did expound that the development community was working with Kuna Public Works on addressing current sewer capacity issues and working towards solutions. Ms. Suggs stressed the application before the Commission was strictly for Annexation with an R-6 and R-8 zone. She agreed with the Conditions of Approval listed in the staff report and explained when the development application came forward in the future, that is when the serviceability would be addressed. Ms. Suggs the Annexation follows the FLUM (Future Land Use Map) within the Comprehensive Plan. She then stood for questions.

(Timestamp 00:27:20)

Vice Chairman Hennis asked if there were any major changes proposed as compared to the previous application. Ms. Suggs referenced the future development application would closely follow the layout and product the previous application but the application being heard was the Annexation with the R-6 and R-8 zones.

(Timestamp 00:28:44)

Chairman Young opened the Public Hearing.

Support:

1. Jane Suggs (Applicant), Gem State Planning, 9839 Cablecar Street, Boise, Idaho, 83709 – Testify
2. Charlotte Busbee, 364 N Bay Haven Avenue, Kuna, Idaho, 83634 – Not Testify

Neutral:

1. Roger Staff, 2303 N locust Grove Road, Kuna, Idaho, 83634 – Not Testify

Against:

None

(Timestamp 00:29:20)

As there were no individuals signed-in who wished to testify, Chairman Young asked if there was anyone who was present who would like to sign-in; there were not, so he closed the Public Hearing.

(Timestamp 00:29:52)

Commissioner Damron did not express any issues.

Vice Chairman Hennis touched on a few topics he had previously expressed.

Chairman Young did not express any concerns.

(Timestamp 00:30:45)

**Motion To:** Recommend Approval to City Council of Case No. 21-07-AN (Annexation) for Ledgestone South, with the Conditions as outlined in the staff report.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Damron

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 3-0-1, Commissioners Garten was absent.

#### **4. BUSINESS ITEMS:**

(Timestamp 00:31:16)

- A. Case No. 21-25-DR (Design Review) for the Americool Buildings – Jessica Reid, Planning Services Specialist ACTION ITEM

Rick Bugatsch, on behalf of TLM, LLC, requests Design Review approval for a 3,300 SF metal building with office & warehouse space, associated parking lot and landscaping. The subject site is located at 707 W Avalon (APN: S1326120800) with an M-1 (Light Industrial/Manufacturing) zoning designation; Section 26, Township 2 North, Range 1 West.

(Timestamp 00:31:28)

Planning Services Specialist Jessica Reid presented an overview of the project then stood for questions.

(Timestamp 00:34:26)

Property owner Tony Martarano addressed the Commission, notifying them that they generally agreed with the staff report and Conditions; he explained he did have a few questions regarding the pressurized irrigation connection but would address those with staff. Mr. Martarano then stood for questions; there were none.

(Timestamp 00:35:38)

The Commission proceeded into discussion of the project.

Vice Chairman Hennis expressed the project was well designed; the trash enclosure met specifications; and the landscaping was appropriate. Commissioner Damron agreed.

(Timestamp 00:36:20)

**Motion To:** Approve Case No. 21-25-DR (Design Review) for the Americool Building, with the Conditions as outlined in the staff report.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Damron

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 3-0-1, Commissioners Garten was absent.

(Timestamp 00:36:58)

Ms. Reid requested a moment to speak with the Applicants before proceeding to the next Case as she was also operating as the meeting Clerk.

(Timestamp 00:37:22)

**B.** Case No. 21-27-DR (Design Review) Rising Sun Fencing Alternative Compliance Request – Troy Behunin, Senior Planner ACTION ITEM

M3 Companies, LLC requests Design Review (Alternative Compliance) approval for perimeter fencing for the subdivisions known as the Rising Sun Estates and Rising Sun Commons. The Applicant desires to install a consistent and unique fence throughout each of their multiple phases, as described in KCC 5-4-6-B-3-g-2. This project is located on the Southwest Corner (SWC) of Kuna Road and Stroebel Road, Kuna, ID.

(Timestamp 00:37:42)

Senior Planner Troy Behunin presented an overview of the project and stood for questions; there were none.

(Timestamp 00:39:18)

Travis Jeffers of M3 Companies presented their proposal for alternative fencing which was similar to another alternative compliance request at another project. Mr. Jeffers pointed out the fence maintenance plan which would be executed by the developments HOA (Homeowners Association); he then referenced images of their proposal.

(Timestamp 00:41:18)

City Attorney Bill Gigray asked if Vice Chairman Hennis was able to see the presentation images as he was attending via Zoom. Vice Chairman Hennis he was not but was able to review the presentation images submitted with the meeting packet.

(Timestamp 00:41:28)

Mr. Jeffers summarized his presentation and stood for questions; there were none.

(Timestamp 00:43:00)

The Commission proceeded into their discussion.

Chairman Young agreed it was an acceptable alternative and was aesthetically pleasing.

Commissioner Damron felt it was more aesthetically pleasing than the usual vinyl fencing.

Vice Chairman Hennis agreed, especially as there was such a strong maintenance plan.

(Timestamp 00:43:36)

**Motion To:** Approve Case No. 21-27-DR (Design Review) Rising Sun Fencing Alternative Compliance Request, with the Conditions as outlined in the staff report.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Damron

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 3-0-1, Commissioners Garten was absent.

## 5. **ADJOURNMENT:**

(Timestamp 00:44:06)

Chairman Young asked staff if there were any items to address as the rest of the agenda had been completed; there were not.

(Timestamp 00:44:22)

**Motion To:** Adjourn.

**Motion By:** Commissioner Damron

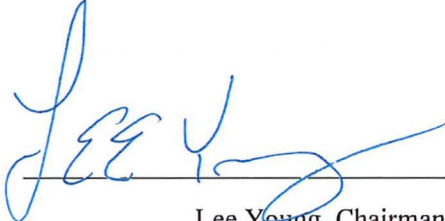
**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

**Voting No:** None

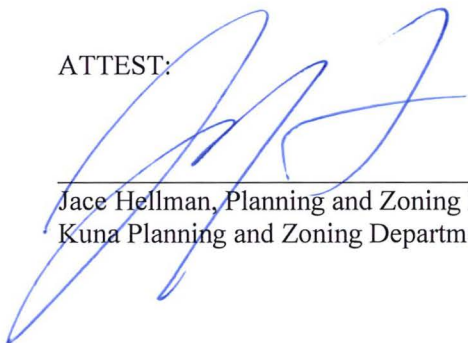
**Absent:** 1

**Motion Passed:** 3-0-1, Commissioners Garten was absent.



Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:



Jace Hellman, Planning and Zoning Director  
Kuna Planning and Zoning Department