



**PLANNING & ZONING COMMISSION
MINUTES**

**Tuesday, August 11, 2020
6:00 PM**

Per the Order issued by Central District Health on July 14, 2020, social distancing and face masks were required. Council Chambers audience occupancy was 15.

This meeting was also streamed Live on the City of Kuna Facebook page:

<https://www.facebook.com/CityofKunaIdaho/>

Public testimony was received on the cases listed under Public Hearings within this Agenda.

1. CALL TO ORDER AND ROLL CALL

COMMISSIONERS:

Chairman Lee Young – Absent
Vice Chairman Dana Hennis
Commissioner Cathy Gealy
Commissioner Stephen Damron – Absent
Commissioner John Laraway

CITY STAFF PRESENT:

Wendy Howell, Planning and Zoning Director
Troy Behunin, Senior Planner
Doug Hanson, Planner
Jessica Reid, Planning & Zoning Staff

2. CONSENT AGENDA: *All Listed Consent Agenda Items are Action Items*

A. Planning and Zoning Commission Meeting Minutes

1. July 28, 2020

B. Findings of Fact & Conclusions of Law

1. 19-11-AN (Annexation), 19-29-DR (Design Review) & 19-08-S (Preliminary Plat)
Ashton Estates East

Commissioner Cathy Gealy moved to approve the Consent Agenda. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Dana Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

3. PUBLIC HEARING:

A. Case Nos. 20-01-AN (Annexation), 20-03-S (Preliminary Plat) & 20-07-DR (Design Review) LedgeStone South Subdivision - **ACTION ITEM**

Doug Hanson: Good evening Mr. Vice Chairman, members of the Commission, for the record, Doug Hanson, Kuna Planning & Zoning Staff, 751 W 4th Street. The application before you this evening proposing to annex the approximately 97-acres into the Kuna City Limits. Of those 97-acres, the applicant has proposed to zone approximately 84% of the development site R-6 (Medium Density Residential) as defined via legal description. The proposed areas of R-6 will accommodate 291 standard single-family home lots. The remaining development area, as defined by legal description, is proposed to be zoned R-8 (Medium Density Residential). Similar to the original LedgeStone preliminary plat, LedgeStone South proposes to incorporate

102 alley-load lots. These single-family homes will face the street; however, driveway and garage access will be available from the rear of the house via a 20-foot wide public alley way. With 393 lots over approximately 97-acres, the overall gross density of the project is 4.07 dwelling units per acre (DUA). The net density is 5.56 (DUA). The applicant proposes 11.6% of the project to be dedicated to useable open space, which is compliant with Kuna City Code (KCC). Included in this project is an entirely new section of Ardell Road which will span from Stroebel Road to Locust Grove Road. Ardell Road is classified as an east-west major collector. Along Ardell Road the applicant has proposed a five-foot attached sidewalk. The sidewalk width requirement for Collector Roads is an eight-foot detached sidewalk with vertical curb and gutter. Staff would note that the applicant will be required to install curb, gutter and sidewalks on all roadways in accordance with KCC 5-17-13 and 6-4-2. Additionally, as a part of this application, there is an existing single-family home that is being included with the annexation proposal, however, this house and approximately 1.04-acres that surround it will not be included in the preliminary plat and will be listed as an out parcel on the plat. Ada County Highway District (ACHD) recommends the frontage along this site be improved consistent with the proposed improvements along Locust Grove Road and Ardell Road so there is not a gap in improvements. Staff agrees with this recommendation and will require the applicant to install curb, gutter and sidewalk in accordance with KCC 5-14 and 6-4. LedgeStone South sewage is anticipated to flow to the Patagonia Lift Station. The sewage is subsequently lifted to the Danskin Lift Station. At this time, neither lift station can support this project as they are currently configured. Staff would note that if the Commission recommends approval of this project, that the applicant be required to work with the Kuna City Engineer to provide a solution regarding the reaction of additional capacity. This condition has been provided as Condition No. 6 in section "I" of the staff report. Following review, staff has determined the annexation, preliminary plat and design review requests are within technical compliance of Kuna City Code, Idaho State Code and the Kuna Comprehensive Plan. As a reminder, the annexation and preliminary plat are before you as a recommendation to the City Council, and the design review is seeking your decision this evening. If the Commission approves the design review and recommends approval of the annexation/pre plat, staff would recommend that the applicant be subject to the conditions of approval listed in section "I" of your staff report, as well as any other additional conditions this decision-making body decides to impose. I will answer any questions you may have. **C/Hennis:** Any questions for staff? **C/Gealy:** I have no questions at this time. **C/Laraway:** No questions. **C/Hennis:** Thank you, and would the applicant like to present? **Jane Suggs:** Commissioners, nice to see you tonight, seems like I was just here not too long ago. Thank you, we were supposed to be here a couple of weeks ago and were not because we did not have our ACHD staff report; thank you for putting me on the agenda. My name is Jane Suggs, I work for Gem State Planning, 9840 Overland Road, in Boise and I am here representing LedgeStone South Subdivision. I think Doug did a really great job giving us an overview, I just want to reiterate that we meet the Comprehensive Plan for Medium Density and our preliminary plat meets all of the requirements of the City's zoning code; and the best thing, we agree to all of the conditions of approval. I am going to be a little brief because there are a lot of people out here wanting to talk. As you know, this project is a continuation of the LedgeStone Subdivision just to the north, and we have a vicinity map to show how they are connected. You will see that we are off of Hubbard between Locust Grove; you'll see the LedgeStone Subdivision which is under construction right now, we are getting the final plat approved so we can start building houses this Fall, we will continue to work into LedgeStone South and over to Locust Grove. The north-south collector is Stroebel Road, you'll

be familiar with Stroebel Road down near Deer Flat; we are going to extend that all the way to the extension of Ardell Road. The LedgeStone South subdivision is larger than the LedgeStone Subdivision but they are tied together; we plan for them to be seamlessly tied together and share amenities. As a recap, we are requesting annexation with two zoning designations, R-6 and R-8; the R-8 is just the front load lots, R-6 is the remaining lots. Another drawing I have shows the lot layout and that those R-6 lots meet the size requirements of R-4. You will see the areas in red, those are zoned R-6 but they are larger than the R-6 minimums, they are actually 6,600 square feet; they are not all 66-feet wide so I can't zone them to R-4. We are doing a nice mix of lots, in the blue are the R-8 lots; again, our Gross density is just over 4.04 units to the acre. We also have a landscape rendering I would like to finish up with, there are a few special features in LedgeStone South. We have a central park that is 3.69-acres that will include a neighborhood swimming pool which will serve the residents of LedgeStone and LedgeStone South; it will also include a play structure, a picnic shelter and some parking spaces. We are also including a 5-foot wide sidewalk along the north boundary where the ditch was, which runs half a mile and links the two projects. If you look at the original LedgeStone project that has a pathway along Mason Creek and you add this half mile, it provides substantial opportunities for people to walk. With the construction of LedgeStone South, we will add the mid-mile collector of Stroebel Road that runs from Hubbard, almost to Deer Flat, and we will construct the Ardell Road extension for about a half of a mile. Again, we are meeting the land use designation and the Comp Plan, requirements of the zoning code, subdivision requirements and we agree with the staff report. We request that you recommend approval to the City Council for annexation, rezone and preliminary plat and request that you approve our design review of the open spaces and landscaping. I will stand for any questions. **C/Gealy:** I have no questions. **C/Hennis:** I had a basic question, I remember reading the ACHD report and most of the traffic study; it seemed like ACHD first said the Traffic Study hadn't used the correct parameters, has that been worked out and are you in agreement with the mitigation recommendations from ACHD? **JS:** Yes, that was earlier in the project where they sent an email that basically says, for all traffic studies, we have some questions. What had happened was even when they had completed their study, were in review of the study and in the process of writing their staff report, they wanted even more information from the traffic study; that is what held us up. The original traffic study was from October 2019 but they wanted more information and we worked with them. We do agree with those conditions and you will see we will be doing additional traffic study updates as the project progresses; at the 301 house there will be another and it will revisit that. **C/Hennis:** Ok, thank you. That leads us to the Public Hearing portion, I will go ahead and open the Public Hearing at 6:13 PM. There is one person signed up; has everybody signed up that wants to speak tonight regarding LedgeStone South? Ok, first up I have Roger Stagg; please come up to the microphone. As a reminder, everyone who testifies will be given three minutes to testify and after testimony, the applicant is able to address any questions. When you come up, please make sure to state your name and address for the record. **Roger Stagg:** I'm Roger Stagg, I'm here on behalf of myself and my wife Josette; our property is 2303 N Locust Grove Road. We are immediately south of LedgeStone South, their development is all of our northern and western property line; if I looked at the plat correctly, that is 29 homes against our property. First, I would like to read you a brief letter from my wife Josette, then I will add my comments and concerns; though I signed up under opposed and I hate to see a development this big right next to our rural living, I don't expect one property owner is going to stop the project so, it's more so requests. From my wife Josette: "Sadly, we no longer live on a quiet country road; the developments that are and have been approved made such an

impact on our rural roads, we find this impact devastating. I no longer feel safe going for walks as there is so much traffic and they go well beyond the 50-mph speed limit. Each and every new subdivision, of say 200 plus homes, adds 400 plus cars on the roads; and families of two or more children, most of which are school age. Our roads and schools cannot handle this impact, which means more school bonds to pass, more roads to widen and more accidents, etcetera. To the developers it means dollar signs; think about preserving some of the rural Kuna. Please consider the long-term effects of yet another subdivision in Ledgestone South. Josette M. Staggs” My comments in addition, when we moved there in 1992, there was more tractor traffic on Locust Grove than there were automobiles; that has already drastically changed and continues to change a great deal. There are frequent accidents at the corner of Hubbard and Locust Grove; my request, and this may go more towards ACHD, that there would be safety mitigation at Hubbard and Locust Grove whether that is a light, a 4-way stop or a roundabout. I would also request that Locust Grove, south of Hubbard, be reduced from 50-mph to either 35 or 40-mph; many cars go through there during high traffic hour, going well over 50-mph already. Any questions? **C/Gealy:** No. Thank you. **C/Hennis:** No. Ok, that is all I have signed up for the Public hearing. *(Roger Staggs comments from the audience)*. **Jessica Reid:** I’m sorry, time has elapsed. **C/Hennis:** We will close the Public Hearing on that at 6:18 PM. Ms. Suggs? **JS:** Jane Suggs, Gem State Planning, representing Ledgestone South subdivision. I don’t have any specific rebuttal to Mr. Staggs or the letter he read from his wife, but I understand a lot of changes have happened out here. We are making improvements where ACHD is requiring us to, along Locust Grove there is a need for left turn lanes above Hubbard Road all the way up to Amity; I don’t know who is going to be paying for that or how we go about making that happen because it requires right-of-way and it’s not adjacent to us. However, we will add traffic there and yes, many of those intersections will either be signalized or have roundabouts which what I think ACHD is preferring to do now. We participate in Impact Fees, I’m not sure if Kuna has the Cooperative Agreement with ACHD where we actually give additional monies; we will meet all ACHD requirements and will be doing traffic study updates as this develops. I don’t think that our development would object to changing the speed limits but that is typically something that has to come from the city and from more than one property owner or just the developer. We have actually asked for that before too in other parts of the valley. Again, I don’t have anything specific to respond; I respectfully ask your approval and recommendation of approval of our applications. Also, my door is open and my phone number is available if any neighbors would like to talk again. **C/Hennis:** To expand on what you said, I found in the ACHD report where it is suggesting mitigations done at that intersection pretty quickly; I think that will be part of ACHD’s plan here in the future. **JS:** Your next project *(on the agenda)* actually abuts that area as well. **C/Hennis:** That brings us to the Commissioners discussion; is there anything specific? **C/Gealy:** *(Directed to Mr. Staggs)* I appreciate your concerns, providing your comments and taking the time to come here, however, your concerns will need to be addressed with ACHD. I suggest you contact ACHD with your concerns regarding traffic, we each have an elected representative on the Board of Commissioners for the Ada County Highway District. Growth does impact our schools as well, we are aware of that, and our School Board determines when we build more schools; they are also our elected representatives. The schools tend to be reactive to the growth because growth comes and then we need more schools. When we look at these subdivisions, I prefer to see amenities for the people who will be living in these subdivisions, and that they are created as neighborhoods. I also look for transitions as in transitional lots between different types of uses. While I recognize you will have 29 new neighbors on your north boundary, they’ve actually put larger lots there; the alley-loaded lots

which tend to be smaller, are an attractive product for people looking for affordable housing, and those tend to be inside the development. I appreciate the applicant and the developer are making efforts to address those concerns. I really don't have any other concerns about this development, it's a continuation of the first one and it's in compliance with the Comprehensive Plan; many of our citizens participated in creating our Comprehensive Plan, it's a new one and was just approved by City Council. **C/Hennis:** I appreciate it's trying to incorporate this southern development into the northern development. I think it's laid out well, I like where the amenities are, I like the open space; I think it's quite a bit better than the northern one. It gives good areas to connect, it gives good pathways, it gives good outdoor space; I like what they've done there. I think we are going to see in the next couple of items coming up that we're going to get an area for another school on the same side, Swan Falls High School will remove some of the pressure off of Kuna High School; I think it's situated itself to come in at the right time. The traffic mitigation seems appropriate to me and ACHD. **C/Gealy:** I noticed as you did, that the traffic study that ACHD did have some initial concerns about the traffic impact study but, there was an addendum included that addressed some of the traffic mitigation that would be required in the 5; 10; 15-year timeframe. **C/Laraway:** This is going to sound odd but, it is a good place for the subdivision for what we're talking about. Traffic is always going to be an issue anywhere you put a lot of homes; normally what ACHD does is after the subdivision is installed, they do reduce the speed limit. Your speed limit will most likely drop, to what I don't know, that's up to the Chief of Police and ACHD. The 4-way stops are coming, they are pretty much all around the county now. Unfortunately, there has to be so many crashes at an intersection before ACHD will install a traffic control device; I don't know what that number is there. I don't have any problems with it, its growth, growth is going to hurt some neighbors but it is growth. **C/Hennis:** I think they are appropriately trying to give a neighborhood feel, to give it amenities that we have been looking for in the city; they are not just plopping houses on an empty parcel, they are providing parks, swimming pools, landscaping, pathways and other amenities. **C/Gealy:** I would also point out that there are multiple conditions of approval; I did check that everything mentioned in the staff report are listed in the conditions of approval. I didn't see a need for additional conditions of approval. **C/Hennis:** The main one is to work with the City Engineer to work on the sewer lift station capacity. **C/Gealy:** Also, as a side, it is a phased development and will go in over 6 years.

Commissioner Cathy Gealy moved to recommend approval for 20-01-AN (Annexation) and 20-03--S (Preliminary Plat) to City Council for Ledgestone South Subdivision with the conditions as outlined in the staff report. Seconded by Commissioner Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Dana Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

Commissioner Cathy Gealy moved approve 20-07-DR (Design Review) for Ledgestone South Subdivision with the conditions as outlined in the staff report. Seconded by Commissioner Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Dana Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

B. Case No. 19-14-AN (Annexation), 19-11-S (Preliminary Plat) & 19-32-DR (Design Review) Patagonia East, Ridge, & Lakes Subdivision – ACTION ITEM

Troy Behunin: Good evening Commissioners, for the record, Troy Behunin, Senior Planner, 751 W 4th Street, Kuna Planning and Zoning Department, Kuna, Idaho. The project you have listed, 19-14-AN (Annexation), 19-11-S (Preliminary Plat), 19-32-DR (Design Review), for the Patagonia Lakes, Patagonia Ridge and Patagonia East Subdivisions, is viewed as one project by staff even though they are adjacent yet split by Hubbard Road and Locust Grove. This is an annexation request involving multiple parcels which are all county parcels but, they are contiguous on the west side of the proposed Patagonia East and successively from there to the east. A map is shown on the front page of the staff report and there are additional maps throughout the packet. This is a Category A annexation request, applicant WHPacific-NV5 requests approval for the annexation, preliminary plat and design review; staff would note that the design review is up for your decision tonight and the annexation and preliminary plat are up for your recommendation to City Council. The applicant proposed to annex approximately 173.80-acres into the Kuna City Limits, using three different, all single-family, residential zones; there is R-8 (Medium Density Residential), R-6 (Medium Density Residential) and R-4 (Medium Density Residential), which is the border between medium and low density. The applicant proposes a multi-phased, master planned development. Applicant requests preliminary plat approval to subdivide the approximate 173.80-acres into, and up to, 561 single-family buildable lots; there are also 54 common lots and the applicant is working with the Kuna School District on at least 10-acre elementary school site. The applicant is also seeking design review approval for the common spaces, buffers, trails and parking for the project. The annexation is sought via an Affidavit of Legal Interest by the land owner who has request that the lands be annexed into the city. Kuna's Comprehensive Plan, a blueprint for the city, is a guide to help facilitate the development of lands within the City Limits; it does encourage a variety of housing, housing types and lot sizes for all income levels. The applicant seeks to develop various uses, including these multiple residential uses; they are proposing the school site and multiple private parks. The applicant is proposing public streets within the subdivision with all of the improvements required by the City of Kuna and ACHD; curb, gutter and sidewalk as well meeting the Kuna Rural Fire Districts requirements for roads and proposed stub streets to possible future subdivisions. With the large volume of walking/biking trails, they will reduce vehicle miles traveled and provide safer routes to school as well as provide a safe route to the open spaces and neighbors' homes. Staff does view that generally speaking, the project conforms to the Comprehensive Plan and the Future Land Use Map (FLUM), staff also finds the project appears to follow Kuna City standards and fulfills all technical requirements. Staff would like to note that all public roads will provide full right-of-way improvements on Hubbard Road, Locust Grove Road and all mid-mile collector roads; this is significant because we hear many concerns about traffic and want to point out that growth does pay for itself with these improvements. The subject property does require being connected to city potable water services and the Kuna Municipal Irrigation System (KMIS), or Pressurized Irrigation (PI), as well as city sewer services. The sewer will create a considerable burden on the Patagonia Lift Station, which then flows on to the Danskin Lift Station. The developer shall work with the City Engineer to participate in an engineered evaluation and solution of the Patagonia Lift

Station and any proposed improvements to the lift station to increase the force main capacity; this is listed in the Engineers Memo included in your packet. Staff has confirmed that after the packet was compiled and dispersed, the City Engineer and the applicant have discussed this matter multiple times and the applicant has agreed to work with the City Engineer for the Patagonia and Danskin Lift Station upgrade needs. The design review is for the landscaping, common areas and open spaces; staff finds that the landscape, buffers and open space generally meets and is in compliance with Kuna City Code; staff notes a reminder to the developer about landscaping that is noted in the staff report. Staff has determined that the preliminary plat and design review generally comply with the goals and policies of Title 5 and Title 6 of Kuna City Code, Idaho State Statute §67-6511, the Comprehensive Plan and the FLUM. If the Planning and Zoning Commission recommends approval of 19-14-AN and 19-11-S and approves 19-32-DR, staff recommends that the applicant be subject to the conditions of approval listed in section "I" of the staff report as well as any conditions the Commission deems necessary. I will sit for any questions that you might have. **C/Hennis:** Any questions for staff? **C/Laraway:** In the last subdivision we recommended approval for mentioned the sewage must be pumped to a lift station in Patagonia; is it this Patagonia or the original Patagonia? And my follow up question is if the new Patagonia will also pump to that? **TB:** That's a good question, the lift station mentioned is the Patagonia Lift Station that is in the original and existing Patagonia subdivision; it's on the southwest corner. **C/Gealy:** I have a couple of clarification questions and then had a letter to read regarding the school site. I read in the ACHD report that the Kuna School District had not yet decided that they were going to purchase that land, do you know if the developer plans to donate or sell the land to the Kuna School District? **TB:** There are some details that need to be ironed out; I have heard from the developer and the school district that it will be a mixture of donation and purchase. **C/Hennis:** When do you want to read that letter, as it is relevant? **TB:** I can read it right now if you'd like, I have copies to hand out to the Commission, or I could do it during the public testimony. **C/Gealy:** I think during public testimony is fine. I had another clarification question, the email from the Fire Chief, "All dead-end roads should be justified."; meaning they would be extended in the future, what's the timeframe, and if not, they need to meet standards of the Fire Code. Fitzroy dead-ends into private property; have you addressed those concerns with the Fire Chief? **TB:** I have spoken with the Fire Chief about this project, that is why it is listed in the Staff Analysis that they should be conditioned to work with ACHD, the City of Kuna departments, and the Kuna Rural Fire District for EMS. In addition, there is a catch-all phrase that states they must work with all applicable agencies, I believe that is the last condition listed. **C/Hennis:** Ok, would the applicant like to come up? **TB:** Commissioner Hennis, the applicant is attending via Zoom. **Bonnie Layton:** Good evening Commissioners. Is it possible to allow me to share my screen with the meeting? **TB:** Yes, Jessica will make that happen. **BL:** I have a few documents on my desktop to share; the illustrative site plan with an aerial photo as well as the connectivity plan; they will support the plan we have before you this evening. Good evening Commissioners, I am Bonnie Layton, Senior Planner at WH Pacific, 690 S Industry Way, in Meridian, Idaho, 83642. First, I would like to thank staff; Troy and Wendy have been a great help working with us on this project. This project was started prior to my employment with WH Pacific, so I am happy to be before you this evening to present this project on behalf of my client. I would like to reiterate that this project meets the standards of the Kuna Comprehensive Plan and City Code. As Troy mentioned, it is 173.80-acres with 561 single-family lots, 54 common lots, a 10-acre plus school site; three different residential zones with parks and connectivity. Generally speaking, we are in agreement with the staff report, Troy mentioned all of the issues I thought

I might need to discuss. I want to mention that this project started a couple of years ago, we had a neighborhood last September, submitted the application earlier in the year and then were on hold when COVID hit; things were drawn to a halt and during that time, my client acquired another 10-acres which helped to provide a better layout and addressed some of the issues from ACHD. We held another neighborhood meeting on June 4th and showed this updated plan; as the letters in the packet attest to, and previous testimony, I think it attests to traffic being a concern to neighbors out here. To address your point Commissioners, we will develop this project to ACHD standards and will try to mitigate traffic that is generated from our project. We provided these updated documents for the submittal and we did that because we wanted to be clear that everyone understood what the project was and had the most up-to-date information. At the neighborhood meeting I also suggested to the neighbors that if they had traffic concerns, to turn those over to ACHD and updated documents could be obtained from the city with our application; that was to attempt to avoid any confusion by having multiple plans floating around that may not be current. I wanted to make sure, especially because of the life of this project, I just wanted to make sure it was a clean and thorough submittal. Another exhibit we put together is to show connectivity; in the top corner you have the original Patagonia and then how this project connects into that with pathways. There's a great network of walking paths and biking trails for people to get around in this area. There will be various remedies for the residents here just like we do in the original; we've earmarked some areas for that for the residents. There is alley loaded lots that provides a higher density here and here; we have also complied with ACHD on how you enter and exit depending on the class of loads. We have tried to address all of the issues brought up my ACHD, we agree with the conditions of approval; we will work with staff on the Lift Station, as Troy mentioned, and as we move forward through development. With that I respectfully ask on behalf of my client, that you approve our project; we believe it will be an asset to the community of Kuna. With that, I will stand for any questions. **C/Hennis:** Thank you. Does the Commission have any questions? **C/Gealy:** I have no questions. **C/Laraway:** I do have a follow up question; I need to be educated on this. Back to the Lift Stations, it says here that the Patagonia Lift Station is not going to support the amount of sewage that is going to be coming, and it says that we are going to 'request' that the Engineer participate; my question is, is that something that I need to make in a Motion? That this is looked at or is will it be taken care of by City Code? **C/Hennis:** That's actually in our conditions, as Troy was saying, they will be required to abide by the City's recommendations in the Engineers report but it is also a line item. **C/Laraway:** Thank you. **TB:** To summarize Commissioner Laraway, it is actually listed as condition no. 14, and it is specific to the sewer capacity. **C/Laraway:** Ok. Thank you. **C/Hennis:** With that I will open the public hearing at 6:54 PM. I have a couple of people listed here to testify, the first being Christi Horton. If you would come up to the microphone and state your name and address for the record please. **Christi Horton:** Good evening, Christi Horton, 2291 E Hubbard Road, Kuna, 83634. I did submit a previous testimony addressing our questions and concerns, I am opposed to the annexation and the preliminary plat approval for the Patagonia East, Lake and Ridge Subdivisions. Many of us don't seem to get involved in all the Planning and Zoning meetings until it affects us personally, however, with all of the proposed subdivisions being brought before the board these days, our community is taking a stand with huge concerns on whether this area is ready for this rapid growth. I, as well as many outlying neighbors, ask you to please look and study this plat carefully. I'm an agricultural homeowner/farmer on the southeast corner of Hubbard, our family has proudly been a part of this community since my grandfather homesteaded here in 1935. Proposing to put that many houses on an agricultural

type area will totally take away the country type atmosphere we have had and are desperately trying to hold onto. On a personal level, I currently share a well with the potential buyer, I will lose my current driveway; I have a lot of questions. Many questions need to be addressed; why is the density on the north side of Hubbard Road so different to the south side? I have had many neighbors ask if this applies with the Comprehensive Plan. What information, and we've touched on some of this tonight, is provided for water, sewer and city services? What plans are provided for runoff water on the adjoining property. I have emergency response issues with the ingress/egress, does the fire department approve? There's a lot of houses there with one way in and out. There are huge concerns with the traffic increase; how is that going to be handled? What are the ACHD plans? Which was touched on tonight and I know they need to speak for that. When will they take effect? On January 22, 2019 at the Kuna public Planning and Zoning hearing, Jane Suggs reported that a 4-way stop at Hubbard and Locust Grove would be put in as well as widening of Hubbard Road; there is a partial widening going in to the Patagonia Subdivision and that is it. There are no stop signs and there have been many accidents on that corner, which is at the beginning phase of Patagonia; many of us as neighbors have witnessed and helped with those. This needs to be stopped or at least slowed down, especially at this point; Kuna has enough subdivisions going on, these roads are not ready for the growth and emergency services is a huge concern. Way too many houses are proposed, save what agricultural land we have and support our farmers and our way of life. **C/Hennis:** Thank you very much. **C/Gealy:** Thank you. **C/Hennis:** Next up on the list is Danny Horton, did you want to testify? You marked not to but I just wanted to make sure. (*Mr. Horton indicated he would not*). Ok. That's all I have signed up to testify; was there anybody else for the Patagonia Subdivisions that would like to testify and hasn't? With that I will close the public hearing at 6.58 PM, Bonnie Layton will now have her opportunity. **BL:** Thank you Chairman, I just want to reiterate that this project is in compliance with the Comprehensive Plan. We do understand the concerns of the adjacent residents, especially as it comes to traffic issues; we believe they have been addressed with ACHD, as was mentioned, even in the previous application. I know Ms. Suggs was in the audience earlier, I'm not sure if she is still there, she was the one who conducted the original neighborhood meeting when she was employed with WH Pacific; I took over her position at the end of last year. I have records from that and that was all submitted, generally speaking, we do believe this project is in compliance and we'll work with the agencies to solve any of the issues or requirements that they have of us. I thank you for your time this evening. **C/Hennis:** Thank you. At this point.... actually, we missed Mr. Behunin and the letter. **TB:** I will pass out the letter to the Commission quickly. Reading into the record, an email from David Reinhart, a spokesman and representative for Kuna School District No. 3. The email is dated August 11th, 2020: "Dear Commissioners, I apologize for not being able to be with you this evening as our Board of Trustees is meeting. I am writing on behalf of Kuna Joint School District #3 and our Board of Trustees. We study growth rates and housing patterns at a detailed level. Because of this we know, if our growth patterns hold true, we will need another elementary school east of Meridian Road and, ideally near Hubbard Road within the next 5 years. We have worked a number of times with the developers of Patagonia regarding the land that is before the Commission tonight; they have in their master plan, a section of approximately 10-acres set aside for a school. We have kept the Board apprised of this land and they are open to considering a donation or partial sale for the future use of a school. While the developers have been open to talking, to this date we do not have a proposal to consider. Therefore, Kuna School District is not to be assumed to be a part of this project. We have significant concerns about the growth in this area with no firm partnership with a developer to

assist with land as other developers have so generously offered. Without this land, any bond for a building would have to be increased by \$1 Million or more for land and infrastructure. We are not in a place that we want to ask voters for money for land and infrastructure if at all possible. Our Board welcomes offers of land but they must be specific and reasonable. Thank you for your time this evening. Please direct any questions you may have to me. David Reinhart, Assistant Superintendent for School Support Services, Kuna Joint School District.” I have had a conversation with Taylor Merrill, who is also present tonight, he represents the developer, and I have continued emails with David Reinhart; they are open to a partial donation/partial sale. There aren’t any details worked out yet, however, the developer’s representative did tell me today that they should have everything finalized, ready for signatures, before the City Council public hearing (*for this case*). The School District will still work with the developer and the developer still wants to work with the School District. **C/Gealy:** Can you tell me, of the 173.8 acres, there’s 21.93 acres of open space or 16.59%; can you tell me if that includes the 10-acres of the school site? **TB:** Bonnie, are you there? Could you answer that question? **BL:** Good evening Commissioners, I believe it does include that, I’m just flipping through my numbers. On the school site, working with my client, just to reiterate, we believe that the school site is a huge amenity for the community, but also for our project and our residents. This is something we are very motivated to make happen. To follow up with more detail on the open space, in our preliminary plat document on the coversheet, our total open space is 28.83-acres and that includes the school lot; common areas that are 19-acres and that gets us to a percentage of 16.59; useable open space of 12-acres; and gives us a total of 29.93-acres. **C/Hennis:** Thank you. **C/Gealy:** I have another question for the applicant, Mrs. Horton mentioned that she shares a well and will lose her driveway; what is the applicant’s intention on how to address that? **BL:** Commissioners, I am unclear on her losing her well or driveway, I’m not understanding that. Troy, I believe, has had some conversations with her. Troy, have you spoken with her? I have not had specific conversations with her. **TB:** I have not had any conversations with anybody other than Ms. Gina Russell who is a neighbor to the north of Patagonia East; I have not spoken with Mrs. Horton. I have read her letter and the letter from her husband, those were included in the packet, but other than that, I have had no contact. **BL:** Members of the Commission, if I could follow up? We would be providing City water to her and are willing to cooperate with any water concerns that she would have in that regard. **C/Hennis:** Ok, thank you. **C/Gealy:** Could I ask another question about the school site? Would it be your intention then to provide infrastructure to the school site as you are providing infrastructure to the development, such as water, sewer, trash, electric, roads? **BL:** Members of the Commission, thank you for the questions. Typically, we would have, like any other requirements, the services stubbed to the site; the details have yet to be worked out between my client and the School District. However, we would do at least was expected for any other adjacent parcel in accordance with the development. **C/Hennis:** With that we have Commissioners discussion. **Jessica Reid:** Excuse me Commissioners, could you please correct the time for the closing of the public hearing. **C/Hennis:** I will close the public hearing at 7:10 PM. As for Commissioner discussion, I think traffic mitigation has been a main concern; how will we deal with the increased traffic? ACHD does have some projects in the works in the next number of years, a roundabout at Hubbard and Locust Grove; some interim signals and 4-way stops. I’m not sure exactly of the timeframe or phasing but that’s already part of their plan. The City Engineer will work with the applicant to remedy the Lift Station issues; other than that, as long as they can work out an agreement with the school site, which is important. I think we may want to condition that prior to City Council, it is remedied; I think they need that

information in front of them to make an accurate decision. The open space is laid out pretty well; the connectivity between the two projects is well. There's good transition to the north with the small lots in the south and the larger lots near the neighbors; I would have liked to see more of that in the south, but it seems to be laid out pretty decently. **C/Gealy:** I have another question for staff; what is the Comprehensive Plan requirement for open space for this size of development? **TB:** They exceed the open space requirement for the useable open space. **C/Gealy:** Yes, but if we excluded the 10-acres of the school site? **TB:** The developer should be very motivated to work with the School District because without it, there would be no mixed component and the useable open space would not meet the requirements. **C/Gealy:** I'm concerned because the implication in the application is.... I assumed it was a donation and was part of the open space, thus, would meet the open space requirement. But it's not a donation and it doesn't seem as though the school site has been resolved so, it's possible they might not meet the open space requirement, then they would not be providing one of the amenities indicated. **TB:** You're correct, without the school, the open space requirement would not be met so, there would essentially not be a project. Much is riding on the donation of the site and sale of the land. Not every developer is the same as others and do not donate the entire parcel, some work it out with a sale. **C/Hennis:** My question in regards to that and the open space with donation vs sale is, if it is donated it can be construed as open space in their project however, if the parcel is sold, it would have a different owner; how then does that open space contribute to Patagonia? **TB:** Because it is all part of the same project coming forward at the same time. **C/Hennis:** But it's not their property. **TB:** It's like with Ledgestone where there is an outlying property; I can give examples of 7 or 8 other projects. The farmer no longer wants to farm so he sells the property as part of his retirement but doesn't want the 2-acres around the home to not be a part of it so that he doesn't have to be help to the covenants, codes, requirements or restrictions of a subdivision; this would be the same. The owner of the property is getting approval for this and after, that's when the sale/donation would take place; technically speaking, the owner is taking the ground through the public hearing process, and it will become a public amenity. It really is no different than when other projects include a City Park; the city doesn't take ownership until after it has been developed after it is an approved project and moved forward. **C/Hennis:** Ok. **C/Laraway:** This is kind of confusing to me; this proposal is based on open space or the school, right? **TB:** Correct, it is a large part of the open space. **C/Laraway:** For this to move forward right now, to me, we would have to have some kind of commitment from the developer that it was going to be donated to the School District. I understand that the School District must be involved and say they'll take it, but shouldn't that be worked out before it goes to the City Council? **TB:** That was the request of the developer this afternoon, that it be conditioned to reach an agreement because without the donation/sale, the project falls flat due to not meeting the open space requirement. They are going to have to do something; if we get to City Council and the developer removes it, then they will not get the approval because they have not met the Conditions of Approval. I am the one that does the landscape inspections to ensure that the project has been built to the requirements and conditions set forth, our department makes sure. **C/Laraway:** Ok, thank you. **C/Hennis:** Thank you. **C/Gealy:** There was one other point of clarification, and it came up in some of the letters from the public and also Mrs. Hortons testimony, regarding irrigation. My understanding is irrigation runoff is the responsibility of the property owner. In this case, if you have water running onto the developer's property, that is your responsibility, and if the developer has water running onto your property, that's the responsibility of the developer. **TB:** Yes, it's a state law. **C/Hennis:** Yes, you have to keep your water on your own property. **C/Gealy:** So, if you have

issues or concerns with that, you should bring them to the city staff. **C/Hennis:** The same with irrigation, anytime anyone has irrigation rights, you cannot impede it. I think that as long as this school/open space piece of the project is situated then.... That's a big portion. **C/Gealy:** Are you ready for a Motion?

Commissioner Cathy Gealy moved to recommend approval 19-14-AN (Annexation) and 19-11-S (Preliminary Plat) for Patagonia East, Ridge, and Lakes Subdivisions with the conditions as outlined in the staff report as well as the additional conditions that the applicant work with the neighbor regarding the well and driveway and keep staff apprised of those conversations; and the developer and staff work with the School District to resolve the 10-acres that may or may not become a school site, prior to the next City Council meeting. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Dana Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

Commissioner Cathy Gealy moved to approve 19-32-DR (Design Review) for Patagonia East, Ridge, and Lakes Subdivisions with the conditions as outlined in the staff report as well as the additional conditions that the applicant work with the neighbor regarding the well and driveway and keep staff apprised of those conversations; and the developer and staff work with the School District to resolve the 10-acres that may or may not become a school site, prior to the next City Council meeting. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Dana Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

C. Case No. 20-13-DR (Design Review) & 20-03-SUP (Special Use Permit) New Eagle Christian Church – **ACTION ITEM**

Doug Hanson: Good evening Mr. Chairman, members of the Commission, for the record, Doug Hanson, Kuna Planning and Zoning Staff, 751 W 4th Street, Kuna, Idaho, 83634. The applicant Rennison Design, on behalf of Eagle Christian Church, seek a Special Use Permit to operate a church, and Design Review approval for the approximately 16, 983 square foot church building, parking lot, and landscaping located on the northwest corner of N Ten Mile Road and W Ardell Road, Kuna. The design review application proposes metal paneling for the walls of the waste enclosure; KCC 5-5-6 states that enclosure walls shall be constructed with concrete masonry unit block. Staff recommends that if the Commission approves this project, the applicant be conditioned to change the trash enclosure wall material to meet KCC. This condition has been provided as condition 15 in section "I" of this report. Staff has determined that this application complies with Title 5 of Kuna City Code, Comprehensive Plan and Idaho Code. With that, I will answer any questions you may have, thank you. **C/Hennis:**

Any questions from the Commissioners? **C/Gealy:** I have no questions, thank you. **C/Laraway:** No questions. **C/Hennis:** Do we have the applicant present? Please come up and state your name and address for the record. **Brian Liquin:** Good evening Mr. Chairman and members of the Commission, my name is Brian Liquin with Rennison Design, 410 E State Street, Eagle, Idaho, 83616. Thank you for having me tonight, I would like to thank staff, especially Doug and Troy, for their leadership; they have been great and the City has been great in general, to work with. We believe this is a good project, this property has been posted for some time that a church is or might be coming so, we are excited to be part of that venture and I think it will be a great addition to the City of Kuna. We have tonight Justin Sturgeon with New Beginnings Christian Church, which has been operating here in the area for 19-years; through a joint venture, New Beginnings will be leading the Kuna campus of Eagle Christian. The Special Use Permit: why a church here? I believe we are within the focus areas of the Comp Plan: building an economically diverse community; providing safe spaces for people to gather; enhancing a key arterial corridor; providing a resource for cultural and religious learning; promoting citizenship; and complimenting the surrounding uses and the city's Future Land Use Map including, mixed use, residential and commercial. There are also other tangible benefits of having a church: encouraged virtue; community engagement; civic responsibility; help families decide where to live and help choose this community; and they play a vital role at the local level in providing charitable opportunities, helping the poor and promoting volunteerism. The vicinity map gives you a feel for where we're at. Here is our phased approach to the site; putting a church near the corner with the parking surrounding, then with the Teed Lateral to the north, is a perfect opportunity to have a softball field. We're showing Phase 1 being the church and a portion of parking to the west, and Phases 2 and 3 with a time to be determined in the not too distant future, based on how the congregation grows. For clarification, the churches overall square footage is 22,400 with about 16,983 square feet base level and approximately 5,000 on the second level. This shows the future planned roundabout; this is our engineers slide that has a level of detail beyond the time we have here. Bottomline, the planned drainage swills on the landscape and civil plans, are very shallow, they are only going to fill with 12-inches to 19-inches of water, so they aren't big depressions. We have a couple of items that need to be pursued, this is an ACHD issue and we are requesting a second point of access. You can imagine a singular point of access 30-foot wide on Ardell Road at peak times, could be a serious point of congestion; we understand in dealing with ACHD and Doug, that in order to pursue an additional point of access on Ten Mile, we need to engage in a traffic analysis, which we are pursuing now. Whether that be a right-in-right-out (RiRo), or full turns access, that is something we feel is beneficial not just to our project but to the neighbors. The second point, the road width, we are proposing to comply with the ACHD requirement for road width and paving, which requires widening the paved surface to 17-feet plus 3-feet of shoulder, and then barrow pit into our detached sidewalk; whereas the City of Kuna staff has recommended full pavement out to vertical curb and gutter. The three-fold that we are proposing to stick to the ACHD requirement is because, the Cazador Subdivision to the east, is paved at the 17-foot width with the shoulder and barrow pit; more importantly, it's a considerable added cost for the church to try to afford that extra paving. Here is a quick shot of what we propose, we have been in conversation with ACHD directly, and highlighted in red, ACHD has specifically requested that we not install the curb and gutter at this point with the roundabout in the near future, in mind. I have a proposed modification to the conditions. Design Review: Our site has lush landscaping, a wide array of trees and shrubs, we have lots of buffer on both streets with grass sod, the softball field; we have well designed patio areas. 25-foot light poles throughout,

LED lighting and put on a timer so they are only fully illuminated for the times that they are needed. Contemporary architecture with unique masking of the building, a nice mix of natural colors and durable materials. The front of the church face is to the west and would be all stucco in a Grecian ivory color, wood toned cement board on some of the elements and is very durable. Also, brick veneer and a unique trellis structure and canopy on front of the entry; some roll-up doors and then as you round the building, the primary building material remains Grecian ivory but is switched to the Allura wall siding which is a fiber cement siding. The signage will be by separate permit but we do have image national working on signage, this image was a placeholder. What we would propose respectfully, is that the staff analysis possibly be modified into a condition along these lines: Ten Mile Road shall be widened per ACHD site specific Condition of Approval No.4, which is, widen the pavement on Ten Mile Road to a minimum of 17-feet from center line, plus a 3-foot gravel shoulder abutting the site, which is consistent with the roadway improvements approved for Cazador Subdivision, and also with ACHD's pavement widening recommendations. With that, I can take any questions. **C/Laraway:** No questions. **C/Hennis:** I don't have any questions at this point, I think you explained that pretty well. **C/Gealy:** Thank you, I have no questions. **C/Hennis:** Thank you. Ok, with that, I'll open the public hearing at 7:33 PM. I have just one person listed on the sheet in favor, but not to testify. Justin Sturgeon, do you still not want to testify? **Justin Sturgeon:** I'm the pastor at New Beginnings Christian Church and we're partnering with Eagle Christian on this project, I just wanted to be present. **C/Hennis:** Ok, thank you. With that, I don't see anyone else; is there anyone else here that has not signed up that wishes to speak. With nobody, I'll close the public hearing at 7:34 PM; there will be not rebuttal so, we'll go into Commissioner discussion. **C/Gealy:** I think it's a good location. I don't have any concerns with the design. **C/Hennis:** I think it's a nice-looking setup, it's laid out well, landscape is very nice. The new age architecture is something different; I guess the only question I have for staff is the recommendation change for the roadway with regards to ACHD's recommendations. I think that has some conflict with our City Code. **DH:** City Code does call for the 8-foot wide sidewalk, curb and gutter as well as the Master Street Map and our plan for the future roadways of Kuna. It calls for that because, we don't want through the Ten Mile Corridor or any roadway in the city, to have piecemealed parts, we want uniformity for improvement in the city; in addition to that, Cazador was approved in 2016, that was well before the Comprehensive Plan was established. Staff would continue with the recommendation that it be improved as a 48-foot improved road section. **C/Hennis:** What about the are in regards to the future roundabout? **DH:** That is ultimately ACHD's decision, it would help if they had a definitive date on when that roundabout would be created, but since that hasn't been provided it's difficult to say that the roadway shouldn't be fully improved. We don't know when that will actually happen; without a specific date it will be hard to say. **C/Hennis:** Right, understood. Thank you. **C/Gealy:** And it seems the applicant also needs to work with ACHD in respect to a second access on Ten Mile. **DH:** That's correct. **C/Hennis:** How do we feel about the proposed change versus our City Code? Especially with regards to an area that might get torn up in the near future or not near future; I guess that's something that we need more information on. This is our approval or denial for this, it doesn't go to City Council, we're the final say. **C/Gealy:** I know sometimes ACHD will require a trust to help offset their costs. I'm torn, I understand what the applicant is saying, why do these improvements if it's just going to get torn up? At the same time, we need sidewalks so, I don't see that there is an advantage to putting in a narrower sidewalk and a barrow ditch; something has to be improved around that corner. **C/Hennis:** Well, I think this is more than just the corner too, we're looking at the length of the

project as well; that's why I think it's a considerable amount of money between the two. Again, with property development, consistency in the city and City Code, I'm not sure what choice there is. I can see it not being in the roundabout area if it's in the near future but, I think the rest of it still has to be developed. The only thing I can see is in the area to work with ACHD to try and figure out when this is going to occur so that there isn't an expense there that is avoided by being ripped out. **C/Gealy:** Do you have any thoughts? **C/Laraway:** We run into this ACHD thing quite a bit so it's hard to foretell what they are going to do. It seems like when we approve these things, we have to wait and see what ACHD does but, I don't think we can do that. We need to look at what's in front of us and anticipate that ACHD will do the best for the citizens of Kuna as it goes along. **C/Hennis:** I think it's more along the lines of if it will be more along the lines of 1 – 5 years or 15 – 20 years. **Troy Behunin:** For the record, Troy Behunin. Just so you know, I was the planner for the two subdivisions that are actually on the east side of this, one north of Ardell and one south of Ardell. Those subdivisions are being developed right now, Ardell will be fully improved from Ten Mile to Linder and connected with pavement and improvements within the next 2 – 3 weeks. If it's not on ACHD's radar for improvements in the next couple of years, we're already too late; basically, that means three of these four corners are going to be developed. You are welcome to make a condition that they work with staff and ACHD for that but, there are several other projects, including the one at Linder, where they were approved for one thing and then ACHD came back and said they were putting in a roundabout and they had to modify their plat. I believe earlier that it was testified that there is wide lush landscaping, it seems like there might be some built-in room for a future roundabout but, they at least have an idea of where the roundabout is going to go and staff would be happy to work with ACHD and the applicant to make that happen. You are right, we do need improvements, this is our next presentation corridor and three of the four corners are going to have an improved road surface and development within the next year. **C/Laraway:** I also think that this is going to be a Sunday operation, so the traffic should be somewhat minimal compared to Monday – Friday where everybody is trying to get to work; that's a plus. As far as ACHD improvements, are they talking roundabout, traffic light, we don't know. **C/Hennis:** I thought I saw somewhere in there that there was a background with a roundabout. **C/Laraway:** I saw the roundabout, but again, the 4-way stop is going to be cheaper and faster; I don't know what they'll do, but again, thank gosh this is a Sunday operation, traffic should be minimal. **C/Gealy:** The condition as it stands is curb, gutter and sidewalk, attached and detached, shall be installed in accordance with Kuna City Code Title 5, Chapter 17; that's the condition that's there now. **C/Hennis:** Maybe we just modify that condition that the applicant, City and ACHD work together and just do what's necessary until their traffic mitigation at that corner is figured out. It's like Troy said, there should be a plan on that so, they should be able to say if they are going to do that within the next year to two years, that way it saves expense on a fair amount of that corner. That's the only suggestion that I see that's appropriate. **C/Gealy:** I'm wondering if we could include not necessarily a condition but certainly, the applicant could work with staff regarding the timing of the curb, gutter and sidewalk. Then depending on what you find from ACHD, to address the concerns of city staff and the code, that the improvements are made within a timely manner but not to be duplicated either. I'm not even sure that's a condition, I just think that's probably what needs to happen here. I'm not willing to condition the ACHD curb, gutter and sidewalk. **C/Hennis:** I agree with you and I think your wording there was along the lines of what I was thinking; to work with them on the phasing to make sure that we aren't duplicating or just putting something in just to remove it within a year. **C/Gealy:** Does that necessarily need to be a condition or is it more of a

suggestion? **C/Hennis:** I think it does because our condition right now says they need to put in curb, gutter and sidewalk in; so, if they are going to put that in in phase 1 when the church is going to be and then rip it out when they possibly put a roundabout in, I think it's inappropriate. I think it's just the conversation they need to have about phasing; just the proposed phasing of the site, maybe do the same with the appropriate curb and sidewalk and such. **TB:** What we have done with other recent projects is on classified roadways, like Ten Mile and Ardell, typically we recite what City Code is; curb, gutter, sidewalk and road widening, no barrow ditches, period. You put in the appropriately sized sidewalk because it's like you said Commissioner Gealy, if we don't require developers to put in sidewalk because there's no sidewalk out there, then we'll never get sidewalk based on that premise. If nobody puts in sidewalk because it's not there, we'll never get it. What we typically do is recite what City Code is and if, at the time of development, if the developer goes to ACHD and says the city is requiring us to put in curb, gutter and sidewalk, ACHD will then come to us and say they don't want it because A, B or C; we have a capital improvement plan or a road trust or something else we are working on, or, or, or. In the event that ACHD not accept vertical curb and will not accept road widening, then the city will work with ACHD on a barrow ditch, however, ACHD is all about function. We do not allow gravel, gravel is not an acceptable groundcover so, on the sidewalk side of a barrow ditch it needs to be grass with a water source and then the roadside may be dirt or gravel, whatever ACHD will accept. We will work them on that, but that is our standard condition; there are also two other subdivisions going in west of this and this is their only way to get to Ten Mile unless they go through two other neighborhoods. On the south side of Shayla, there are two more subdivisions going in, Ten Mile is becoming an increasingly busy corridor and I would be surprised if ACHD doesn't have a plan of what is going in there. ACHD has a roundabout, they just have to put it in and say this is what everyone is doing. I don't know what the timing is. **C/Gealy:** Thank you. **C/Hennis:** I think what he is trying to say is that even with the conditions as they are put.... **C/Gealy:** There still may be some modifications. **C/Hennis:** Yes. **C/Gealy:** And the staff will work with ACHD and the applicant. I don't see any reason to modify the conditions. **C/Hennis:** Then I'll stand for a motion. **DH:** Staff would recommend to put in an additional condition that applicant work with staff and ACHD on traffic analysis to determine the feasibility of a secondary driveway access off of Ten Mile Road. **C/Hennis:** Oh, I thought it was in there. **DH:** It's discussed in the staff analysis and ACHD staff report but it was not listed as a condition in our staff report.

Commissioner Cathy Gealy moved to approve 20-03-SUP (Special Use Permit) and 20-13-DR (Design Review) for New Eagle Christian Church with the conditions as outlined in the staff report and the additional condition that the applicant will work with staff and ACHD for a Traffic Impact Study regarding the possible secondary access on Ten Mile Road. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Danna Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

D. Case No. 20-01-V (Variance) Harry Knox Lot Split – ACTION ITEM

Doug Hanson: Good evening Mr. Chairman, members of the Commission, for the record, Doug Hanson, Kuna Planning and Zoning staff, 751 W 4th Street, Kuna, Idaho, 83634. The applicant, James Hallingshead, is seeking approval of this Variance request in order to create parcels smaller than the minimum lot size permitted within the Central business District through the Lot Split process for Ada County Assessor's parcel No. R5070001086, located at the northeast corner of W Main Street and N Avenue D. If approved, this Variance would grant the ability for the applicant to submit a Lot Split Application as a public meeting item to the City Council. Staff has determined that this application complies with Title 5 of Kuna City Code and Idaho Code. With that, I will answer any questions you may have. Thank you.

C/Gealy: I have no questions. **C/Laraway:** No questions. **C/Hennis:** No from me either. Is the applicant present? If you would like to come up and present anything more, please state your name and address for the record. **James Hallingshead:** I'm James Robert Hallingshead, 443 S Wagontown Ave, Kuna, Idaho, 83634. I am the representative for Mr. Harry W Knox, III, his family has owned the building since the '50's I believe. Originally the building was Idaho State Bank, sometime in the '50's they built an addition on the back and it is currently Kuna-Melba News. In around 1930 the white building at the end was built and in the late '50's – early '60's the open area was filled in with a central building. He wants to split into three lots which would be the white building, Country Cuts, and then Kuna-Melba News and Edward Jones would be one as they currently share a bathroom. The reason Mr. Knox wants to split them is because he is going to sell Parcel A as it is surveyed, the white building on the north end of the lot, to me and possibly Parcels B & C in the future. We are hoping to get the entire area repaired and a little more functional through owner vestments, so by splitting it he will give the tenants opportunity to invest into the property and make it more attractive to the community and market itself. Any questions for me? **C/Gealy:** I have no questions. **C/Laraway:** No, thank you. **C/Hennis:** Thank you very much. With that I will open the public hearing at 7:54 PM. Seeing nobody signed up in any of the categories, is there anybody here that would like to speak that hasn't signed up already? With that, I will close the public testimony at 7:55 PM. That brings us to Commissioner discussions; I think this one is a little bit different but it is straightforward. **C/Gealy:** I have no concerns. **C/Hennis:** I think it sounds reasonable as it's three buildings put together. **C/Laraway:** That was my hesitation. If we are going to grant the Variance, are there improvements coming to that site with that approval? **C/Hennis:** It sounds like it. **C/Laraway:** That's what I am saying, is the investor or the owner going to invest in it either way or only if the Variance is passed? **C/Hennis:** From what I read in the application, it seemed like it wasn't financially advantageous to invest in it without the Variance. **C/Gealy:** The Variance is really because of the size of the three lots. **C/Hennis:** I think the miss by 100 square feet, or something. **C/Gealy:** Right, they're not quite 1,000 square feet, they're 900; well one of them is. **C/Hennis:** If there are no issues then I'll stand for a motion.

Commissioner Cathy Gealy moved to approve 20-01-V (Variance) for Harry Knox with the conditions as outlined in the staff report. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Danna Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

E. Case No. 20-01-ZC (Rezone), 20-02-S (Preliminary Plat) & 20-05-DR (Design Review) Sera Sole Subdivision – ACTION ITEM

Troy Behunin: For the record, Troy Behunin, Kuna Planning and Zoning Department, Senior Planner, 751 W 4th Street, Kuna, Idaho. The application before you tonight for the Sera Sole Subdivision, is a rezone, preliminary plat and a design review for the common spaces and open lots. The preliminary plat and rezone are for your recommendation to City Council, and the design review is for your approval or denial or conditional approval this evening. The applicant, Penelope Constantikes with Riley Planning, is requesting a rezone of two parcels within Kuna City Limits that are currently zoned Agriculture, to the R-6 (Medium Density Residential) zone. Many people are unaware of the fact that this parcel was approved back in 2006 as a subdivision and was actually part of the Local Improvement District (LID); it was excused from the LID but the project still remained and was still valid for a couple of years. However, it did fall down and all these years later, they are coming back with their subdivision request; it is similar to what was previously proposed but there are some significant differences. The applicant is proposing to rezone approximately 19.22-acres from Agricultural to R-6; the site on the Future Land Use Map (FLUM) does designate these parcels as a mixed use, however, these two parcels have very limited frontage. You can view that limited frontage on the preliminary plat or landscape plan, and as such, because of this limited and unowned property, staff views that it does comply to the FLUM because the parcels that adjacent to Swan Falls Road, are being reserved for future development if they so choose; those would be the commercial or public uses. It doesn't make any sense to put commercial behind homes when it needs frontage on a major road. They are proposing a Gross density of 4.05 dwelling units per acre (DUA), with the Net density being 5.61 DUA, which is under the allowed 6 DUA with the R-6 designation. They are proposing 11 common lots that total 2.83-acres or approximately 14.7% total open space; Kuna City Code (KCC) open space requirements do require that 50-100 dwelling units, you must devote at least 7.5% of the open space to useable open space. Staff notes that the applicant has chosen to put a useable open space in Lot 35, which is at the southernmost part of the preliminary plat. In concert with the City Engineer, staff does recommend that applicant be condition to work with the City Engineer because some of that is devoted as a retention pond to take care of the needs of the subdivision, however, in the open space requirements it does say that you can use some of the retention pond for your useable open space; the applicant must work with the City Engineer on this to make sure that they reach that 7.5% of useable open space. I believe that is a condition at the end of the staff report because it is very important to maintain that proper open space requirement. Staff does note that in the preliminary plat that is proposed, there is a portion of Swan Falls Road that would need to be improved and we would be happy to work with ACHD and the applicant on just how much needs to be improved, but certainly there needs to be acceleration and deceleration lanes and at least curb, gutter, some sidewalk and road widening. There were no stub streets provided from subdivisions to their south or to their west and so we are not requiring that they provide them since there are homes in the way. To the north is a light industrial parcel and because those traffic uses do not mix, we would also support no connection there as well. Staff was unable to locate any proposed locations of streetlights, we would just like to point out that streetlights are required to be LED lights, must fulfill dark sky requirements and work with the Public Works to identify what those wattages are, they have to be spaced appropriately at 250 feet. A design review for the common spaces has been included and staff notes that any areas next to the common area require either an open fence such as wrought iron, or they must be a 4 foot solid with a 2 foot lattice on top to provide some type of safety measure for the inside of the subdivision; the perimeter fence is required to be a 6 foot vinyl fence. Kuna's Comprehensive Plan does encourage a variety of housing types for all income levels and it also

encourages open space and pathways; staff finds that this generally seems to follow the Comprehensive Plan, the goals and policies of the City, and the open space requirements. Staff acknowledges that Commissioner Gealy did point out that in Section F there were a few typos which staff has corrected and will be updated for the Findings of Fact. With that, I will sit for any questions. **C/Gealy:** Thank you. **C/Hennis:** I have no questions at this time. **C/Laraway:** Not at this time. **C/Gealy:** I just have a concern and that is, there's really not a transition between the light industrial to the residential; I did read the comments of the applicant regarding how the land lays, but I'm just concerned that there seems to be a very abrupt change from industrial to residential. Although it is light industrial, I wonder if there is anything we can do to mitigate that? **TB:** Certainly, there is. I believe the Economic Development Director submitted a letter and the applicant submitted a letter of response to that; she and staff share the same concerns that perhaps there needs to be at least something back there to mitigate any future uses. Right now, it's a largely unused Lot, however, they have been in to talk with us about other uses in the last three of four years; it ranges from expanding the pallet business to having an RV storage yard. It's up to this body to come up with something that you feel comfortable with as a Condition of Approval stating that there needs to be something back there or something else; maybe deeper lots with heavy landscaping. **C/Gealy:** Thank you. **C/Hennis:** With that, do we have the applicant here tonight? Ah! Go ahead and come up and state your name and address for the record please. **Penelope Constantikes:** Thank you Mr. Chairman, for the record, Penelope Constantikes, PO Box 405, Boise, Idaho, 83701. The applicant and the project team have reviewed the comprehensive staff report provided by staff and agree with the conditions of approval. I would like to mention that Troy and the other planning staff are always very helpful and very professional. **Jessica Reid:** I apologize for interrupting, could you please hold the microphone closer? **PC:** Sure. As Sera Sole Subdivision received City approval in 2007 as mentioned by Troy, the proposed plat is almost identical to the proposed subdivision with the exception of a storm water facility that was originally proposed in the southeast corner; we've moved that to the interior of the site to allow for a future commercial lot, it's the only part of the site that is adjacent to Swan Falls Road. This subdivision will include 78 new building lots for single-family, detached traditional residences. Given its proximity to downtown Kuna, no new regional infrastructure will be needed, and provides future residents the ability to easily support downtown Kuna businesses by bike or by walking. Additional right-of-way will be dedicated to ACHD for future improvements to Swan Falls Road and an 8-foot wide sidewalk will be added to the west side of Swan Falls to improve pedestrian facilities adjacent to the site. I also wanted to add that our open space as proposed with the subdivision, is almost double what is required by Code. The essential services are close, thus reducing vehicle miles traveled by future residents. This development provides a variety and location to choose from when moving to Kuna. As an in-fill development, this project supports good land use planning in a variety of ways. The commercial site at the southeast corner of the site has an opportunity to fulfill the designation for mixed use in this area. The applicant has water rights and would be happy to pool the amount of surface water needed to provide the site with pressurized irrigation. Sera Sole meets the Comprehensive Plan vision and complies with Kuna Code with the implementation of the conditions of approval. The slope of the site is essentially from north to south and the placement of the open space is a reflection of that site geometry. If a pathway is ever implemented along the Kuna Mora Ditch, this open space would be ideally located. To facilitate future access to the planned Zamzow's Park, the applicant will include a connection to the northwest corner of the site from the interior of the subdivision to add connectivity to the future park. The staff report and ACHD staff report did not identify any deficiencies with the proposed subdivision. The additional right-of-way along the frontage will contribute to future road improvements to Swan Falls Road. The COMPASS review of the project identifies the positive attributes of the project including,

pedestrian usability; proximity to jobs, fire and police services all within 1 – 1.5 miles of the site; proximity to public school facilities; proximity to park facilities; and proximity to grocery services. Finally, the project will not contribute to the consumption of farmland. A neighborhood meeting was held on February 1st and property owners and residents within more than ¼ of a mile were notified; 5 individuals attended the meeting, representing 4 households, only one attendee did not live along Swan Falls Road. The trash along the ditch is unfortunate, however, the ditch area is offsite and not part of the proposed subdivision; perimeter fencing will be constructed with the development. This development will contribute to the future improvements of Swan Falls Road; I think that's an important item. The requested zoning designation is consistent with the surrounding area and this development will complement the surrounding residential density and architecture. The applicant and project team believe that the proposed Sera Sole Subdivision adheres to the applicable zoning codes, and the site is suitable for the proposed development. The project will not create an environmental hazard or cause any health problems. Sera Sole will not create a detriment to the present or future surrounding uses, and utilities are available to serve the site. The applicant will comply with all the conditions of approval, including required letters, installation of services, protection of other irrigation water users, installation of street improvements, street lights and fencing, and landscaping installation and maintenance. I would like to add that the site geometry plan that was submitted with the application, identifies streetlights and fire hydrants; I would be happy to hand this off if you all would like to look at it. Mr. Chairman, would you like this? **C/Hennis:** That has to be submitted to the City first. Thank you. **PC:** There is an existing Development Agreement, and the applicant will work with staff as needed to update the DA. The applicant and team will address the combination of open space and storm water retention, to maintain the proper open space provided in the subdivision; open vision fencing will be installed where needed. The applicant is also happy to work with staff in the district to implement any acceleration or deceleration lanes that appear to be required or needed. An updated landscape plan will be submitted to staff, and the team will work closely with the Kuna Fire Department to meet their standards for second access to the site. With regard to the transition to the north, the Comprehensive Plan identifies that area as future downtown Kuna so, I made an assumption that as the downtown area expands, the kinds of things like pallet factories might not be on deck anymore; perhaps I'm incorrect on that but, I know the Kuna Comprehensive Plan shows an expansion of the downtown area southward towards our site. We'd be happy to add a heavy landscape buffer along the north boundary if that is what you would like to see done for a transition. With that, I would be happy to answer any questions you have. **C/Gealy:** Just a point of clarification, the park to the northwest, is that what you said? **PC:** Yes ma'am. **C/Gealy:** Sorry, I'm not aware of it. **PC:** Mr. Chairman, Commissioner, it is the proposed Zamzow Park; there was some discussion mentioned in the letter from the Economic Development Director, and she referenced that future park; so, we'll put a connection, a pathway connection in from the interior of the site up to the northwest corner so that when other development occurs, and that pathway gets extended, people can get to the Zamzow Park without going out onto the public street. **C/Gealy:** Thank you. **C/Hennis:** I have no questions. **C/Laraway:** No questions. **C/Hennis:** Thank you, your presentation actually answered several of my questions. **TB:** Commissioner Hennis, I did receive a number of emails that I would like to hand out when you are ready for the public hearing portion. **C/Hennis:** I was just about to open it up; I will go ahead and open the public hearing up at 8:18 PM. Troy, please go ahead and hand those out. **TB:** Would the Commission like for these to be read or would you like to take a moment and read them? **C/Gealy:** Does the applicant have copies as well? **TB:** The applicant has been given these copies, yes. **C/Gealy:** I'll read them but I will need a minute to do so. **C/Hennis:** Yes, we'll take a couple of minutes to read them. Ok, we have several people that are signed up to testify that are not marked to testify or not to testify so, bear with me. Mr. Tom Bevan, did you

with to testify or not? **Tom Bevan:** No. **C/Hennis:** Ok. And Penelope, you already have. So, Ramon Herrera, if you would come up; you will have three minutes to provide your testimony, please state your name and address for the record. **Ramon Herrera:** Ramon Herrera, 664 S Willow Springs Place. We are opposed to this new housing development because of an increase to traffic downtown and Swan Falls, it's literally ridiculous to think we could do that at this current design. Our country roads have been turned into parking lots because of this increase in housing and developers haven't been held accountable to help with financial burden. This housing addition also takes away the home of migrating ducks that have lived at (*unintelligible*) for years. Adding homes of this magnitude also brings the question, where will these kids go to school? The School District would be left for us to pay as taxpayers and not the burden of the developers. If the housing should increase down south of Kuna, I challenge Kuna to provide better access across the tracks and fix an already big problem; how do First Responders get back there in case of emergency when the train is stopped? I have set there 15, 20, 30 minutes at a time and waited for the train to leave; we don't have access back there and it's ridiculous to think that First Responders can actually get there, an increase to population only poses a bigger risk. The last thing I would like to add is, to only have one means of egress in and out of the new neighborhood is reckless and a bad design; the developer should be challenged to at least provide better access for emergency responders so that my house doesn't burn down.

C/Hennis: Thank you. **C/Gealy:** Thank you. **C/Hennis:** Homer Mason? **Homer Mason:** No. **C/Hennis:** Ok, you don't wish to testify. Becky Higgs, come on up. **Becky Higgs:** For the record, my name is Becky Higgs and my letter to you was on behalf of me and my husband, we did write it together this morning. I want you to know that we just bought property on 704 S Willow Springs Place at the end of May and we didn't have time between our home in northern California and here; we came home last night to this notice which is the first I have ever heard about this at all. I've heard a great deal so far so; I have to edit a lot of what I already wrote because I had so many questions; I had to go from no information to getting really schooled today. Honorable Councilmen and Women, I will have to edit a little bit here. I see that the proposed subdivision is rural, there is to be 89 lots, I know 78 of them are to be housing. All fire and emergency medical support is north of the railroad tracks; these are all things I have had to find out really quick and with that development.... I'm a Critical Care Nurse, I worked in Critical Care my whole career, and one of the most important things we talk about when I worked in ICU, CCU, ER, when I worked with Paramedics and First Responders, is response time. That is absolutely what drives emergency medicine, and what I have learned is that the response times here are extremely dubious; that to me, I am blown away because I just found this out today. Now we're talking about proposing and putting on to Swan Falls Road, all of these people; do they know what I just found out today? Are they going to be told about these response times? Are they going to be told about this? Are they going to be told that? I look at Swan Falls Road and it doesn't have sidewalks, it doesn't have shoulders, it doesn't have anything, and people zoom back and forth; it's already so highly traffic and so quickly trafficked, 78 houses just being shoved out onto Swan Falls Road is ridiculous. To say that it's an R-6, and in my letter, I asked what's R-6? I also schooled myself in that and looked up the Ada County zoning districts and got that so, I see that R-6, and I also read a prior letter from the developers that they were saying that they were liked sized lots they were putting in. (*Timer sounds.*) Oh no! That's terrible because they aren't even close to the size of our lots so, there's high concentration. It's untenable. **C/Hennis:** Thank you. Ron Piper, it looks like you changed to not testify? **Ron Piper:** Yes. **C/Hennis:** Ok, thank you. Josh Golden? Go ahead and state your name and address for the record. **Josh Golden:** My name is Josh Golden; I live at 612 S Willow Springs Place. Most of our court is going to be affected by the neighbors behind us. I know in the presentation we talked about being a buffer between light industrial and the housing, and it's not even the north side of this property that is considered light industrial;

we've got J&M Sanitation right across the street. This field has always acted as that buffer between light industrial and now the housing areas, I understand that housing is just going to grow, but this field has been so critical in that separation between downtown Kuna, the railroad tracks and the light industrial, then starting to be homes. It was mentioned about a flock of ducks always using it, but we also see other birds of prey use this field as hunting; they nest in the towers right next to the development. We've seen crane, pheasants and all kinds of agricultural in this lot. We talked about the Zamzow Park, that's way by School Road, nowhere close to this development; I don't see where a pathway could be built on land that is already owned by somebody else. The common area that is already in our development where the water spillway is, is also used as a common area in our community and the other subdivisions right in there. We use that area for watching the fireworks for Kuna Days, this development will get a good show, but that was a huge gathering area for the community; there would be at least 100 – 200 people in that common area to watch the fireworks. Swan Falls Road was mentioned, yes it does need a lot of work, and where they are proposing an entrance, there is a pretty good-sized hill right there, you cannot see traffic coming over either side. If you're having 78 homes with their traffic turning in, some are coming off roads that are 50 – 55 MPH and they are coming into town, that hill alone is going to cause a hazard. **C/Hennis:** Thank you. So that is all that I have listed to testify, does anybody.... (*comment from audience*). Sorry, you can sign up and ask the question if you would like to. Ok, you're Mr. Mason, correct? **Homer Mason:** My name is Homer Mason; I live at 588 S Willow Springs Place, Josh lives right beside me, all of our backyards face this development. We have a crappy fence that is falling down half of the time, we have a daycare center on Swan Falls Road right in front of this development. Like they said, there's no sidewalks, we do have kids that walk up and down that road. There is no speed limit, everyone goes down the road whatever they feel like. It's an unsafe situation to put in more homes, our fire department access is terrible; why this hasn't been addressed a long time ago is beyond me. I'm sure that the city could find it in their budget sometime in the future, and annex for a fire station over there. We've had one fire in our area, basically, it demolished the home. The access times we don't know because it all depends on what the railroad is doing. I know in the future there will probably be something done about it, but you know, we're speaking about today and adding more homes. It's not logical right now, you already have a development going in there on Kuna Road and Ten Mile; and as you drive around our city, there's signs all over the place that there's more proposed. What are we going to become? Meridian? There's got to be a stop somewhere; I understand people sell their properties so they can make money, but you have to understand too the developments that are already around there. Thank you. **C/Hennis:** Thank you. With that I will close the public testimony at 8.... **C/Gealy:** She gets to rebut. **C/Hennis:** That's true, sorry, I was ahead of myself. **PC:** Thank you Mr. Chairman. Again, for the record, Penelope Constantikes, PO Box 405, Boise, Idaho, 83701. I've been working in this industry for over 20 years, and my tenure includes COMPASS and ACHD; it's just a fact of development that new subdivisions are what generates the money for new fire stations and new roadways, infrastructure improvement is not proactive, it's reactive. There's just no way around that so, I understand but I also understand that until you have a property base to fund these additional services, they can't happen. We're doing what we can, which is adding right-of-way and pedestrian facilities; I did want to note that both parcels that are on the north and south side of our entry way are being given stubs, that way the daycare won't need to use Swan Falls Road anymore, they will be able to use our entryway for access to the facility. The property to the south of us is also getting a regular 50-foot-wide stub street so, we've accommodated that to the best of our ability. I live next to a large office complex and I walked through there the other night, obviously the owl that lives in our neighborhood got a nice, tasty treat because there were feathers and blood everywhere; wildlife can exist any number of places and they do it with ease. I don't think the transition of this property from

open space to a subdivision is going to diminish the wildlife in the area. I got not correspondence from the School (District) indicating there's a lack of capacity. We have two accesses to the site, there's a second access that's proposed along the south boundary, it's identified as emergency services at this time; whether or not that becomes a full public street is still up for questions, we'll work with the district fire department on that, but we have accommodated a second access point. The way we designed it was for it to be the commercial lot access, and then it would be bollard so that emergency services could get through into the subdivision without having cross traffic between residential and commercial; that's never a good idea. Again, I had 4 household that came to the neighborhood meeting and I sent a lot of notices out, I spent \$250 on postage stamps just to get those out; I understand that everyone is busy, but maybe some of these questions and some of this discussion could have taken place previously. I don't think the concentration of houses is inappropriate for the location, you do want higher density next to classified roads so that higher density subdivisions are not traveling through lower density subdivisions to get to primary roadways; that's just generally good planning practice. As far as having neighbors when you didn't have them before, again, that's something that just happens; if you move into a house next to a big open field in a town that growing, you probably should anticipate that there might someday might be something there besides an open field. I empathize, I've been on the receiving end of this, but again, it's just what happens I guess. The common area to the south, we have paired it with the open space that is available in Ryan Meadows so they are back to back. We have that huge, long stretch of open space along our south perimeter that pairs up against the open space in Ryan Meadows, I don't know that there will be a huge impact to the fireworks observation since we have that; it's a very wide area that we have designated as open space along our south boundary. ACHD did not indicate any issues with site distance, and access to Swan Falls Road; the traffic on Swan Falls is slightly under 600 vehicle trips in the peak hour, which is between 4:00 and 6:00. They did not indicate a problem with trip rates on Swan Falls Road, I know Swan Falls is on everyone's radar and something will happen, but it will be driven by development because that is what adds to the tax base. Thank you. **C/Hennis:** With that, I will close the public testimony at 8:42, and that brings up Commissioner discussion. Where to start.... I am concerned with the services available to the southern end, we've talked about that many times. **C/Laraway:** The services with what? **C/Hennis:** The services, Law Enforcement, First Responders, etc. I know that corner at Swan Falls off of Avalon, you'll sit and sit and sit going any direction. So, I do have concerns with the traffic there because I am not sure they addressed it beyond Shortline; it doesn't even seem like even breeched the subject of what happens when.... Well, ACHD in the report with Swan Falls up to Avalon. I'm not sure if there's anything planned for that in the future. **C/Laraway:** Yeah. Emergency services, that's been a public concern for many years, even back when I was out here (*previous Law Enforcement serviceman*) it was a big concern. It's one of those double-edged swords to where you need growth out in a certain area for fire and police to go, oh, we need to build something there, there has to be a reason to build it. If there's no calls for services across the tracks, they're not going to build a fire station or a police station on the other side of the track; economics prevent that just like Falcon Crest, all those thousands of homes, now they are talking about putting a fire station out on Cloverdale. Economics says that's the smart thing to do, so in a way, adding more development out there does sort of enhance fire and police getting put out there. There's what, 27 trains a day that go through this town; it's going to stop everything until Union Pacific slows their trains down. The First Responder, it's been a thorn in my side since 2004 but, Union Pacific, ACHD, ITD, they're all involved in this to where we don't know where to build an overpass to get over the tracks; Union Pacific doesn't want to put up any money to build the overpass, ITD doesn't want to pay for it, with ACHD it would wipe their budget out for a year. Something has to not stop, and that's development, that's growth, the more we get out there the more somebody is

going to say that we need to build a fire station out there; it's all part of the growth. I've got a big lot right behind where I live, it's going to kill me the day someone develops it, but I know it's going to happen because it's part of growth; I had to accept that when I bought that piece of property, it wasn't going to be there forever. I could prevent it, I could buy it, but that's not economical either; so, we can't prevent the growth and we have to have the growth to have substantial first responder and other growth like overpasses, light industrial, it's all part of that package. I don't have an answer for it, I just don't to say first responders' routes as a reason we shouldn't build something, I did it for too many years. *(comment from audience)* **C/Hennis:** No sir, I'm sorry, public testimony has been closed unfortunately. I recognize what John says with the growth, but I mean, is it appropriate to have this many houses crammed into that little place with very little frontage and access? Is it appropriate to have, this being a 70-something home subdivision, and adding that much traffic, people, exposure on that road? **C/Gealy:** It is an in-fill development, and it is zoned medium residential with the R-6 zone, which they are under, is in the middle of medium density; it's more than R-4 but not as much as R-8, it would have been entirely permissible for them to have come with R-8. R-6, I think, is a good compromise and I think it fits with the surrounding use except, the industrial to the north, because there is medium density to the east and the south. It's unfortunate the subdivision to the west and the south did not put in stub streets, so they are pretty much tied to two entrances onto Swan Falls; I think they have addressed it. **C/Hennis:** Talking about the heavy landscape buffer on the north, that takes care of what you were talking about earlier. **C/Gealy:** Well, it would at least provide some mitigation for those homes. **C/Hennis:** I'm still debating, I don't necessarily think that.... I do agree that development drives some of these solutions, but I don't know if I agree with this large of an in-fill development there, though it's justifiable by rules. **C/Gealy:** And it's not as big as it could be if it was R-8. **C/Hennis:** That's true too, I mean, considering its even deemed mixed use, there are other alternatives, it could have been worse. **C/Gealy:** Mhm. The Gross is 4 DUA. **C/Hennis:** I do like they are allowing into the adjacent parcels up front for, more or less, usage and safety. I don't know, I would have liked a little bit fewer in there but, I see your point. **C/Gealy:** And it is close to downtown. Someday there will be a bridge and an overpass and sidewalks so people can live there and walk. *(Outburst from audience)*. **C/Hennis:** Quiet down please. **C/Gealy:** I don't quite understand about the ditch. **C/Hennis:** The debris? **C/Gealy:** Yes. The ditch and the debris; do you have any information at all? Who owns that ditch? **TB:** Commissioner Gealy, to answer your question, the map that I have in front of me does not indicate who owns the ditch; I did hear Penelope testify that it is actually off of their property. I do not know, without looking into it, who the ownership is. **C/Laraway:** If it's the Kuna-Mora Ditch, wouldn't that belong to the irrigation company? **TB:** So, the final plat for the Ryan Meadows Subdivision, which is directly to the south, does have a 10-foot pressurized irrigation easement on the inside and there is also a 20-foot easement inside a common lot on their northern boundary; I surmise that is where the ditch is, it's actually in the Ryan Meadows Subdivision. It's a common lot within the subdivision of Ryan Meadows. **C/Gealy:** So, it would be the responsibility of the Ryan Meadows Home Owners Association to address any concerns with the ditch, to address concerns with the fences. **TB:** Yes. *(Comment from audience: It only comes across Ryan Meadows just a little bit, it comes a little more south and then it cuts across behind the Mineral Springs complex; it cuts across part of the corner.)* **C/Gealy:** Thank you. **TB:** To answer your question, if this gets approved, they will have to follow the state law for maintaining access, preserving water rights, delivery and waste, and if any portion of that is on their property, they are going to have to.... **C/Gealy:** They'll be responsible for their part. **TB:** They'll be responsible for their part. It's just like if 80% of this is inside the Ryan Meadows Subdivision, which looking at this a sizeable portion is inside a common lot, then it's up to the underlying landowner to clean and maintain. **C/Gealy:** Thank

you. **TB:** And that will be discovered at construction document prep, should this get approved.
C/Hennis: Thank you. Given that, I would stand for a motion.

Commissioner Cathy Gealy moved to recommend approval of 20-01-ZC (Rezone) and 20-02-S (Preliminary Plat) for the Sera Sole Subdivision to City Council with the conditions as outlined in the staff report and the additional condition that the applicant work with staff to enhance the landscaping plan to include a heavy landscaping buffer between the subdivision and light industrial use to the north. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Danna Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

Commissioner Cathy Gealy moved to approve 20-05-DR (Design Review) for the Sera Sole Subdivision with the conditions as outlined in the staff report and the additional condition that the applicant work with staff to enhance the landscaping plan to include a heavy landscaping buffer between the subdivision and light industrial use to the north. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Danna Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

F. Case No. 19-13-AN (Annexation) Blackrock Market Place/Village – **ACTION ITEM**

Troy Behunin: Good evening Commissioners, Troy Behunin, Planner III, 751 West Fourth Street. This Category "A" annexation request involves a County parcel and its location is shown on the vicinity Map. The applicant proposes to annex approximately 40.82 acres to create a development known as Blackrock Market Place. The site is adjacent to Kuna City limits on the west and south sides and is currently zoned RUT in the County. The applicant is proposing two different zones in order to develop the same lands into a mixed-use project. The applicant proposes using the R-20, High Density Residential (HDR) and the C-2 (Area Commercial) zones. The R-20 HDR was originally proposed to be approximately 13.22 acres in size, however, the applicant has prepared a reduced R-20 acreage (size) which they will present tonight. The applicant also proposes the C-2 zone which was originally proposed to be approximately 27.45 acres; this will naturally increase in size with the reduction to the R-20 size. The applicant, in the future, will propose multi-family housing units within the R-20 zone, and Commercial uses will be proposed within the C-2 zone, in the future as well. The site is located at the northwest corner of Meridian and Deer Flat Roads. The applicant has submitted multiple versions of a master site plan trying to follow staff's recommendations, the City Council wishes, the Comprehensive Plan, Future Land Use Map (FLUM) and agencies. The FLUM and the Comprehensive Plan for Kuna identifies this parcel as mixed use (MU), which requires the applicant to propose a mixture of uses, including different types of commercial, along with other uses including different and compatible housing options. The

applicant does intend to subdivide the land for each of the multi-family units and for the commercial sites. The applicant will be required to submit a preliminary plat for approval by Council. Based on future Commercial uses, the applicant may need to apply for additional approvals which may include Special Use Permits and Design Review for all Commercial uses. Applicant is hereby notified that a percentage of useable open space for the residents and a certain number of parking stalls, will be required based entirely on the number of dwelling units. Staff notes the City Engineer states in his memo that Danskin Lift Station is nearing capacity, and staff recommends that the applicant be conditioned to/shall work with the City Engineer to ensure proper capacity. Kuna's Comprehensive Plan encourages a variety of all commercial types, housing types for all income levels, open space and pathways. Staff has reviewed the proposed annexation request and finds the annexation and zoning requests are in compliance with Kuna City Code (KCC); Idaho Statute; the Kuna Comprehensive Plan and FLUM. The applicant shall be required to work with Kuna's staff, Ada County Highway District (ACHD), the Kuna Rural Fire District (KRFD) and any other applicable agencies to ensure conformance to each agency's requirements. Staff recommends approval to the Planning and Zoning Commission. I stand for questions. **C/Hennis:** I have no questions. **C/Gealy:** Thank you for that, it was very thorough, and thank you to the applicant for finding a way through all of this. I had a couple of clarifications, one was the trails map wasn't here so, I was going to ask the applicant if he was aware of the trails map? And then, the note from the Fire Chief I found perplexing, and I wonder if staff may have an opportunity to talk with the fire department about mixed use and high density residential in conjunction with commercial. **TB:** That's a very good question Commissioner Gealy, thank you for asking that. yes, I have had a direct conversation with the Fire Chief about this, and what the applicant is going to propose with the new site plan, is actually in direct response to what the Fire Chief has raised as a concern. His concern isn't necessarily the mixture of high density and commercial, his concern is high density, commercial and a major ingress/egress all at the same location, especially at the convergence of Ardell Road to the north, and Meridian Road. His recommendation is to take the multi-family housing and push it as far away from that intersection as possible. **C/Gealy:** From the Ardell intersection? **TB:** From the Meridian Road and Ardell Road intersection. **C/Gealy:** And Deer Flat, I would assume. **TB:** Yes. He wasn't concerned about it necessarily on Deer Flat because that wasn't being proposed, but at the corner of Ardell Road and Meridian Road, he was concerned and that is what he told me, push that as far away from that intersection as possible. There's no other way to make it mixed use really. **C/Gealy:** Right. Ok, thank you very much. **C/Hennis:** If the applicant would like to come forward? **TJ Angstman:** Commissioners, staff; my name is TJ Angstman, I reside at 9473 W Pandion Court in Garden City. Thank you for the time to come talk to you, I have had a really good opportunity to work with staff. I'll take some time to talk about what I am not doing to give you a little bit of a concept on our progression on this, working with staff and the Comp Plan. One thing I think is important, is when we received the comments from the Fire Chief, we.... In order to do a project of the size we were proposing, it needed to have access on Meridian Road because you get so big, otherwise we would have to take the whole site and not have any commercial at all. Initially, the plan we had ended up going out to Meridian Road, and we were worried along with the Fire Chief, of people trying to take left turns across Meridian Road at a 55 or 65 MPH street. After reviewing the Fire Chiefs and staff comments, we did a much more reduced scale; this drawing here is 5.18 acres of multi-family and its 10 4-plexes. Now, our plan could change in the sense that we designed this as fast as we could so we could be ready today with an

example. There's a few things we would like consideration on because we've changed the plan so much, and there's really no access out to Meridian Road for these apartments; there's really no need for these two stub streets here, that's two more stub streets of people that can cut through this neighborhood to go to Deer Flat. My view is that just this stub would be required, because that is a pretty direct road that comes out right through to here. These both connect so, if someone wanted to go here, they could just go out here and around. There's an extra road connection and there's almost an acre of ground that's just blacktop. I talked with staff about this today's meeting because, initially, this was going to serve 260 dwellings, now we're talking about 40 so, maybe we don't need both connections. Staff and I have both agreed that today is not the day to talk about this, when we get a specific plan, but one of the comments in our packet is that both connections would be there; we're willing to do, we think it's excessive and I think the neighbors would appreciate only having one so then there's only one route coming through there. My guess is the Toll Brothers residents are going to use this more than our residents because it's a quick shot out to Ardell from their neighborhood, whereas before they had to wind through their whole subdivision to get there. I wish it had the whole map of their subdivision to show you but, as you know, it's 230 homes or so. We're changing that so we can have some parking, as you can see our site really uses up a lot of space in parking and that's because three parking spaces are required per unit here in Kuna. So, having the extra road and parking cuts down on opportunities for green space and maybe a little more creative design. We like it though, and we really like how the commercial lays out here; there's a nice flow, we plan a crossing over the canal so, when we develop the main corner, you'll have access all the way through the development to Deer Flat. There's a nice entrance and exit right here that lines up pretty well, we can't build ours as close to the intersection as the neighbor. The traffic flow and the interest we've had from commercial tenants tells us that this layout is going to be quite popular and I think the view shed for the neighborhood as a main entrance into town is better not having the storage and multi-family on Meridian Road. We have done probably four site plans, there were extensive and well done and we landed on this one, the one that probably creates the best interest for the City; from the perspective of staff, certainly they liked it better, and I don't know if multi-family is good against a busy road. So, that's what we have; I just wanted to note that we do follow the goals of the Comprehensive Plan, we've made a lot of adjustments for safety because we are on a busy street and an important corner; those changes include removing another connection on Meridian Road. We just have two connections when we could have had three, we decided to eliminate one just so there wouldn't be so many places for people to leave; it could be dangerous. We do believe in the idea of connected communities, but like I said, maybe we won't need the second connection; certainly, the connected communities would also include the development of the trail system and the bike path. You can see along the Boise River the sense of community that creates, and doing that in Kuna will do the same. We want to be part of the community and we hope that people can come shopping along there and enjoy what we develop. Other than that, I would say that I could stand for any questions; we've reduced the multi-family from 13, to 11, to 5.18-acres and that includes the acreage of the road. It does look like the 4-plexes could get arranged a little more creatively so that people aren't looking straight into each other's windows, I'll be working with an architect to get the site plan done; basically what you want your apartments to look like is a train wreck where they are all at different angles. Other than that, I'll stand for questions. **C/Hennis:** Did you mention there was going to be a crossover over the canal between the two? **TA:** Commissioner Hennis, yes, there is a plan to put that but won't be built until we develop the main corner. The corner

loses its value if we don't have this access here and across the canal there, people have to be able to take the right-in to go shopping or that corner will not work. We put it where ITD says it will be a legal and safe connection, we believe they are going to allow a full access, we know that could change in the future depending on safety. **C/Hennis:** Ok, thank you.

C/Laraway: I have a question for Troy. We're going to have a chance to talk about Design Review and everything else later on, right? Because I don't want to ask questions that don't have anything to do with the annexation. **TB:** Staff hesitated a little bit putting any kind of access marker in the staff report, but because it's our entry corridor, staff wanted to at least make that part of the record, not necessarily a large part of the discussion. At preliminary plat for the multi-family and the commercial, that will be one of the big discussion items; that will be the arena that it should be discussed. **C/Laraway:** This will come up again? **TB:**

Absolutely. **C/Gealy:** With the annexation, we will indicate the acreage that would be multi-

family and the acreage that would be commercial? **TB:** Yes. **C/Laraway:** Yes, I'm more concerned with ITD items. **TB:** Just so the applicant is aware, what is being presented is 5.18-acres multi-family so, that's the acreage that they'll be stuck with. **TA:** We have the legal description into staff now, so they know we can't move around, the only thing we hope to do is get some roadway reduced, that will make my plan better. **C/Gealy:** And the remainder is C-2? **TA:** C-2, correct. **C/Hennis:** I have no other questions. **C/Gealy:** I have no

questions. **C/Laraway:** Nothing, thank you. **C/Hennis:** With that I will open up the public hearing at 9:19 PM. I have listed here David Gronbeck, but you didn't specify to testify or not. (*Mr. Gronbeck indicates he did not want to testify*). Ok, I'll mark you as not testify. In opposition, Daniel McDonald, you didn't specify. (*Answer from audience*). Ok, come on up and state your name and address for the record please. And again, we'll give you three minutes. **Daniel McDonald:** My name is Daniel McDonald, I live at 1867 N Siltstone Way, Kuna, 83634. I have a couple of questions on this one; like most have commented, schools; I

have elementary school kids that go to Reed and a daughter that goes to Freemont, and their schools are full. They have built a couple of portables at Reed and they are completely full and over populated; adding high density there I am just concerned on schools, as is everybody else. I know that's a question but I think it needs to be addressed when you are putting high density into that area, that the schools need to be in the works. As far as the site for commercial, when we moved in there, we didn't know that was going to happen, but looking at Kuna's vision, it does show that there is a future park right there at Meridian and Deer Flat, it's on page 138 I believe. That four corners, you have the northwest zoned commercial, you have the northeast, southeast and northeast all commercial; that means there is no other place for a park but right there at the northwest corner. I understand that is a great place for commercial, but I would look at maybe putting in a park north of that instead of high density. As far as what the gentleman said about how the subdivisions residents will be using the access more than the tenants, I disagree; we have access to Ardell in our neighborhood, we don't need his access to get there, I think that is actually going to become a hazard to the subdivision since it is zoned for medium, not high density. Your adding more cars to that is going to be a problem, as it is, my kids stand at the bus stop at Deer Flat and Sailor, and we've had kids almost hit by cars; if we're adding more cars into that, it's just going to cause more problems. My other question for that is on the commercial; it does show that the commercial buildings are hugged tight to the neighborhood, and I know that the houses right there don't have a lot of barrier. We're going to have houses two-story's, looking into the back of a parking lot, into the back of a commercial site, which is going to be trash dumpster, people out there smoking, kids; I think we need to address the fact it is right up

against the subdivision, it needs to have some kind of a barrier, trees, spacing. Again, we kind knew what we were getting when we moved out here, it is growing exponentially out here, but we do need to do smart growth and not just growth for growth. With that, I have listed all my questions and concerns. Thank you for your time. **C/Hennis:** Thank you. **C/Gealy:** Thank you. **C/Hennis:** The last two I have on here have marked not to testify, is that still the case? Do you wish to testify at all? No, ok, I just want to give you the chance. With that I'll let the applicant come back and answer any questions that might have been brought up. **TA:** I appreciate the comments about the compatibility, I think its fair comment and is certainly a concern I would have if I lived there. What we understand the process to be is we'll come back with a specific plan when we have a user, the problem is we can talk all we want about it, but until we have a user, it's not much of a conversation. The users will know that they need to be mindful of the neighborhood they are moving into, and certainly, we'll be mindful of that; David (Gronbeck) lives in this community, I am part of this community and we plan to be part of the community with this development so, we want to have a healthy relationship with our neighbors. I would just say that what our current 4-plex proposal looks like there is only 40 homes versus the Toll Brothers is over 230 so, I don't know who will cut through more and I'm sure that they will say the other guys are cutting through way too much. The only thing we can do is follow the policies that are in place; ACHD and the City of Kuna both have connected community policies. What we need to do is to do it in a smart way, and I think having one, and maybe they could close down the other one and have a basketball hoop there or just close it down; whatever they want, but I think closing one of them would be a good idea. Other than that, what I have seen ACHD do is if there is a concern over traffic, they'll install traffic calming, maybe even make the developer who's responsible, pay for the traffic calming; if it's warranted, they won't go put speed bumps in if there's no warrant, they're going to put little things across the street. They'll do a traffic study and if there's a warrant, they'll make us put in some traffic calming. My guess is with 40 units, the number of trips per day based on the information ACHD provided in their staff report, is a little more than 7 but less than 8 trips per home; that means the total number of trips our multi-family is going to generate with this present layout is 320 total trips. Once you think about that, most of them are not going to be to Deer Flat but, the ones who are going to Deer Flat might cut through this neighborhood, that's the whole idea of connected neighborhoods; being part of the same neighborhood is the whole idea. We are only talking about 320 trips so, if they were all going there, how many minutes are there in a day? That's 60 minutes in an hour so, in 5 hours, there's one person per minute, if that was the whole day it would be less; they're not all going to be going that direction, my guess is most will go out Ardell to Meridian Road and off to work then back again on the same route. I'm not going to say it's not a valid concern, I would be; I live in a gated community right now for the same reason that he's saying, I wanted the safety for my family, so understand and I want to develop it that way, and we've already made some steps. Are there any other questions, I can answer them? **C/Hennis:** No. Thank you. So, with that I will close the public testimony at 9:27 PM, that will open up our discussion. Just to reiterate, it's nice to have the site plan and everything for reference on what we are trying to do with this whole thing, but this is just the annexation. Any future plats will be presented to us with a public hearing, everybody will have another opportunity to bring this forward. And I think that's the one thing I wanted to answer with the gentleman that came up too, the stub streets are going to be dependent upon ACHD, it's not by design it's by reference, so that is something that will be worked out when there's an actual plat. It's the same with the transition between the commercial and the residential down near the Deer

Flat side, there's got to be that commercial buffer, that's by Code for the city. Those will all be addressed and hopefully mitigate those problems, but again, we'll see that more definitively in the future. Otherwise, I think it's good use, I like the way they planned this with the multi-use in the back and the reduction to 5.18-acres, it's great. Any concerns?

C/Gealy: I have no concerns. **C/Laraway:** It's well laid out, but that's not why we're here. I like it so far but we're just here for the annexation part of it. **C/Hennis:** And the rest will follow in the future. So, with that I will stand for a motion.

Commissioner Cathy Gealy moved to recommend approval of 19-13-AN (Annexation) for Black Rock Marketplace with the conditions as outlined in the staff. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Danna Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

4. BUSINESS ITEMS:

A. Findings of Fact & Conclusions of Law

I. 20-01-V Harry Knox Lot Split

C/Hennis: You have business items listed next on the agenda but it's the same lot split?

Jessica Reid: This is the approval of the Findings of Fact after the approved case so that it can move forward to Council at the next meeting. **C/Gealy:** We don't have to wait two weeks. **C/Hennis:** That works. With that I will stand for a motion.

Commissioner Cathy Gealy moved to approve 20-01-V (Variance) Findings of Fact. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Commissioner Danna Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

5. ADJOURNMENT: 9:32 PM

C/Hennis: Any reports? **Wendy Howell:** I just wanted to thank everyone that responded so far regarding the Urban Renewal District and its public workshop. **C/Gealy:** I can go to either one. If you end up calling a meeting. **WH:** We only have three items on the next agenda, design reviews. **C/Hennis:** Any other staff reports? **WH:** No, that is all.

Commissioner Cathy Gealy moved adjourn. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

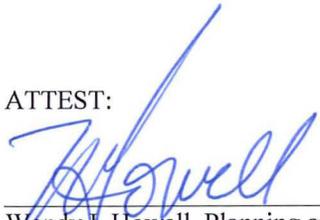
Voting Aye: Commissioner Danna Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

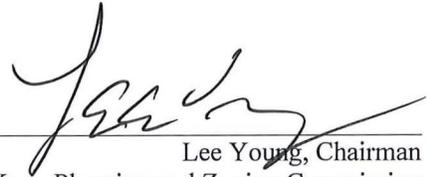
Absent: 2

Motion carried: 3-0-2

ATTEST:



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



Lee Young, Chairman
Kuna Planning and Zoning Commission