

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

**MEETING MINUTES
Tuesday, January 24, 2017**

| PZ COMMISSION MEMBER | PRESENT | CITY STAFF PRESENT: | PRESENT |
|-----------------------------|---------|-------------------------------------|---------|
| Chairman Lee Young | Absent | Wendy Howell, Planning Director | X |
| Commissioner Dana Hennis | X | Troy Behunin, Senior Planner | X |
| Commissioner Cathy Gealy | X | Trevor Kesner, Planner II | |
| Commissioner Ron Herther | X | Nancy Stauffer, Planning Technician | X |
| Commissioner Stephen Damron | X | | |

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

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

1. CONSENT AGENDA

- a. Planning and Zoning Commission meeting minutes for January 10, 2017

Chairman Herther motions to approve the consent agenda; Commissioner Gealy Seconds, all aye and motions carried 3-0.

Wendy Howell: We are requesting to pull item **3d** from the agenda.

Cathy Gealy: Mr. Vice Chairman, I motion to remove item 3d, 16-12-AN from the agenda, an annexation request for Renaissance Farm and Mason Creek Farms.

Commissioner Herther seconds, all aye and motion carried 3-0.

Vice Chairman Hennis: If there is anyone here for the Renaissance Farm, Mason Creek Farm annexation, we apologize, but that has been pulled from the agenda.

Troy Behunin: The Renaissance Farm and Mason Creek Farm Annexation will be re-noticed.

1. PUBLIC HEARING

- a) 16-09-AN (Annexation); A request by **Michael Robinson** to annex approximately one (1) acre with an R-2 zoning designation. The site is contiguous to the city limits and is located at 1420 West Hubbard Road.

Michael Robinson: For the record, Michael Robinson, 1420 West Hubbard Road. I would like to bring my property into the City of Kuna.

Commissioner Herther: I understand you want to hook up to the water.

Michael Robinson: The irrigation, yes.

Nancy Stauffer: Commissioners, for the Record, Nancy Stauffer, Planning Technician. The application before you tonight, is from Michael Robinson. He is requesting an annexation into the City with an R-2 zoning designation. The agencies were notified on November 30th. Notices of tonight’s meeting were sent out to neighbors within 300 feet of the property on January 4th and a legal notice was published in the Kuna Melba News on January 11th. The Comprehensive Plan’s land Use map identifies this property as ‘medium density’. The applicant has submitted all of the required documents for the request and they have fully complied with Planning and Zoning staff requests.

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Based on Staff's review of the application, Planning and Zoning concludes the application complies with Kuna City Code and forwards a recommendation of approval to the Commission.

Vice Chairman Hennis: I will open the public hearing at 6:14. As there is no one signed up to testify regarding this case, I will close the public hearing at 6:15. That leaves us with our discussion.

Commissioner Gealy: It seems pretty straight forward.

Commissioner Herther motions to approve 16-09-AN, annexation for Michael Robinson with the conditions stated in the staff report; Commissioner Gealy Seconds, all aye and motion carried 3-0.

- b) **15-05-S** (Subdivision) and **15-08-DR** (Design Review) – **Silvertrail Addition Subdivision;** [*The public hearing is being re-opened to remedy a noticing infraction for the public hearing on December 13, 2016, to solicit public testimony for those who did not have an opportunity to testify at the December 13th public hearing*] A request from Viper Investments, LLC for preliminary plat approval and design review for a new residential subdivision. Applicant proposes 421 single family homes and 56 common lots (approximately 8.68 ac.) on 130.55 acres already zoned R-6 in Kuna City.

David Crawford: For the record, David Crawford, B&A Engineers. Address is 5505 W. Franklin Rd. Boise, ID. I am representing the applicant who is also here tonight. We are here to discuss the Silvertrail Addition plans, which is almost an infill project in the City of Kuna. It abuts existing neighborhoods, Danskin and Silvertrail, and so that is why we are utilizing the Silvertrail Addition plans as the main project. We have previously provided in all the application documents a way of providing all of the necessary city services to the development complying with Kuna City code with stipulations that are related to maintaining the gravity irrigation ditches and discharge lines throughout the project so they can develop in an orderly manner. I guess rather than rehash everything that we already talked about in the previous meeting, I would just like to take a few moments, what I brought here tonight was the old layout. At the last meeting, we heard a lot of discussion about open space and at the end, you know, hodge podge throughout the development, and in that last meeting the owner elected to add some additional lands to that. Part of the interesting thing about how these projects run through is that we submit them months in advance and we ask all the agencies for review. We got the word back from Ada County Highway District and in the report, it was quite a bit further than what we anticipated originally. So, there is a new layout I believe that has been presented to you, in the layout I would like to point out a few things. ACHD has required traffic calming. They don't always tell us exactly what they want us to do, so we kind of have to guess. In this particular instance, they did afford an opportunity to reduce street sections in certain areas. We didn't want to do a (inaudible) but traffic calming is an important part of it, so there is an exhibit that is in your packet which has these reduced (inaudible) Provided in the development. So, there is just a few spots throughout that are primarily near intersections where we are required to use reduced width street section. One interesting item of note, that was kind of surprising to us, ACHD has also noted that there was to be a round a bout located at the intersection of school street and mason creek intersection. The new layout makes the round a bout take up a lot of room and required us to renew a substantial amount of the layout near the southwest corner of the development. Due to that imposition of the round a bout we were able to consolidate open space. We also added open space and we also added pathway sections throughout the development. We believe that these will be an attractive addition. We were able to, again, consolidate open space near the corridor ...irrigation drain that exists west of the round a bout and runs north west through the development. So, that being said, you heard in the last meeting we definitely made some modifications based on agency review comments and also what the public indicate. With that I will stand for any questions you may have.

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Commissioner Gealy: Did you work with ACHD on the traffic calming?

David Crawford: Yes, we certainly did. ACHD is an intricate part of developments and how they occur, so the discussions with them began very early. So yes.

Commissioner Gealy: Is it your expectation that this traffic calming will be acceptable to ACHD?

David Crawford: It is my understanding, yes.

Commissioner Damron: Those narrowed streets that you have set up in here, what is provided for parking on those?

David Crawford: In those particular sections of the road, parking will be most likely restricted on one side. The fire department is going to have to weigh in on those street sections. They typically require no parking on one side and a 29 foot back to back curb section. The ones that we are presenting here are primarily 33 foot. So, for just slightly narrower than a standard 36 foot back to back street, so we are losing basically gutter plate on either side of the road. So, it is not a terrible reduction in the road, it's just a small reduction to provide for some visual relief to slow traffic down.

Commissioner Damron: And with the Comp plan we have a trail system and a byway system for bikes, pedestrians. I don't see that in here to be contingent with the other layouts of the other property that is down south of you.

David Crawford: We have laid out an open space that goes with the pathway that exists adjacent to or parallel with the drain that runs through the project. So, that is an entire open space that runs north west just adjacent to the cul-de-sac.

Commissioner Damron: Ok, so that will be all interconnected with the properties to the south?

David Crawford: Yes, as it currently is.

Vice Chairman Hennis: I do appreciate you listening, adding some open space in there, it makes a big difference for us. Thank you. I think we are done with questions tonight.

Troy Behunin: Vice Chairman Hennis, Commissioners, for the record, Troy Behunin Kuna Planning and Zoning Planner 3. The application you have before you tonight, is a repeat of December 13, 2016. The reason why staff has recommended that we reopen the public hearing for this particular application was due to a noticing infraction on the signs that were posted at the site for the December 13th hearing, so we decided to repost the site and reopen up the public hearing. So, that is why we are here tonight. Just as a follow up to what David Crawford said, they have addressed some of the concerns that the commission had and also some of the residences concerns. The need for open spaces and connectivity and that's reflected in that layout that has been included in the packet that is available on line and also that has been passed out to you this evening. All of the noticing procedures were handled appropriately for this and followed the law and city code and basically what we are standing in front of you tonight is to ask for your recommendation to City Council about the technical portions of the preliminary plat as presented. The zoning for the property is already R-6, the developer and owner of the property is actually proposing something less than the R-6 zoning. That was the original layout. As you can see it has been modified and I do not know if it is even lower than what it was before. I will stand for any questions that you may have.

Commissioner Gealy: I just have one question for Troy. Do you know what the recommended service levels are for open space?

Troy Behunin: Yes, actually I do. The recommended service levels acre, for every 1000 residents, there should be 3.15 developed park acres. I believe that number came from a forecast from Compas.

Commissioner Gealy: That's developed parkland, not green open space?

Troy Behunin: It is defined as usable space.

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Vice Chairman Hennis: With the new additions to our meeting, are there any interest in testifying before us tonight? If we do, then you will need to fill out the sign-up sheet, if you would.

Troy Behunin: I will leave some copies of the new preliminary plat with the round a bout and the addition and the new street orientation and the addition of the open space up here for those that want to see them.

Vice Chairman Hennis: I am going to open up the public hearing for this section at 6:28 pm. I have no one listed in favor or neutral. I will start on the in-opposition column. Bryce Durrant, please come up and state your name and address for the record.

Bryce Durrant: Bryce Durrant, 2345 W. Columbia. I'm opposed to this plat map, one of the big things is the open space proposed for this subdivision. There is hardly any open space. It says 3 ½ acres for every 1000 residents and it is clearly going to have over 1000 residents. There is very little open developed (inaudible) playground equipment, things for the residents that live in that subdivision to be able to use. That is just one of the many complaints I have about this subdivision. I own a house... I have a one acre lot. When I bought the house, I was expecting some bigger subdivisions and all of a sudden, backed up to my one acre lot. There is going to be 3 houses backed up to it. What about the influence those 3 neighbors will have on the resale value of my home. I have a major collection street running right down the side of my property which would be the School Ave. How much traffic is that going to bring? Anybody who has traveled Columbia during rush hour times, knows that's a busy road. How many more traffic is that going to provide there and how much harder is it going to be for me to get in and out of my own house? I think there is a lot of things here that (inaudible) lot sizes, a variety of lot sizes. I have looked at the lot sizes and 90+ % of them are around 8000 square feet. What about some bigger lot sizes? (inaudible) We have plenty of these 8000 square foot lot sizes in Kuna, what about bigger lots. In the Comprehensive plan, they talk about rural track development, rural development (inaudible) This subdivision, this one and many other I see the agriculture heritage lost. Which is really what was...for kuna, let alone the impact it's going to have on our schools, the fire department, we have one fire station for the whole city and how much is this going to tax our fire department and who is going to end up paying for it? The people in this subdivision won't pay for all of it, it's going to be everybody. How many times are we going to have to repay for these city services, for school, for fire protection, I think these types of subdivisions are not what we need in the city. Thank you for your time.

Vice Chairman Hennis: Next up is Jacob Bell.

Jacob Bell: Good evening, my name is Jacob Bell I live in the Danskin Ridge Subdivision and I am on the home owners' association board. I wanted to, first, thank you guys for reopening the hearing. I also wanted to take a few minutes to reiterate several concerns from a neighborhood meeting from 2015 as well as December's meeting. One of the biggest concerns with this subdivision is the, our current Danskin Ridge subdivision and Silvertrail addition were planned at two different times and two different goals and densities. It's been a comment made by the developer. What we would like to see is a better planned transition between the two different subdivisions. If you look at the plat, and this is an older one, but I don't think it has changed on the newer one. Most of the houses along Danskin that are contiguous with Silvertrail Addition are 3-4 new neighbors along our back fences, in the worst case in the corner there, that house has seven new neighbors the way this is platted. I totally respect the R-6 and the effort to be well within the parameters of an R-6, but it would be great to see some planning in transition between the two different densities, I don't see that. Your last item that came up on December 13th was the School street, the access road (inaudible) This restriction here, that common space along the fence is a bare minimum and there was a comment in either the meeting notes or in the packet that came out, that that was constrained by ACHD and a 50-foot minimum for the road width. I understand that at the top where there are common lots that aren't for this subdivision, in this area here, there is nothing to prevent...(inaudible)

Commissioner Herther: Would you take the microphone with you when you go to the map?

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Jacob Bell: You bet. The other was, during the community meeting there was concerns about fencing material. The homeowners that are along those lines would like to have some input in what fencing material they want between the two subdivisions. There is also a question about the existing roads in the Danskin subdivision were designed to blend into this plat. We appreciate that they don't, but there is questions about how, is our existing road going to terminate into someone's backyard fence? That is the way it is drawn today. Lastly, the Silvertrail school that exists there today is nearing capacity and I'm concerned, as a homeowner, about the impact this is going to have (inaudible) The property the city owns, I don't know if that ever got answered, I'm not aware of any and I would hate to see us go put in this medium density subdivision without the school support. Lastly, I appreciate everybody's efforts to add parks and common space to the new plat. I appreciate your guys' focus (inaudible).

Vice Chairman Hennis: Lastly on the list is Ross Dando.

Ross Dando: Ross Dando 8070 S. Slide Creek. I have been a resident of the valley for over 20 years and watched cookie cutter subdivisions go in and watched the northern part of our valley develop into a rich, if you will, landscape of people that, where the money has moved north and the bedroom community has moved south. I moved into what I believed was a rich area and had a long-term plan based on the original plat that was done back in 2000 that I had a vision that possibly it would expand and continue that direction. This is a cookie cutter community and people are going to come and go to work and they are going to go to school. Running with the theme that was originally done for Danskin Ridge is more of the direction of what I think Kuna would like to be, (inaudible)

Vice Chairman Hennis: Ok, that is all that is listed on here, there was one person that came in last, did you have any interest in saying anything? Ok, so I will go ahead and close this public hearing at 6:38 pm. Would the applicant like some rebuttle time?

David Crawford: David Crawford, B&A Engineers, 5505 W Franklin Rd, Boise. We certainly enjoy the opportunity to hear people that come and take the time out of their day to come and discuss these things that impact their neighborhoods. We certainly appreciate and listen as well as we can, given the constraints that we have to work with. This project from the word go is always with the R-6 zoning that was afforded it, has always taken attack where we are well under the R-6 zone. We are sitting about 3.5 units per acre, that is so we don't just have large lots up against a plat many years ago, that was done in the county when it was more rural back then. The applicant, when he purchased this ground, had to come up with the money to pay for the LID assessment on the ground, so that's already all been paid. So, he didn't take it to the six units per acre, so those concessions were granted through the entire subdivision. Other developments in the area, Applewood subdivision, they have larger lots, the exceed 1000-12000 square feet. The Silvertrail addition, and now we are getting into the smaller lot areas. We have created a transition adjacent from Danskin which just simply can't compete with development that wasn't constructed to city standards at the time. So, that's what we have done. We have limited constraints and other things that do along with that. For example, the location of the School Street is dictated and in large part to the mid mile and the mile collectors and arterial roads that exist in the grid system, (inaudible) We were lucky to get the 50 foot all the way out to Columbia road. But that's all we have, there's no more. So, we have spread the densities out in an applicable manner, offer various housing types, different types of homes and architecture that is suitable for the area and definitely with the markets very well. We don't believe that it is a cookie job scenario. We also believe that the resale values in the area will continue to improve, like we have seen over the last several years. This is an area that exists outside of...this scenario exists closer to the city of Kuna than it did 15 years ago. The city is expanding we're in a growth pattern now and so that's what we are seeing, we're finally being able to work through. Sliding school street over to the east just simply doesn't work. It creates all kinds of nooks and crannies that just make for poor development. I believe that a lot of things we can address in the development when they are related to the development, but we are existing within the confines of the land use planning act

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here in the city of Kuna, the zone that's afforded for these areas and we simply didn't make a forward move to go above 4 units to the acre. We are sitting at 3.55 units to the acre. We believe that we have complied with what the city has asked us to do and we are offering an attractive addition to the city of Kuna and we hope to be here for a long time to come and to continue to work with the city, so we certainly would request that the project be approved as it's shown.

Commissioner Gealy: I have a question for you. Do you know...I'm sorry, I should introduce myself, I'm Cathy Gealy, I'm sorry I missed the December 13th hearing, I had someplace else I had to be, but I have reviewed all of the materials, I have reviewed the minutes from the previous meeting and I feel like I am prepared. I have to put that on the record. My question is, having reviewed the minutes from the previous meeting, I appreciate the efforts of the applicant to increase the open spaces available to the residences of this community. Do you have an idea of how much open additional open space you are providing now, no top of what was originally proposed?

David Crawford: I can tell you what the legend says.

Vice Chairman Hennis: But that's not your current...

David Crawford: Correct, I have that calculation over here as well. In the old plat, it was 8.68 acres of total open space throughout the development. The new one, we have over 11 acres. And as we talk about open space I think it is important to know that one thing that we were excited about that was mentioned in the last meeting that open space is always a topic of discussion. It has always been like, what does that open space look like. We create the pocket parks that we require the HOA to maintain, and then there are some challenges and issues with that. (inaudible) What we are excited about, and what we talked about in the meeting was the ability for the city of Kuna now, to have this park impact fee so that these developed parks can be maintained, and that's paid for in community development. With those impact fees that are assessed at building permits. So, I'll often believe and find that other jurisdictions that utilize those have a much better park system over time. But here, it's all going to be based on the homeowner's association to take care of it. No, the standing, there is still more than 11 acres of open development.

Commissioner Gealy: I was surprised to hear the comment that the roads from Danskin are not continued into this subdivision, they dead end. Is that correct?

David Crawford: Yes, that's absolutely correct. The roads that were in Danskin are private roads, they are not public roads. I that we have gotten a lot of feed-back from the neighbors that if we tried to open them up, a lot of traffic would flow through their subdivision.

Commissioner Gealy: I'm still concerned about the traffic calming, because there I don't see on the map in front of me, any traffic calming on School street itself or on the major north/south road or the major east/west road, except for the rotary.

David Crawford: ACHD kind of dictates how these roads are improved, the classification of those roads, what they require within their roadways. For example, arterial roadways exceed or can (inaudible) total right of way, 60 some odd feet back to back per collector road such as this school street or 36 foot back to back (inaudible) want to move the traffic in these mid mile collectors, so where the traffic calming was in the local roads where the speeds are much slower and where there is pedestrians presumably milling around, and they are not supposed to be doing that (inaudible) where there's a lot more traffic.

Commissioner Herther: I have a question about the speed limit. I talked with ACHD some time ago and they told me that all subdivisions in Kuna are 25 MPH. But in the staff report it says 35 MPH for this subdivision. Is that right?

David Crawford: I'm not exactly sure, I can't say if it is right or wrong, but what I can say is that it would be unusual for a local road to be 35 mph. they are typically designed for 25 mph.

Commissioner Herther: The thing that struck me was, it is in the area that we are talking about traffic calming?

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David Crawford: All I can say is that it would be unusual, it may be a typo in the report, but I don't know.

Troy Behunin: Commissioner Herther, that's a really good question. Typically, what happens is ACHD has a boiler plate language for speed limits and they always follow it up with "or otherwise posted" speeds. All internal speeds will be 25 mph. I don't recall exactly if this section that you are referring to, for the 35 mph, I wonder, I'm not sure, I have not read the report in more than a month, but I believe that was talking about the speed limit for school ave. Which is a collector road, which is intended to move traffic and to move pedestrian, it is not intended for playing or crossing or, it's really designed, and its entire purpose is to funnel traffic in and out efficiently. The other point is that Kuna Code does not allow for homes to front or to take access from a mid-mile collector or anything above that, so Kay ave, or mason creek, you will notice with both of the renditions of the preliminary plat has been proposed, no lots are proposing access to mason creek, which is the east/west, or to school ave., which is the proposed north/south because it is a funnel.

Vice Chairman Hennis: That leaves us for our discussion. I think they have done a nice job, they have reconfigured the bottom left area. It looks like it's reduced some of the lots in that area as well, provides a lot of open space down near the school street entrance, down towards the south. Another comment, I don't believe they can move school street over much further. What was talked about towards meridian road to the east, I believe that's a stated number of feet that it's required to be.

Commissioner Gealy: Because it's a collector?

Vice Chairman Hennis: It has to be away from the main arterial. I think there was previous conversation back on the 13th regarding the streets not tying in from the other subdivision, so that it would not have traffic flow through there. Otherwise I think, as we were looking at, that this is mostly whether they are complying with the actual zoning that has been included in the previous comprehensive land use map. They do comply. Are there any other comments? Could you please come up and state your name and address. Usually we don't allow...

Troy Behunin: Actually, if you take comment you will have to reopen the public hearing.

Vice Chairman Hennis: Ok, let's reopen the hearing at 6:52pm. Please approach the stand and state your name and address for the record.

Jacob Bell: Jacob Bell, 3481 S. Danskin Rd. I live in the Danskin Subdivision. I just didn't want you guys to close without having a discussion around transition between the two subdivisions. One of the ...that keeps coming up in all the meetings and discussions is the lack of cohesiveness in the planning and the transition between the different subdivisions, and I just didn't want you guys to close without ...

Vice Chairman Hennis: I will close the public hearing at 6:53pm and the applicant has the chance to rebut.

David Crawford: David Crawford, B&A Engineers. I certainly appreciate the input from the neighbors. We have discussed this a lot and there is so little, I think we did the densities around the transitions in my last discussion where we were talking about the densities throughout the entire development and they were reduced to a much lower density than the R-6 zone. Talking about the transition between one neighbor to another, we're really stuck with what we can do there. We can't amend the fence types, or, we can't do the cedar fencing, we are pretty limited to vinyl fencing. Most people don't like the wrought iron because you can see through it. So, those are the types of things that we are required to do, and we will do.

Vice Chairman Hennis: Unfortunately, he is right. There is no stated transition that needs to be addressed. And again, the density is defined by previous zoning.

Commissioner Herther: The density is much better than what it could be. We are looking at 3.5 vs 6.

Vice Chairman Hennis: I think he was talking about...

Commissioner Herther: I know, I understand. I think this was laid out some time ago. And that's what we live with.

Vice Chairman Hennis: Unfortunately, it has been pre-defined.

Vice Chairman Hennis: Any other discussion? Ok, I will stand for a motion.

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Commissioner Herther motions to recommend approval of 15-05-S subdivision and 15-08-DR Design Review Silvertrail addition subdivision as conditioned by staff; Commissioner Gealy Seconds, all aye and motion carried 3-0.

Vice Chairman Hennis: I would like to make another announcement as well that we have pulled the Renaissance Farm and Mason Creek Farms annexation from the agenda and will be re-noticed at a later date in case we have had some people come in afterword. Thank you.

- c) 16-03-CPM (Comprehensive Plan Map Amend) and 16-10-AN (Annexation) **Ashton Estates Subdivision**; Applicant, SDN, LLC, requests approval to amend the Comprehensive Plan (Comp Plan) Map, from Medium Density Residential to Mixed-Use General over approximately 50.6 acres. The site is contiguous to Kuna City limits and the applicant requests approval to annex the same parcel into Kuna City with the following zones; C-1 (Neighborhood Commercial), R-6 (Medium Density Residential) and R-20 (High Density Residential). The subject site is located on the south-east corner (SEC) of Meridian and Deer Flat Roads.

Kelly Kerrick: Kelly Kerrick with KM Engineering, 9233 W. State Street, Boise Idaho. Commissioners, I'm excited to be here bringing forward a project along your guys' gateway corridor and we have been working real closely with staff to try and figure out a good way to develop this piece of property. It started off with the property is currently in the medium density in the comp plan and when you are working along incoming traffic streets like a state highway, it's obviously not ideal to have your single family pushed right up against the highway, you have the commercial right across the street. So, in coming up with a plan to develop this property, we figured how to adjust the transition for a commercial convention that's on the other side and take advantage of the traffic to a high density residential to a (inaudible) And so, the best way to do that was to come in with a comp plan amendment for the mixed use so that we can do the different zones and then coming in with a rezone to match that progression. Beyond that, I think the staff did a great job summarizing the project, so I am happy to stand for any questions.

Commissioner Gealy: I have no questions at this time.

Commissioner Herther: I don't have any questions.

Vice Chairman Hennis: Thank you very much. We will have staff come forward.

Troy Behunin: For the record, Troy Behunin, Planner 3, planning and Zoning. The application you have before you tonight 16-03-CPM Comp Plan Map Amendment and 16-10-An Annexation is a request by The SDN, LLC, the Don Newell property. The owner is here along with the engineer. Staff is here to tell you that we've worked very closely with the applicant and their representative, we just want to let you know that the noticing procedures have all been followed. We advertised in the paper, notices were sent out to land owners, actually beyond 300 feet, which is the minimum, and it was posted properly. The applicant has only proposed the map amendment to you folks for a recommendation to City Council and also annexation, which will be your recommendation to council. They are aware that in the future, that additional entitlements, at least a couple of other additional land use entitlements will be required, which would be included in the plat which would effectively divide the property. Right now it's a single parcel, it's just over 50 acres with frontage along Meridian road and Deer Flat. They have a number of things that they would like to do with their property and staff would support all of the reasons stated within the comp plan analysis that references the comprehensive plan text with mixing uses, like

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commercial and residential. The staff would only like to make a couple of suggestions to add to the overall conditions of approval, and I have typed them out, so I am going to read them so that this body does agree with those conditions, then you can discuss amongst yourselves and you can make a motion whether you want to follow that or not. I have talked with the applicant and their representative and at least on the surface they appear to be agreeable to them and they knew that they were coming...that staff would recommend that they be conditioned to this. The reason for these conditions is because in the zoning exhibit, which is part of the overall packet, it would appear that there could be a proposal for 3 different zones on a single property, which is not allowed in Kuna city code. So, we have construed a couple of different conditions that would remedy anything that would appear to be that. The first condition would be that we would add "If a PUD, planned unit development, is not applied for and approved, or, the project does not submit for a preliminary plat application within 2 years of the signing of the findings of fact the entire parcel shall be zoned and recorded as an R-6 medium density residential zone. The reason for that is, we cannot have multiple zones on a single parcel, this would eliminate that. A planned unit development would allow that to happen and it would also demonstrate the applicants wishes and desires to further this process along and then we would record the annexation with the proper zoning designations as demonstrated in their zoning exhibit. The second suggested condition would be the annexation ordinance shall not be recorded with Ada County until the preliminary plat for the entire project is approved by council. Other than that, I will stand for any questions that you might have.

Commissioner Damron: When we approved that parcel down the street, ACHD had no conditions for the approach on that. If this is approved with the commercial site in front. I don't see any conditions for that approach on the ACHD paperwork.

Troy Behunin: they will need to actually come before this body again through the public hearing process seeking a preliminary plat approval and that it would move to City Council. As a part of that application, because it is a public hearing item, ACHD would then offer full comments based on a preliminary plat. The other comments for this application were limited only to the annexation and the comprehensive plan map change. There are no development conditions, other than the few that you saw in the report. There full comments will come at preliminary plat, which they would be required to get.

Commissioner Damron: The extension on Deer Flat, according to ACHD, they are going to increase the size of that in the future. Are the set back on the property enough for that widening...

Troy Behunin: I believe the applicant is aware of that widening requirement and when it goes to the landscape buffer that is required along Deer Flat. We did discuss that at length.

Commissioner Gealy: I am confused by the first recommended additional condition. It seems that the proposal is to amend the comprehensive plan for a medium density residential to mixed use. Why wouldn't we just leave it at that and not stipulate that if they do not come in with a PUD or something...

Troy Behunin: Because it has to do with the zoning that's being requested.

Commissioner Gealy: But if the zoning that is being requested is for mixed use, is that correct?

Troy Behunin: the mixed-use designation on comprehensive plan is not actual zoned. It's just saying that in this area we would like to have different zones to complement one another.

Commissioner Gealy: Why wouldn't we just then leave it R-6 until they come in with their preliminary plat.

Troy Behunin: Because that would require a zone change, because even with a mixed-use designation, you still need the underlying zone, which is the actual zone.

Commissioner Gealy: But this time it is R-6, is that correct?

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Troy Behunin: At this time, it is. When a property annexes into the city, they need a zoning designation.

Commissioner Gealy: I am not happy with your additional condition.

Troy Behunin: We are doing it to prevent any confusion for any appearance that we are breaking code, because we are not. They can get the approval for those zones, but the annexation ordinance would not be recorded until future applications are brought forward.

Vice Chairman Hennis: I believe it is just basically trying to condition out that in for compliance with what they are doing with the commercial and the 2 residential zonings, they would have to comply and file a PUD to be able to accomplish that. So this is just saying that they would have to file that PUD within the first 2 years, or it will be rezoned as an R-6.

Troy Behunin: they would have to file for a preliminary plat, respectively, divides commercial from residential. They have provided legal descriptions, which do divide the property, but, without splitting the property so that we could effectively divide them, our code does not allow for that, does not allow for the splitting of the parcels even for a zoning designation. The only way to divide up the zones would be to actually divide the property on the Ada County assessors map.

Commissioner Gealy: For this amendment and this annexation?

Troy Behunin: For the zoning within this application.

Commissioner Herther: I am really confused. How did this get here?

Troy Behunin: this is actually a fairly standard way of doing...normally what happens, is we have a preliminary plat that follows along, complementary to this, but at this time, the preliminary plat is not written. This is standard practice.

Commissioner Gealy: So, if we go ahead with this additional condition that you have, and with the amendment that's been presented, then are we committed to those zoning designations?

Troy Behunin: Yes

Commissioner Gealy: the three? The commercial, the high density and the R-6?

Troy Behunin: Yes

Vice Chairman Hennis: And to protect, like we have had with issues in the past, where a development may not come about, due to certain reasons. What that first condition, as I understand it, would protect the city to be able to still comply with the comprehensive land use map as an R-6, if the PUD doesn't get filed and the plat doesn't get filed and something happens to the development then it gets kicked back to the R-6.

Troy Behunin: It would be straight compliant with the comprehensive plan map. Which would not require public hearings or anything like that.

Commissioner Gealy: I guess that's my question. Why don't they just have an R-6 zoning designation as they enter, and when they are ready with a plan that we can look at, we talk about commercial and R-20

Troy Behunin: Because that would require an additional rezoning hearing. They have to ask for a zone at this meeting, because RUT does not transfer into the city. If they do an R-6 right now in order to get that underlying zoning for an R-20 or a C-1, which they intend to do, they would have to come back through the public hearing process just for a rezone and that would be a huge expense on their part, it would be additional time that's not needed because they have to ask for a zone with their annexation request, which we are doing tonight.

Vice Chairman Hennis: That's fairly standard.

Commissioner Herther: All they are asking for is an annexation at this point?

Vice Chairman Hennis: Yes, and a comprehensive land use map change to address what they want to bring in to the city, and that's basically part of these steps. So, because they haven't got the plat ready,

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we haven't done the final step yet, that's going to have to come through when the plats' addressed. This is fairly typical to bring it in as such.

Commissioner Damron: In order to annex them in, they have to have a reason, and this is the primary reason to bring it from the county into the city.

Commissioner Herther: Now it's making some sense.

Troy Behunin: If it would make you more comfortable, Commissioner Gealy, you could identify the properties and their sizes as proposed, which is stated in the staff report under factual summary, it lists the requested zoning and the requested acreage.

Commissioner Gealy: C-1 is about 14.28, the R-6 is about 27 and the R-20 is 9.09 as stated in the factual summary. Thank you. That it more comfortable for me.

Vice Chairman Hennis: Are there any other questions for staff? No? I will now open this section up for public hearing at 7:17pm, and I have one person signed up to testify under neutral category. Rod Weins.

Rod Neims: Rodney Neims 2329 East Deer Flat Road. The development, the commercial, along Meridian and on the corner, there at Deer Flat, seems what would be expected, and the single family residences there, sound good to me, which the multi-family units that are possible there. If you put that together, the possibility is over 230 units. You start looking at that and the congestion on that corner, which is already extremely congested, it's going to get horrendous. That is my major concern. The high density residential that would be allowed. To me that's the major concern. I've heard from several people here in Kuna, I'm kind of a newcomer, but we look at that intersection as the gateway to Kuna. It's going to get mighty congested if we do this kind of thing there. We would have to do an awful lot of major work on that intersection, or something, something's got to be done. I would suggest not having quite that many people all trying to get through that intersection, that would be my concern.

Vice Chairman Hennis: Is there anyone else in the audience that did not sign up that would like to testify? Would you please come forward and sign in? Please state your name and address for the record.

David Andrus: David Andrus, 1920 E Deer Flat Road. I know the gentleman over here said that proper notices were sent out to everybody. We live kitty corner to that property, we were never given any kind of a notice about what was going on with this property, it is a concern to me that 300 feet in the country doesn't seem like much of a notice. I'm on five acres, so if I stood in the middle of my property, I wouldn't have to notify anybody. It seems like not much of a notice. I talked to the neighbors down the street, a lot of them didn't get any notification of this. Our neighbor did happen to tell us that there was a meeting going on. When we first went there, we were told by these people over here is that, they didn't even know what they were doing for sure, it was just kind of throwing some things out here, we want some commercial, we want to put some homes in here and we want to throw some multi homes in here. And so, it seems to me like this is being pushed through, rather, in a hurry, without the proper way of really figuring out what exactly wants to be here. It's also a concern to me that Kuna has stipulations that say we shouldn't have three different types of property within the same property, yet we're trying to find a way to do this, to help the developers, and that just doesn't seem right to me. I'm not sure what a PUD is, this is all new to me, I'm an accountant, I don't do this kind of stuff, but it appears to me that we're finding run arounds to benefit them instead of looking and saying there is probably a reason that these kinds of limitations are on these properties. So, that is all I have to say.

Vice Chairman Hennis: Please come forward and sign in. Please state your name and address for the record.

Theresa Perry: My name is Theresa Perry, 2150 E Deer Flat road. In a round a bout way our property does abut a very small, across the canal. I'm not opposed to development, I'm not opposed to growth,

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I'm opposed to irresponsible development. We moved out to Kuna 1993 and we moved out here for a reason, obviously, we didn't move out far enough. The big concern I have as well as everyone else has already stated, is a comment at the neighborhood meeting was said that this is going to be the hub of Kuna, this is what Kuna city wants, this corner is going to be it. Well, great, let's come into a bunch of multi housing units to welcome everyone to Kuna. Because you have three corners there that they are wanting to develop. You have one kitty corner from it that is going, I think that's going to be over 400 units, single family homes. I think that property, last I heard anyway, directly across from it on Deer Flat, they are requesting, at the neighborhood meeting, 14 four-plexes plus a gas station, stuff like this. This was all divulged at the neighborhood meeting. You know, Deer Flat is busy enough as it is and our road is, our house is right on Deer Flat. This summer with the construction going on at Ridley's and Tractor Supply and Family Dollar was ridiculous. I was trying to pull into my house and couldn't (inaudible) To have this type of development coming in right next to us, you know, as I said, I'm not opposed to development, I'm opposed the kind of development that devalues my property, my neighbors' property and what we came out here to have, and that was a little bit of peace and quiet, you know, and have some great neighbors. I don't want to have 400 neighbors within 300 feet of me. I didn't move out here for that reason. And then when you consider the other two properties that are coming in, you are under 1000 single units coming in on those three properties. Is that really what Kuna wants to do to welcome everyone to their beautiful city? I wouldn't want it. I think it turns me off if I wanted to come move out here again. I would really go a different way. And the other thing that concerns me is, I don't have children in the schools anymore, but the amount of overcrowding in the schools right now is ridiculous, it's crazy. Our kids came out and we were really satisfied with Kuna schools and they did great, but they are so overcrowded right now, and I don't know how the school district, the fire department, transportation department, or anyone else can keep up with the amount of development that Kuna is coming right now.

Vice Chairman Hennis: No one else, with that I will close the public hearing at 7:26pm.

Kelly Kerrick: Kelly Kerrick KM Engineering 9233 West Main Street, Boise. A couple of the concerns that were brought up. One is traffic. One of the things when you start the process with this is having a traffic study done on the property, working with ITD and ACHD to, one, look at the intersection and how our development impacts that and also the roads around it. We will be working with them to make sure that ...traffic impacts. The other thing that I just really want to make clear is that this is a small first step. The bigger steps are going to later on when we come in with a preliminary plat. That details out how the property is going to be divided, how everything is laid out, and we have it generally laid out, but that will really nail down what we're doing. With that, I'll be happy to stand for any questions.

Vice Chairman Hennis: The one question that I would have at this point, in kind of listening to what has been brought up, is, how stuck are you on the R-20, how close does it comply, your initial thoughts on this, are you going to be near R-20, are you going to be down lower, would it be something to be said that maybe an R-12 would be more appropriate for what you are doing? I don't know what your anticipation might be on that.

Kelly Kerrick: I don't anticipate it being close to the R-20. My guess is it's somewhere, based off of what I have seen in the area, realistically we may end up with just single family housing. My guess is, if it actually went multi-family it would be closer to the R-10 range than the R-20. For this area, I would not expect to be in the (inaudible)

Commissioner Gealy: I have no questions, thank you.

Commissioner Damron: The commercial lots you got in front, what's your plan for those? Office space or retail outlets?

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Kelly Kerrick: Again, a lot of with commercial, it's body driven, with these types of involvements, I would expect more professional office with the main corners being your higher use areas. I think having been through developing a lot of these commercial types sites, you don't end up with the high traffic uses because (inaudible) I would expect it to be more of a professional office more than anything, a medical office. Actually, the developer even has a dental office user interested in one of the parcels.

Vice Chairman Hennis: Thank you. Now that opens us up to discussion.

Commissioner Damron: I like the idea of the commercial office spaces in front, I'm still not really happy with the R-20 designation. That's a lot of homes right behind there, and then single family homes in back beside it. I would be a little bit happier with an R-10 or 12 designation in there.

Vice Chairman Hennis: Yeah, I kind of reflect the same opinion.

Commissioner Herther: I agree with that.

Vice Chairman Hennis: Over all I think it is a good mixed use and the intention of the PUD, like our audience was speaking about. Because that's what a PUD is supposed to do, bring in a couple of uses, mixed area so that it does a lot for that. I do have concerns with the R-20.

Kelly Kerrick: One of the things that the developer just over to me and said they would be satisfied going down to an R-12 with the zone.

Vice Chairman Hennis: That would be much appreciated, thank you.

Commissioner Damron: When I look at these developments, one of the big issues I have is traffic. Looking at the slated expansions of the roads that we have, we have the big development coming on the other side, those coming up. Those are small streets, that is, I don't know how to get ACHD to step those up in this area, as far as expansion goes. The one we just heard won't be coming on Columbia until about 13-14 years down the road. This one is going to be immediate with the two impacts that we have on that one. And as small as Deer Flat road is, they are right, the traffic is going to be a headache coming across here, or even trying to get on there. So, that...either approaches or something, we have to make sure...

Vice Chairman Hennis: And that is one of the things that we have seen in the past is ACHD approaches and ITD specifically on meridian road, they address and they prioritize these as it's approved. So, as these get approved, then it gets a lot more on their radar and they start bumping up priority levels, so we won't see any additional improvements on Deer Flat until some developments go along there, so, this does have the advantage, as once it is approved that most of the time ACHD will then reprioritize as they can to address that. At least this is on the other side versus a lot of the construction that's going on, on the west side.

Commissioner Damron: Ok, how are we as a city prepared to deal with those issues before they get to it?

Vice Chairman Hennis: Not speaking for staff, but typically they are constantly working with ACHD to make sure that their concerns are addressed.

Troy Behunin: It is very much an egg or chicken scenario, because ACHD does not have the funds to improve things unless there is a reason to improve things. They also, historically, do not require a lot in areas where it is not being developed. The city has actually taken the steps to get what is called a functionally classified road map framework for all collectors and everything above a collector, which would include arterials. Deer Flat road is an arterial and ACHD is well aware of the development and the things that are going on, the discussions that are being had here at the city, because, people like the Ridley's folks or this applicant, or the northwest corner, their talking to ACHD too, and they are revamping things as much as needed. So, they are aware of the traffic demands based on historic situations and they will make recommendations accordingly. They follow the national standards that are

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published and the people that review these applications at ACHD, they have more brain cell than I do, and that's what they do, they forecast and they predict and they put these recommendations together and they formulate all of the things that developers are required to do. They have traffic engineers and this is all they do, they look at cars and hueing, distance to intersections, things like that and they make their recommendations appropriately.

Commissioner Damron: So, as we continue to go on with the development in these areas that are, like that intersection that are tight. If we recognize a problem that we're having traffic issues, do we request a traffic study from ACHD to see if we can move that up or if they have a solution to that problem, or do we just wait for them to come in and expand the road?

Troy Behunin: Just for the audience and also the commission, a traffic impact study is a very expensive proposition. There is a trigger where ACHD requires it, no matter what. That trigger is 100 homes or a certain number of commercial users in any given development, and once that trigger is reached, then a traffic impact study is required. I believe that Kelly is on the record tonight, and they have committed to following the requirements for a traffic impact study, which ACHD will analyze and if it doesn't live up to their standards, they will kick it back to the applicant and they'll either make it right or they won't get approval.

Vice Chairman Hennis: Any other discussions?

Commissioner Gealy: I am still concerned with the three zoning designations. The corner, commercial makes absolute sense to me. But I look at the schematic here and it looks like the commercial is not a very wide strip, there is indication there a full access approach and a right in, right out approach, and it looks to me like that's a strip mall. I think that's about all that would fit there. I don't think it's going to look like an office park. I'm kind of thing about that office park at meridian and Victory on the left-hand side. And I don't think it would fit in that strip they have designated as commercial. That is a concern to me.

Vice Chairman Hennis: by scale, that's still between 200-300 feet in that strip. It's going to be similar to...

Commissioner Gealy: So, they are looking at full access, it indicates full access to Meridian road, t=right there, is that correct?

Vice Chairman Hennis: Yes, that is what is indicated, but that's all preliminary.

Commissioner Gealy: But that is up to ACHD? ITD for Meridian road and ACHD for Deer Flat.

Vice Chairman Hennis: So, this is all proposal, but I can still see it ending up like what you are thinking.

Commissioner Gealy: Access off of Deer Flat, not on Meridian road where there would be some depth to an office park, which is a nice kind of a buffer and a transition from a busy highway to more residential areas. But I don't see how you can have the 15 acres as commercial and the 37 acres residential and have a reasonable transition. The numbers are not working in my head and neither is this little map.

Vice Chairman Hennis: Right, this is all preliminary, so that specifically would be...

Commissioner Gealy: They have asked to approve these designations, for this amount of ground, for that kind of zoning. I think it is too preliminary, but I completely support the idea. The commercial makes sense on that corner and it's nice to have a transition to the residential, but the rural residential that exists there now. So, I support both of those things, but I don't know how we can approve these acreages, these percentages, these proportions and not have it come back and bite us.

Vice Chairman Hennis: Any clarification I might offer would be, this is just, we're hearing for the comprehensive land use map amendment and the annexation to the city. These specifics would have to be presented during the PUD and the plat when it is presented to us. That is when we would be

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specifically seeing how those areas are designated, their transitions, borders, etc. I don't know if that helped, but...but this is just the comprehensive land use map, so we are saying that they are allowed, they are coming into the city under the annexation, the comprehensive land use map would then define that they are looking to make a planned unit development to include these proportions or ratios.

Commissioner Herther: If we were to recommend approval and this were to come back to us, could we stipulate that all of their homework would have to be completed and all the platwork done before we would see it again?

Vice Chairman Hennis: Yes, it does have to be. That's the whole idea, the next step, and that's what the first condition that Troy presents is that would need to be presented in the next step or it goes back to an R-6 completely.

Troy Behunin: the only difference between this and other typical applications, is that this shows the boundary, just the boundary of those zones, that's all it shows. A preliminary plat does the same thing. It shows the boundary of the zones, it also shows the inside, but more importantly, it shows the boundary between the different zones. That's it. So, the developer is actually the one taking the risk, because if their preliminary plat does not match what they have asked for, then they would have to come back through for a rezone for any changes they want to make that don't coincide with what's being proposed tonight. Or, what is approved by City Council. Yes, a preliminary plat does show more detail, but, make no mistake about it, if you had the streets and the lots drawn inside that bubble diagram, the boundaries would still be the same. And all you are approving is the zone for that particular area on this parcel. Does that help at all?

Commissioner Damron: I think one way to look at it is they have to have something to give to the county to allow them to bring this and be annexed into the city. They have to have a plan. Once we annex it in, then it comes back to us and we talked about the R-20, they agreed to go down to R-12. If we don't designate what this property will be, we can't annex it into the city. The county won't allow us to do that. So, he's coming in with a pre-approval, and then we can work on that, what he's going to put on there. Keeps them from having to go through several meetings, rezoning, it's easier on the staff, reduces their time and paperwork into this.

Commissioner Gealy: I guess the concern I have is in the case before this one, we said the zoning is set, that's not a conversation we can have tonight. And what we are doing with this one, we are setting the zoning, so we won't be able to have that conversation again.

Vice Chairman Hennis: Correct, but it doesn't have anything to do with any boundaries or transitions or anything in there, so, again, you would still...that's where you are concerned about transitions and boundaries. That is where we can deal in the next meeting, but, yes, you are correct, this will be setting those acreages.

Commissioner Gealy: If we approve these acreages, then that I think we are locked into that.

Vice Chairman Hennis: Yes, we are. But the difference, how it transitions from, even the shape of that acreage isn't necessarily defined here. That 15 acres can be moved a little bit or stretched out. As I understand it, we were just stating that 15 acres is commercial. We don't have a specific shape or dimensions. So, that can be worked on still.

Commissioner Gealy: But then, should the applicant decide that they want 20 acres of commercial, they have to come in for a rezone. Or should the applicant decide they want 20 acres of multi family, they would have to come in for a rezone.

Vice Chairman Hennis: Right.

Commissioner Herther: Are we just talking about annexing this piece of property?

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Vice Chairman Hennis: Yes

Commissioner Herther: That's all we are doing tonight?

Vice Chairman Hennis: And the comprehensive plan map amendment stating that instead of the R-6, they want to go into this mixed use.

Commissioner Gealy: But we don't have a mixed use designation. So, we have to parcel it out.

Commissioner Herther: After tonight and before the next meeting...I'm still on board.

Commissioner Damron: How do we, do we have to re-hear this if we bring it down to an R-12?

Vice Chairman Hennis: No, it wouldn't have to be.

Troy Behunin: Commissioner Damron, the reason why a re-hearing would not be required to go from 20-12 is because it has been notice as an R-20, which is a more intense use. If the developer wishes to relax that, then the state doesn't require that and city code does not require a re-hearing for a less intense purpose than was advertised.

Commissioner Gealy: But, it's correct, if they want to change the proportions within the three zoning designations based upon what is in the factual summary, that would require a rezone?

Troy Behunin: Yes. According to your recommendation to council, if it gets approved, as presented, if they want to change any of those lines or any of those areas at all, they will have to do a rezone public hearing for whatever they want to change.

Commissioner Gealy: Could I ask you to state again what your second condition of approval was?

Troy Behunin: That the annexation ordinance shall not be recorded with Ada County until the preliminary plat for the entire project is approved by City Council, or a PUD approved.

Commissioner Damron: One question for staff. If the developer agrees to an R-12, once this is all approved and then they say no, we are going to put an R-20 in there.

Troy Behunin: They would not be allowed to.

Commissioner Damron: Ok, I just wanted to make that clear.

Vice Chairman Hennis: If there is no further discussion, I will stand for a motion. Either recommend, or deny to council.

Commissioner Herther motions to recommend approval of 16-03-CPM comprehensive plan map amendment and 16-10-AN annexation Ashton Estates Subdivision as conditioned by staff in the staff report, including the two additional requirements listed by staff, and the commitment made by the representative tonight of revising the R-20 to an R-12.; Commissioner Damron Seconds, Commissioners Herther and Damron in favor, Commissioner Gealy opposed. Motion carried 2-1.

- d) 16-12-AN (Annexation) – ***Renascence Farm and Mason Creek Farms***; Applicants, Renascence Farm, LLC, Spaulding and Anderson and Mason Creek Farm, LLC, requests approval to annex approximately 165 +/- acres into the City of Kuna. Applicant requests the R-6 (Medium Density Residential) for all properties. 139 acres of the application are located between Ten Mile and Black Cat Roads, south of Amity Road. Approximately 26 acres are located near the NEC of Ten Mile and Lake Hazel Roads, east of Ten Mile and north of Lake Hazel. All parcels are contiguous to Kuna City limits.

Vice Chairman Hennis: 16-12-AN (annexation) Renascence Farm and Mason Creek Farms has been pulled from the agenda and will be re-noticed when that will be heard.

ADJOURNMENT:

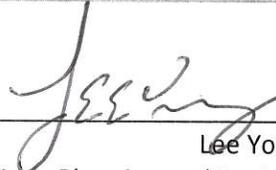
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Commissioner Gealy motions to adjourn at 7:40 pm; Commissioner Damron Seconds, all aye and motion carried 3-0.

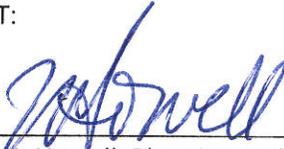
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Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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