

OFFICIALS

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



CITY OF KUNA
Kuna City Hall Council Chambers, 751 W 4th Street, Kuna, Idaho 83634

Planning & Zoning Commission Meeting
MINUTES
Tuesday April 13, 2021

6:00 PM REGULAR MEETING

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

1. CALL TO ORDER & ROLL CALL:

(Timestamp 00:00:12)

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

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

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

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the Commission. There will be no separate discussion on these items unless the Chairman, Commissioner, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the Commission.

(Timestamp 00:00:58)

A. Regular Planning and Zoning Commission Meeting Minutes Dated March 23, 2021

B. Findings of Fact and Conclusions of Law

I. Case No. 21-03-DR (Design Review) Kuna Market Village – Jessica Reid, Planning Services Specialist **ACTION ITEM**

(Timestamp 00:1:00)

Motion To: Approve the Consent Agenda

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Hennis was absent

3. **PUBLIC HEARINGS:** (6:00 PM or as soon thereafter as matters may be heard.)

Due to current health precautions associated with the coronavirus, the city of Kuna is providing alternative ways for the community to submit comments at public hearings. To learn more about the process for written or oral testimony, please contact the Planning and Zoning Department at (208) 922-5274.

(Timestamp 00:01:12)

- A. Case Nos. 20-07-AN (Annexation), 20-16-S (Preliminary Plat) & 20-25-DR (Design Review) Arrowwood Heights Subdivision – Troy Behunin, Senior Planner **ACTION ITEM**

Wendy Shrief of JUB Engineers on behalf of Hayden Homes, requests to Annex approximately 53.16 acres into Kuna City Limits with an R-6 (Medium Density Residential), R-8 (Medium/High Density Residential) and C-1 (Neighborhood Commercial) Zoning Districts. In addition, Applicant requests to subdivide approximately 41.3 acres into 177 Single-Family Residential lots (approx. 33.71 acres R-6, approx. 7.59 acres R-8), 26 Common Lots, and 4 shared driveways; the approximately 9.79 acres of Commercial will remain as an out parcel to be developed in the future. The project proposes a Net Density of 7.93 DUA (Dwelling Units per Acre) & 4.29 Gross DUA, with 16% open space. The subject site is located at 7445 S Ten Mile Road, Kuna, ID 83634, within Section 3, Township 2 North, Range 1 West (APN: S1303417354).

Staff requests this item be tabled to a date certain of April 27, 2021 due to having not received critical agency comments.

(Timestamp 00:01:48)

Planning Services Specialist Jessica Reid confirmed the request to table the hearing due to not being in receipt of Final Ada County Highway District comments.

(Timestamp 00:01:53)

Motion To: Table Case Nos. 20-07-AN (Annexation), 20-16-S (Preliminary Plat) and 20-25-DR (Design Review) for the Arrowwood Heights Subdivision to a date certain of April 27, 2021.

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Hennis was absent

(Timestamp 00:2:20)

- B. Case No. 21-01-CPF (Combined Preliminary & Final Plat) Willa Fields Subdivision – Doug Hanson, Planner II **ACTION ITEM**

Joel Hirtle requests approval for a Combined Preliminary & Final Plat in order to subdivide approx. 2.00 ac. into two single family residential lots. The property is zoned R-6 (Medium

Density Residential) within Kuna City Limits. The subject site is located at 1220 S Ash Avenue, Kuna, ID 83634, within Section 26, Township 2 North, Range 1 West; (APN: R5070501193).

(Timestamp 00:02:37)

Planner II Doug Hanson presented an overview of the project.

(Timestamp 00:03:41)

Commissioner Gealy requested clarification as to the access to the project and the hammerhead turnaround requested by the Kuna Rural Fire District. Mr. Hanson provided clarification.

(Timestamp 00:04:59)

Commissioner Damron asked the distance to current City of Kuna Water and Sewer services. Mr. Hanson provided a visual reference to the City of Kuna Water & Sewer Service Area Maps (found at www.kunacity.id.gov) indicating the area.

(Timestamp 00:07:50)

Joel Hirtle, 5875 Rock River Lane, Kuna, Idaho, 83634 presented his comments on the project.

(Timestamp 00:09:00)

Chairman Young opened the Public Hearing, there were no other persons present who wished to testify.

Support:

Joel Hirtle, 5875 Rocker River Lane, Kuna, ID, 83634

Against: None

Neutral: None

(Timestamp 00:09:53)

Chairman Young closed the Public Hearing. The Commission began their deliberation; there were no serious concerns but Commissioner Gealy requested additional information on existing Sewer services.

(Timestamp 00:11:00)

Mr. Hanson provided further clarification.

Commissioner Gealy then asked for clarification regarding the access easement, Mr. Hanson provided the information.

Commissioner Gealy asked if the Applicant was in agreement with the Conditions of Approval. Mr. Hirtle stated he was and expressed his desire to adhere to all requirements presented by the commenting agencies.

(Timestamp 00:13:19)

City Attorney Bill Gigray provided a point of information the Final Plat would not be signed until Ada County Highway District (ACHD) approved it.

(Timestamp 00:13:53)

Motion To: Recommend approval to the City Council of Case No. 21-01-CPF (Combined Preliminary & Final Plat) for the Willa Fields Subdivision with the Conditions of Approval as outlined in the Staff Report.

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Hennis was absent

(Timestamp 00:14:35)

- C. Case No. 21-02-AN (Annexation) Markovetz – Jessica Reid, Planning Services Specialist

ACTION ITEM

Michelle Carroll with City of Trees Real Estate, on behalf of her clients Donald & Carol Markovetz, requests to Annex approx. 33.02 ac. into Kuna City Limits with an R-8 (Medium/High Density Residential) zoning designation. (APNs: R5462680010, R5462680020, R5462680070, R5462680100 & R5462680110).

(Timestamp 00:15:00)

Planning Services Specialist Jessica Reid presented an overview of the request.

(Timestamp 00:16:16)

Commissioner Damron asked when City Services would be available to the subject site. Ms. Reid indicated the line providing services was the same line which would service Falcon Crest and was currently being installed.

(Timestamp 00:16:54)

Michelle Carrol, City of Trees Real Estate, 8950 W Emerald, Boise, 83704. No additional project specific comments were provided besides the request was only for the Annexation and a development application would be forthcoming in the future.

(Timestamp 00:17:45)

Chairman Young opened the Public Hearing.

Support:

Michelle Carroll, City of Trees Real Estate, 8950 W Emerald, Boise, ID, 83704 - Applicant

Against: None

Neutral:

Cheramy Rainwater Krueger, 145 S Marko Lane, Kuna, ID, 83634 (Community Representative)
–Testify

Kathryn & Dennis Rainwater, 145 S Marko Lane, Kuna, ID, 83634 – Not Testify

Alpha Byrns, 197 S Marko Lane, Kuna, ID, 83634 – Not Testify

Dan Barker, 197 S Marko Lane, Kuna, ID, 83634 – Not Testify

Norman Krueger, 41 S Marko Lane, Kuna, ID, 83634 – Not Testify
Dani Mendiola, 226 S Eagle Road, Kuna, ID, 83634 – Not Testify

(Timestamp 00:18:15)

Cheramy Rainwater Krueger, 145 S Marko Lane, Kuna, Idaho, 83634 testified as the Community Representative for the residents of the existing Markovetz Subdivision. She expressed concern regarding the existing subdivisions septic system and Sewer Access Easement, and wanted to ensure it would continue to stand.

(Timestamp 00:21:48)

Chairman Young asked if the Applicant was aware of the easement and would defer to Staff for additional information.

(Timestamp 00:21:57)

Ms. Carroll indicated she was aware of the easement and the easement would not be affected during the Annexation process. Ms. Carroll indicated potential solutions for the existing homeowners were being considered and would be addressed during development.

(Timestamp 00:22:35)

Ms. Reid deferred to the Planning and Zoning Director Jace Hellman as she did not have experience in that type of situation.

Mr. Hellman explained an easement is recorded with a property and since the easement was used by the existing homeowners in an Ada County subdivision, the Developer would be required to provide an alternative. Mr. Hellman also explained if the existing subdivision Annexed into the City of Kuna and the septic system failed, conversation regarding connecting to City Services would be had but since they were remaining in Ada County, an avenue to continue the use of their septic system had to be provided.

(Timestamp 00:24:25)

Chairman Young closed the Public Hearing and the Commission proceeded to deliberation.

(Timestamp 00:24:40)

Commissioner Damron wanted to know where the easement was, Commissioner Gealy indicated Page 99 of the meeting packet.

(Timestamp 00:24:58)

City Attorney Bill Gigray asked a clarifying question regarding the easement, Chairman Young answered. Mr. Gigray explained a vacation procedure would be required to be followed in order to terminate the existing easement.

Ms. Reid provided visual reference in order to point out where the easement was located.

Mr. Gigray confirmed a vacation process would have to be followed and would fall under jurisdiction of the City of Kuna. He also explained an application to replat that easement portion of the existing County subdivision would be required.

Chairman Young asked a follow up question, Mr. Gigray answered.

(Timestamp 00:27:26)

Chairman Young expressed his views on the Annexation and requested density; he felt an R-8 (Medium/High Density Residential) was too high and provided supporting reasons.

Commissioner Gealy agreed as did Commissioner Damron.

Commissioner Damron stated the area would be better suited to continuing development to match the existing parcels.

The Commissioners continued to discuss the density of the project.

Commissioner Gealy did not object the Annexation but did object the density.

(Timestamp 00:31:12)

Mr. Gigray offered a legal point regarding the applications density request and suggested if the Applicant (Ms. Carroll) was receptive to an R-4 (Medium Density Residential) zoning designation, the Commission table the matter, request staff re-notice the Case details and then re-hear the Case with the lowered density request. In addition, Mr. Gigray stated if the Applicant did not agree to lowering density, the Commission could deny the Annexation request based on the density, referencing the Comprehensive Plan and its points on orderly development of the City. Mr. Gigray also provided an additional option the Commission request the Applicant resubmit with an R-4 density.

(Timestamp 00:33:04)

Commissioner Gealy asked a clarifying question to Mr. Gigray regarding the Commissions recommendation to City Council.

Mr. Hellman agreed with Commissioner Gealy's question.

Mr. Gigray confirmed the Commission would be making a recommendation to City Council.

(Timestamp 00:33:49)

Chairman Young asked the Applicant if they would be willing to submit an application with a lower density. Ms. Carroll stated they would be willing to review that option.

(Timestamp 00:35:13)

The Commission further discussed options including the Applicant providing transitional zoning designations between the existing County subdivision and future development, including amenities for individuals residing in the future development.

Chairman Young instructed those items would be vetted during the Preliminary Plat process when it came forward to the Commission.

(Timestamp 00:36:46)

Motion To: Recommend denial of Case No. 21-02-AN (Annexation) for Markovetz Properties to the City Council, based on the application failing to meet orderly development and Idaho Code §50-222(1).

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Hennis was absent

4. BUSINESS ITEMS:

None

5. ADJOURNMENT:

(Timestamp 00:38:18)

Motion To: Adjourn

Motion By: Commissioner Damron

Motion Seconded: Commissioner Gealy

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Hennis was absent