

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 27, 2021

6:00 PM REGULAR MEETING

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

I. CALL TO ORDER & ROLL CALL:

(Timestamp 00:00:16)

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

- Catherine Feistner, Assistant City Engineer – In Person
- Bill Gigray, City Attorney – Via Zoom
- Doug Hanson, Planner II – In Person
- Lisa Holland, Economic Development Director – Via Zoom
- 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.

A. Regular Planning and Zoning Commission Meeting Minutes Dated April 13, 2021

B. Findings of Fact and Conclusions of Law

- I.** Case No. 21-01-CPF (Combination Preliminary and Final Plat) for Willa Fields Subdivision – Doug Hanson, Planner II **ACTION ITEM**

(Timestamp 00:00:47)

Motion To: Approve the Consent Agenda

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Hennis

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

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 00:01:00)

- A. Tabled from April 13, 2021 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).

(Timestamp 00:01:31)

Planner II Doug Hanson presented an overview of the project, he also read into the record an Addendum to Public Works comments, provided by Catherine Feistner, Assistant City Engineer.

(Timestamp 00:03:48)

Wendy Shrief, Planner with JUB Engineers, 2760 W Excursion, Suite 400, Meridian, Idaho, 83642. Ms. Shrief presented her overview of the project and provided a PowerPoint presentation. Ms. Shrief pointed out a street was added to the West as well as shortened a street per request from Ada County Highway District (ACHD). In addition, Ms. Shrief explained the subdivision was redesigned with the open space on the southwest of the project as to provide a buffer between Arrowwood Heights and the neighboring County Subdivision, Iron Horse; these changes were made after comments were provided by the neighbors at the Neighborhood Meeting. Ms. Shrief addressed two (2) issues she wanted to evaluate with the Public Works Department and stated they would work with Public Works Staff regarding them.

(Timestamp 00:15:21)

Commissioner Gealy asked a clarifying question, Ms. Shrief answered.

(Timestamp 00:17:17)

Vice Chairman Hennis asked questions regarding comments provided by the Kuna Rural Fire District (KRFD), Ms. Shrief responded.

(Timestamp 00:18:10)

Assistant City Engineer Catherine Feistner provided explanation and stated Public Works would work with the Applicant in order to assure there was adequate pressure for fire suppression.

(Timestamp 00:19:03)

Chairman Young asked Ms. Feistner a follow up question. Ms. Feistner responded and confirmed that fire suppression pressure would be addressed and any issues would be resolved prior to approval of Construction Drawings, if the Case was approved.

(Timestamp 00:20:22)

Chairman Young opened the Public Hearing.

Support:

Tim Mowka, Hayden Homes, 1406 W Main Street, Meridian, ID, 83642 - Testify

Robbie Reno, Kuna Joint School District No. 3, 711 E Porter, Kuna, ID, 83634 – Testify

Neutral:

None

Against:

Michael McShane, 7982 S Old Farm Lane, Meridian, ID, 83642 – Testify

Pattie Garofalo, 7624 S Old Farm Lane, Meridian, ID, 83642 – Testify

Steve Meyerpeter, 7963 S Old Farm Lane, Meridian, ID, 83642 – Testify

Jerri Meyerpeter, 7693 S Old Farm Lane, Meridian, ID, 83642 – Not Testify

Chris Brown, 7670 S Old Farm Lane, Meridian, ID, 83642 – Testify

Marilyn Brown, 7670 S Old Farm lane, Meridian, ID, 83642 – Not Testify

(Timestamp 00:20:48)

Tim Mokwa, Hayden Homes, 1406 W Main Street, Meridian, Idaho, 83642 testified about the two (2) Neighborhood Meetings they had held, the Traffic Impact Study (TIS) they had performed, and requests from Public Works.

(Timestamp 00:23:44)

Commissioner Gealy asked staff if the PowerPoint presentation would be included in the record. Planning Services Specialist Jessica Reid confirmed the PowerPoint presentation slides were available as PDF files and would be attachments to the meeting Minutes.

(Timestamp 00:24:12)

Robbie Reno, Kuna Joint School District No. 3 (KSD), 711 E Porter Road, Kuna, Idaho, 83634 testified regarding the projected number of students the development would add to KSD and the capacities of each affected school. Mr. Reno also requested a proper bus stop would be provided with adequate lighting and sidewalks.

(Timestamp 00:27:00)

Michael McShane, 7982 S Old Farm Lane, Meridian, Idaho, 83642 testified he was the Homeowners Association (HOA) President and expressed he felt the developer did not provide adequate communication. Mr. McShane stated he did not like the proposed street that went toward the canal (Moonie Avenue) and why the road was now on the revised Preliminary Plat. He stated he appreciated the concessions the Developer had made with the open space, then

addressed the Commercial zoning and if apartments would be permitted there. (Mr. McShane was facing Mr. Mokwa during this part of his testimony and Mr. Mokwa shook his head no). In addition, Mr. McShane addressed his concerns with construction dust and property values. In conclusion, Mr. McShane commented the Iron Horse Subdivision sewer system was private.

(Timestamp 00:30:35)

Vice Chairman Hennis clarified with Mr. McShane the street he was concerned about.

(Timestamp 00:31:07)

Pattie Garofalo, 7624 S Old Farm Lane, Meridian, Idaho, 83642 testified regarding her concerns. Mrs. Garofalo presented three (3) conditions for consideration: a request for a transitional buffer of Low to Medium Density (R-2 to R-4) between Iron Horse Subdivision and the proposed development, in order to maintain the character of the area; a request for a View Easement limiting home construction to single story; and a request for Dark Sky standards to be enforced within the proposed project in order to minimize light pollution.

(Timestamp 00:33:25)

Ms. Feistner addressed the Sewer Sleeve (SS) requested by Public Works and notified the Iron Horse Subdivision residents the SS would not be for immediate hook-up but for future potential development and potential future needs of the Iron Horse Subdivision to connect to City Services should their private septic and/or water system fail.

(Timestamp 00:34:34)

Steve Meyerpeter, 7963 S Old Farm Lane, Meridian, Idaho, 83642 testified he appreciated the shift in the open space to be adjacent to Iron Horse Subdivision. Next, he testified to his concerns of the increased demand on the Fire, Police, and Schools. Mr. Meyerpeter asked if the City would institute Impact Fees to builders in order to supplement the needs of these agencies. He also added there were six (6) Subdivisions within the area containing one (1) acre home sites with custom homes, he stated it was unfair to develop a higher density Subdivision right next to these existing Subdivisions.

(Timestamp 00:37:10)

Ms. Reid addressed the Commission and those attending in order to explain the City did in fact already charge for Fire, Police and Park Impact Fees, however, the City was not able to dictate how those funds were used; she provided an example of the Kuna Rural Fire District (KRFD), stating it was a completely different operating entity with their own governing Board who made those decisions. Ms. Reid also explained affected agencies were provided the opportunity to comment on projects as they came forward. In addition, the State of Idaho did not allow Impact Fees to be collected for Schools; Ms. Reid also stated multiple Cities were working on trying to get that changed but as of yet, had not been able to do so.

(Timestamp 00:38:20)

Chris Brown, 7670 S Old Farm Lane, Meridian, Idaho, 83642 testified he was aware that the area was developing but was concerned for the quality of life. Mr. Brown stated putting starter homes next to One (1) Million Dollar homes it would affect their homes values. Mr. Brown stated quality of life, crime, dust and traffic would all affect the residents of Iron Horse Subdivision. Mr. Brown went on to state that the building of Subdivisions increases crime and Iron Horse Subdivision will no longer be a safe neighborhood. In addition, Mr. Brown asked what was in it for Kuna? He went on to state a neighbor had been approached about a potential Phase 2 of the

proposed project and believed there was the potential for 1,000 to 2,000 homes. Mr. Brown stated that taxes would rest on the shoulders of the nicer houses within the district and expounded on the duration of time he has lived in the area. He provided the opinion that persons living within the Subdivision would not come to Kuna for their needs or utilize the businesses in town. Mr. Brown concluded with a request for bigger lots, nicer homes and insisted a fence taller than six (6) feet to keep people in the Subdivision away from Iron Horse Subdivision; they did not want to see them and they did not want to see them.

(Timestamp 00:45:07)

Chairman Young confirmed if there were any others present who wished to testify but had not signed-up; there were none.

(Timestamp 00:45:34)

Mr. Mokwa rebutted specific points of the testimony provided. Mr. Mokwa addressed Mr. McShane's comments and said that he was informed if he had received notice for the first meeting, he would receive notice for the following meetings. He explained the construction dust would be maintained as per the dust control plan to be developed, the site would be inspected regularly, and there would be a sign on site with contact information in case any issues arose. In addition, he addressed the statement the proposed density did not match neighboring Iron Horse Subdivision, and went on to explain that was it was not within Kuna City Limits and was in fact an Ada County Subdivision; the proposed Subdivision was designed to City standards, not the County's. Mr. Mokwa addressed concerns regarding quality of life and suspected loss in property value; he stated he had never experienced that and properties would be hard-pressed to lose value in the current market. Lastly, Mr. Mokwa responded to the comment that the proposed Subdivision would increase crime and stated he found it hard to agree as the proposed homes would be within the \$400,000 dollar range; he said he was not building ghettos and took offense to the comment.

(Timestamp 00:48:18)

Ms. Shrief rebutted by saying the proposed Subdivision met the requirements of the Comprehensive Plan and the Mixed-Use zoning. She reiterated her previous point that concessions were made in the open space design because they understood the neighbors had a very different type of development. She also supported Mr. Mokwa's comment the homes were not starter type homes and would be in the \$400,000+ range. Ms. Shrief said they would work with KSD on a bus stop; had worked with the neighbors, having two Neighborhood Meetings which was above the requirement.

(Timestamp 00:50:50)

Mr. Mokwa returned to the podium to rebut a testimony he had missed regarding compatibility. He had reviewed the aerial photo of the proposed project and the surrounding area and explained the proposed Subdivision was on the opposite side of the canal and the separation between it and the Iron Horse Subdivision was 58 feet; if the 28-foot setback on the lots within Iron Horse were added, it was even greater. Next, he stated they had already agreed to double fence along the canal, there would be chain link along the canal road, then the homes would have six (6) foot vinyl fencing.

(Timestamp 00:52:00)

Chairman Young clarified the stub street (Moonie Avenue) on the southern property line of the proposed project was a requirement from ACHD. Mr. Mokwa confirmed the statement and further explained the street was not on the Preliminary Plat shown at the time of the Neighborhood Meetings; the street was a Condition from ACHD during project review. In conclusion, Mr. Mokwa contested the comment they had reached out to neighbors in order to acquire additional properties for development of 2,000 lots; the information was in no way accurate.

(Timestamp 00:52:53)

Vice Chairman Hennis clarified the street (Moonie Avenue) was required as part of ACHD's interconnectivity Policy and a crossing over the canal would be required for the street to be useable; it was to be developed in case of future development(s). Mr. Mokwa explained they would stub the street and put forward monies in a Road Trust with ACHD for potential development of the crossing in the future. Chairman Young asked if fencing would be placed across the end of the stub street, Mr. Mokwa provided the pertinent information.

(Timestamp 00:54:40)

Chairman Young closed the Public Hearing and the Commission proceeded into deliberation. The Commissioners recognized the concession made for placement of the open space; the need for the developer to review the pressure for fire suppression with Public Works; and the proposed density. The Commission did not feel they could Condition only one (1) story homes could be built but did discuss a lower density along the portion of the project that bordered the neighboring Subdivision.

Commissioner Damron discussed the aspect of development within the City and development within the County. He stated the surrounding areas were also designated to become Mixed-Use and how that could be balanced with the neighboring developments. Commissioner Hennis agreed and expressed concern of future development of the Mixed-Use designated parcels surrounding Iron Horse Subdivision; they did not want to set a negative precedence.

Chairman Young discussed potential ways to provide for potential requested changes in density in the Commission's recommendation to City Council.

Commissioner Gealy expressed the Mixed-Use designation was meant as a mix between Commercial and Residential aspects, not specifically a mix between R-6 and R-8 densities, and the location was good for Commercial along N Ten Mile Road. She also pointed out her preference to see open space centralized within developments but understood and appreciated why it was proposed to be on the southwest of the project, just north of S Old Farm Lane. She then asked Ms. Feistner clarifying questions in order to make correct Motions.

Commissioner Garten expressed his concern of the proposed Subdivision abutting the existing Iron Horse Subdivision but also pointed out the concession made with the open space to mitigate the impact. He explained there was a housing crisis but being smart about growth was important; he understood both sides. In addition, he acknowledged the proposal met the Comprehensive Plan and Kuna design standards.

(Timestamp 01:12:00)

The Commission discussed the verbiage to be used on the Conditions of Approval they wanted to add. Bill Gigray, City Attorney interjected to provide examples of potential Motions to encompass those Conditions. The Commission deliberated the proposed project and their potential Motions further.

Motion To: Recommend Approval of Case Nos. 20-07-AN (Annexation) and 20-16-S (Preliminary Plat) for Arrowwood Heights Subdivision with the Conditions as outlined in the Staff Report and the additional Conditions the Applicant work with Public Works to review the feasibility of looping the main water system, confirm easements are in place, and the feasibility of the Sewer connection regarding depths, etc.; the Applicant work with the City Engineer to confirm the correct pressure for fire suppression is available via modeling upon presentation of Construction Drawings; the Applicant work with Kuna Joint School District No. 3 to provide adequate bus stops; and for the Applicant to enter into a Development Agreement with the City in order to provide larger R-4 (Medium Density Residential) lots along the southern end of the project to provide better transition.

Motion By: Commissioner Hennis

Motion Seconded: Commissioner Damron

Further Discussion: Chairman Young deferred to City Attorney Bill Gigray for confirmation the Motion encompassed the Commissions intent as well as land use law. Mr. Gigray recommended the Commission address each Case individually and continue the Public Hearing only for the purpose for the Commission to consider the Findings of Fact as to ensure the wording is correct and encompasses the Commissions intent.

Voting No: None

Absent: 0

Motion Passed: 5-0-0

Motion To: Approve Case No. 20-25-DR (Design Review) for Arrowwood Heights Subdivision with the Conditions as outlined in the Staff Report and the additional Condition the Applicant work with Kuna Joint School District No.3 to provide adequate bus stops.

Motion By: Commissioner Hennis

Motion Seconded: Commissioner Gealy

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

(Timestamp 01:30:06)

Mr. Gigray requested Chairman Young clarify for staff if the Commission wished to review the Findings of Fact as a Consent agenda item or as a separate item on the agenda for the next meeting and provided procedure on how to do so.

Motion To: Present the Findings of Fact for Arrowwood Heights Subdivision on the next Planning and Zoning Commission meeting agenda as a separate item from the Consent agenda.

Motion By: Commissioner Hennis

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

(Timestamp 01:31:52)

B. Case No. 21-01-AN (Annexation) for Coffelt – Doug Hanson, Planner II **ACTION ITEM**

Addison Coffelt requests approval to annex approximately 4.00 acres into Kuna City limits with an R-2 (Low Density Residential) zoning district classification. The subject site is located at 8800 S Linder Road, Meridian, ID 83642, within Section 12, Township 2 North, Range 1 West (APN: S1312325400).

(Timestamp 01:32:05)

Planner II Doug Hanson presented an overview of the project.

(Timestamp 01:33:07)

Commissioner Gealy asked if there was future potential for a pathway to be developed along the canal. Mr. Hanson informed the Commission if a pathway for that area was on the Master Plan, it would be addressed upon development, if there was any.

(Timestamp 01:36:08)

Addison Coffelt, 8800 S Linder Road, Meridian, Idaho, 83642, reiterated points of the project and her desire to reserve the rural nature of her property. Commissioner Gealy addressed the future potential of a pathway and asked if Mrs. Coffelt was aware of it. Mrs. Coffelt confirmed if a pathway was within their property and it was something they were able to do, then yes, they were willing.

(Timestamp 01:37:20)

Commissioner Young opened the Public Hearing.

Support:

None

Neutral:

None

Against:

None

(Timestamp 01:37:40)

Commissioner Young closed the Public Hearing and the Commission proceeded into deliberation. The Commission did not express any concerns with the request.

(Timestamp 01:38:22)

Motion To: Recommend Approval of Case No. 21-01-AN (Annexation) for Coffelt with the Conditions as outlined in the Staff Report.

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

4. **BUSINESS ITEMS:**

(Timestamp 01:38:44)

- A. Case No. 21-04-DR (Design Review) for Pet Care Clinic of Kuna – Jessica Reid, Planning Services Specialist **ACTION ITEM**

Applicant Brady Hickcox of TerWisscha Construction, Inc., on behalf of his client Dr. Roberta Konzek, requests Design Review approval for the proposed construction of a new one-story, 3,600 SF veterinary office, associated landscaping with an alternative compliance request, and parking lot. The current facility will remain open for business during construction and then will transition into the new facility, at which time the old facility will be demolished and the parking lot finished. In addition, the Applicant notes a 1.5” waterline will be required to service the new facility. The proposed project is located at 366 E Avalon Street (APN: R0615001165), 2N1W24.

(Timestamp 01:39:01)

Commissioner Gealy addressed the room and stated she was a customer of the Pet Care Clinic of Kuna but had no financial or fiduciary interests in the clinic and believed she could review the Case based on the facts and information provided, without bias. The rest of the Commission expressed the same. Chairman Hennis deferred to City Attorney Bill Gigray for clarification on if recusing themselves was required.

(Timestamp 01:40:01)

Mr. Gigray stated he had no concerns and requested the Commissioners state on the record they would not be biased and judge the matter based on information provided in the record and City Ordinances governing it; he also confirmed there was no ethical issue at hand.

(Timestamp 01:40:32)

The Commissioners, in turn, stated they were able to be impartial and judge the Case on the information provided in the record.

(Timestamp 01:40:54)

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

(Timestamp 01:41:58)

Brady Hickcox of TerWisscha Construction, 1550 Willmar Avenue Southeast, Willmar, Minnesota, 56201 pointed out highlights of the project and it was necessary for the local business to expand its operations. Mr. Hickcox also reviewed the alternative landscaping requirement request.

(Timestamp 01:43:26)

The Commission proceeded into deliberation.

(Timestamp 01:45:00)

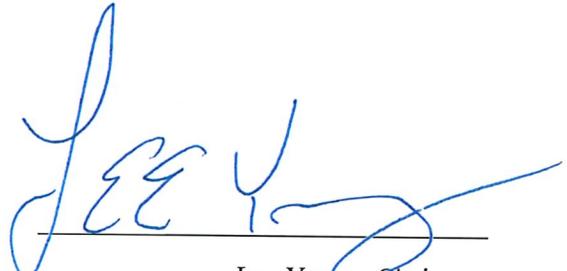
Motion To: Approve Case No. 21-04-DR (Design Review) for Pet Care Clinic of Kuna with the Conditions as outlined in the Staff Report, and Approved the Alternative Compliance Request for landscaping.

Motion By: Commissioner Hennis

Motion Seconded: Commissioner Gealy
Further Discussion: None
Voting No: None
Absent: 0
Motion Passed: 5-0-0

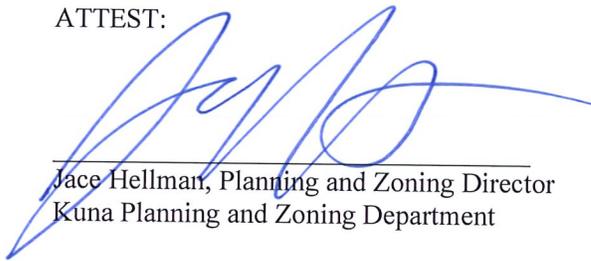
5. **ADJOURNMENT:**

(Timestamp 01:45:37)
Motion To: Adjourn
Motion By: Commissioner Hennis
Motion Seconded: Commissioner Damron
Further Discussion: None
Voting No: None
Absent: 0
Motion Passed: 5-0-0



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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