

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 June 22, 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:

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 – Absent

CITY STAFF PRESENT:

Bill Gigray, City Attorney – Via Zoom
Jace Hellman, Planning & Zoning Director – In Person
Troy Behunin, Senior Planner – 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 (1) 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 00:00:57)

A. Regular Planning and Zoning Commission Meeting Minutes Dated June 8, 2021

Motion To: Approve Consent Agenda.

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

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

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

The City of Kuna is now 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 00:01:14)

- A. Tabled from June 8, 2021 Case No. 21-01-SUP (Special Use Permit) 273 E Screech Owl In-home Daycare – Jessica Reid, Planning Services Specialist **ACTION ITEM**

Pierre Kamegeri requests Special Use Permit approval to operate an In-Home Daycare, not to exceed twelve (12) children, Monday through Friday from 6:00 AM to 6:00 PM, at 273 E Screech Owl Drive.

Planning Services Specialist Jessica Reid, presented an overview of the case facts.

Chairman Young asked if the Commissioners had any questions for Ms. Reid; there were none.

Applicant Pierre Kamegeri presented an overview of his request, including his desire to go through the proper channels and receive the required approvals. Mr. Kamegeri provided explanation of his proposed business hours, drop-off/pick-up process, safety measures, noise abatement for his neighbors, acquired certifications, and focus on continuing to adhere to required state inspections.

Chairman Young asked Mr. Kamegeri if he had read and understood all of the Conditions of Approval in the staff report. As English was Mr. Kamegeri's second language, his son Rene Kamegeri, translated. Mr. Kamegeri confirmed he had in fact read and understood the Conditions.

Commissioner Gealy asked if there were stairs in the home, Rene Kamegeri stated there were. She then asked if the children would be going up the stairs or if they would only be on the main floor. Rene Kamegeri explained they would be downstairs. Commissioner Gealy asked if there would be a gate on the stairs, Rene Kamegeri confirmed that was correct.

Ms. Reid notified the Commission having a gate on the stairs would be a requirement upon Fire Inspection as childcare is not permitted to be operated on the second level of the home.

Commissioner Gealy then asked if the backyard was fenced and if there were gates. Rene Kamegeri confirmed the yard was fully fenced and there were gates to the front. Commissioner Gealy expressed concern with the children being able to exit through the gates in case of emergency but that they were not able to otherwise. Rene Kamegeri explained that children would be escorted through the gate if needed but an adult would always be present.

The Commission had no other questions. Mr. Kamegeri thanked the Commission for their time.

(Timestamp 00:10:40)

Chairman Young opened the Public Hearing.

Support:

None

Against:

None

Neutral:

None

(Timestamp 00:11:09)

Chairman Young closed the Public Hearing and the Commission proceeded into their discussion.

Commissioner Hennis felt it was a straightforward application; all concerns had been addressed and Conditions were either met or in the process of being met. Commissioner Hennis had no objections.

Chairman Young agreed. Commissioner Gealy had no other concerns.

(Timestamp 00:12:00)

Motion To: Approve Case No. 21-01-SUP (Special Use Permit) 273 E Screech Owl In-home Daycare with the Conditions as outlined in the staff report.

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Hennis

Further Discussion: None

Voting No: None

Absent: 1

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

(Timestamp 00:12:48)

- B.** Case Nos. 21-01-ZC (Rezone), 21-01-S (Preliminary Plat), & 21-05-DR (Design Review) Circinae Valley Subdivision - Doug Hanson, Planner II **ACTION ITEM**

Randy Wall requests a rezone for approximately 6.46 acres from A (Agriculture) to R-6 (Medium Density Residential) and to subdivide the 6.46 acres into 33 total lots (27 residential lots and six (6) common lots). The subject site is located approximately 1,200 feet North of W King Road on S School Avenue, Kuna, ID 83634, within Section 26, Township 2 North, Range 1 West; (APN: R5070500080).

Planner II Doug Hanson presented an overview of the proposed project. Mr. Hanson pointed out a change to Condition No. 21 to reflect that the Applicant would not request Final Plat approval until the City Engineer had issued the Will Serve Letter.

Chairman Young asked if the Commission had any questions for staff; there were none.

(Timestamp 00:15:26)

Applicant Randy Wall explained he nor his client had any objections to the Conditions listed in the staff report and requested approval of the proposed project.

Commissioner Gealy asked if there had been discussion of creating a Homeowners Association (HOA); Mr. Wall confirmed there would be. Commissioner Gealy then stated she would like to add a Condition that an HOA would be created as well as be responsible for maintenance of the projects landscaping and common areas.

(Timestamp 00:18:18)

City Attorney Bill Gigray provided procedural guidance regarding testimony.

Mr. Hanson directed the Commission to Page No. 107 of the meeting packet where the common lot maintenance agreement for the project could be reviewed.

(Timestamp 00:20:22)

Chairman Young opened the Public Hearing.

Support:

Mike Early (Developer), 10718 W Blackhawk Drive, Boise, ID 83709 – Not Testify

Randy Wall (Applicant), 5636 N Portsmouth Avenue, Boise, ID 83714 - Testify

Against:

Lee Carter, 1335 S School Street, Kuna, ID 83634 – Testify

Verna Robinson, 1220 S Ash Avenue, Kuna, ID 83634 – Testify

Roger Theobald, 1331 S School Street, Kuna, ID 83634 – Testify

Ed Mumford, 1375 S School Street, Kuna, ID 83634 - Testify

Neutral:

None

(Timestamp 00:20:40)

Lee Carter explained his family's long history with his property and the one in question as well as his reasoning for moving from Meridian to Kuna in 2016. Mr. Carter expressed concerns with there not being a Fire Station south of the tracks, including additional concerns about Emergency Services. Mr. Carter requested an Ada County Highway District (ACHD) traffic study to be performed and the feasibility of an overpass. He also addressed concerns with speeding traffic and additional crosswalks. Mr. Carter stated an HOA should be a Condition of Approval, parking should be provided at the park play area, and homes within the project be limited to single-family homes (i.e., multi-family, manufactured homes, townhomes, or alley-loaded homes). Mr. Carter referred to the proposed lot sizes and the number of lots.

Mr. Carters three (3) minute testimony time elapsed and an individual in the audience offered his time. Planning Services Specialist and meeting clerk Jessica Reid, deferred to the City Attorney for guidance. Mr. Gigray provided the requested guidance.

The same audience member spoke out that Mr. Carter was their Neighborhood Representative and should have ten (10) minutes for testimony. Chairman Young explained that information had not been provided prior, Mr. Carter was limited to the standard testimony time. Mr. Carter notified Chairman Young there were only a few more sentences in his testimony, the Chairman allowed him to finish.

Mr. Carter completed his testimony by requesting denial of the application based on the R-6 (Medium Density Residential) zoning designation, but if the project was approved, he proposed a zoning designation limited to R-2 (Low Density Residential).

(Timestamp 00:26:08)

Roger Theobald explained his property shared an east-west border with the proposed project.

Additionally, he stated the previous owner of his land had said there was an approval for nineteen

(19) sewer hook-ups for the proposed project site; the previous owner of the proposed project site had indicated his intent to subdivide into four (4) 1.5 acre lots; finally, the new owners of the property had indicated the intent to subdivide into twenty-two (22) lots but had applied for thirty (30). Mr. Theobald expressed his opinion of lot sizes in subdivisions close-by versus the proposed lot sizes for the proposed project. He also expressed his concern of the size of homes that would be built on the lots, as well as the additional traffic. Mr. Theobald requested that fencing maintenance be included within the HOA requirements then expressed concern with Emergency Services. In conclusion, Mr. Theobald expressed concerns with irrigation.

(Timestamp 00:30:56)

Ed Mumford addressed additional concerns with irrigation, the largest being the irrigation waters are not impeded so they could continue to flow to the drainage ditch. Mr. Mumford went into detail of the drainage ditch and it's use.

(Timestamp 00:33:00)

Mr. Wall provided rebuttal to the concerns of those present who testified. He explained an ACHD traffic study had been performed and ACHD had not identified any concerns. Mr. Wall agreed and assured there would only be traditional single-family homes within the subdivision. He went on to explain that the proposed project had been dropped from 30 lots to 27 lots and an R-6 (Medium Density Residential) zoning had been requested, and how it was the transition zoning between High and Low Density. Mr. Wall explained that typically fencing for common areas is maintained by the HOA and individual lot fencing is maintained by the homeowner. In regards to irrigation and drainage, Mr. Wall stated they had been working closely with the Boise Project Board of Control; he also addressed that state law has specific requirements on how to deal with irrigation.

Commissioner Damron asked how water draining off the subject site and damaging a neighboring property was going to be mitigated. Mr. Wall explained the ditch was only a drain and did not carry water on a usual basis. Commissioner Damron re-explained his question. Mr. Wall referred to the retention pond designed into the subdivision that would contain any regular waters; he further explained as he was not an attorney, other unexpected issues and their outcomes were not within his wheelhouse. Mr. Wall then explained the retention pond was designed based on historical flows of the drainage ditch.

Mr. Hanson asked Mr. Gigray if he was able to expand on the subject at hand. Mr. Gigray provided additional information. He also notified the Commission they could add a Condition that proper irrigation and drainage be fully addressed with a Final Platting request.

Chairman Young confirmed the project would be connecting to the Kuna Municipal Irrigation System (KMIS); Mr. Hanson expanded on how the project would be required to annex their water rights for the property into the KMIS.

Mr. Gigray closed with direction that the City Engineer would be able to address any irrigation and/or drainage issues during the Final Plat process. Chairman Young also pointed out the City Engineer Memo addressed irrigation water, grading, and drainage. Mr. Wall added a comprehensive drainage report for the property would be provided to the City Engineer.

(Timestamp 00:46:57)

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

Chairman Young expressed the layout of the proposed project were appropriate; zoning was appropriate; and he had no concerns overall. He felt the irrigation would be addressed properly through the application processes.

Commissioner Hennis noted the reduction in lot count, open space and amenities. Overall, he felt the project adhered to the Comprehensive Plan and did not necessarily have many concerns. He felt if the irrigation and drainage was addressed throughout the process and designed properly, the project would be appropriate.

Commissioner Gealy expressed concern of the project being on the border of Medium and Low Density, she would prefer to see transitional lots along the southern boundary; something closer to an R-4 along that edge. She also expressed concerns with the landscape plan, stating she would like to see additional trees within the common areas and possibly the pathway along the north. She also addressed the possible concern of only one access but did note the size of the subdivision did not warrant a second access.

Planning and Zoning Director Jace Hellman clarified greater than 30 single-family residential lots required a secondary access.

Mr. Hanson explained, in regards to additional trees along the northern pathway, there is a thirty-five (35) foot easement from centerline of the canal, which cannot be landscaped per the irrigation district.

Commissioner Hennis suggested a different area in which additional trees could be requested.

Commissioner Damron empathized with the surrounding landowners and the historical value of the property, but did point out the growth Kuna was experiencing which in turn means property will inevitably be sold. He agreed with Commissioner Gealy on wanting to see an R-4 type or lower density. Commissioner Damron re-stated his concerns with the irrigation waters and drainage.

Chairman Young asked for clarification.

Commissioner Damron expressed his concerns with waters flowing down towards existing homes.

Chairman Young again referred to the requirements that the project is required to design to specific criteria; he reiterated the project had no choice but to design to those criteria.

Commissioner Hennis noted there was a Condition within the staff report regarding it, as well as comments provided within the City Engineers memo.

Commissioner Damron restated he would want the southern end of the subdivision to be a lower density.

Chairman Young asked Mr. Gigray a clarifying question regarding a Condition of R-4 density.

Mr. Gigray provided direction, procedure, and potential Motions.

Commissioner Hennis asked if the lots on the southern boundary would be able to meet the dimensional standards of an R-4.

Commissioner Gealy rebutted an R-6 zone indicated six (6) was the most you could put there, but it did not mean the least. She said requesting an R-4 would require the lots meet those dimensional standards, however, if the Commission requested something with a lower density similar to an R-4, they would not.

The Commission continued to debate Commissioner Gealys point.

Mr. Hanson commented that even if the underlying zone was an R-6 and the Commission requested an R-4 density for the south, those lots would still be required to adhere to the R-4 dimensional standards.

Chairman Young had an additional question for Mr. Wall.

Mr. Gigray suggested the Public Hearing be reopened to receive additional information.

(Timestamp 01:04:45)

Motion To: Reopen Public Hearing for Case Nos. 21-01-ZC (Rezone) and 21-01-S (Preliminary Plat) for the Circinae Valley Subdivision.

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

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

(Timestamp 01:05:10)

Chairman Young asked if Mr. Wall would be against adjusting the southern lot sizes.

Mr. Wall stated he was willing and suggested getting the project closer to four (4) Dwelling Units Per Acre (DUA).

Mr. Gigray suggested if a reconfiguration of the Preliminary Plat was required in order to garner approval, then the Commission continue the Public Hearing as to be able to review the reconfiguration prior to making any decisions. Based on this information, Mr. Wall requested a continuation until the next available agenda.

(Timestamp 01:09:41)

As the Public Hearing had been reopened, Chairman Young addressed the audience to confirm if anyone wished to provide additional comments; only comments on the information received after reopening the Public Hearing would be received.

(Timestamp 01:10:00)

Roger Theobald chose to provide additional comments; he appreciated the Commissions recommendation to increase the lot sized on the southern boundary of the project. Mr. Theobald then began to address separate items that did not adhere to the Chairman's direction; Chairman Young redirected Mr. Theobald to the topics at hand.

(Timestamp 01:11:30)

Verna Robinson requested to testify; Chairman Young indicated this on the Public Hearing sign-in sheet. Mrs. Robinson explained her property adjoins to the west of the project and she had recently split her property into two (2) lots even though her zoning designation was R-6. She then addressed a neighboring parcel which split into three (3) lots; Mrs. Robinson felt if the lots within the project could be increased to match the rural feeling of the area, she would be appreciative.

(Timestamp 01:13:09)

Ms. Reid offered a point of clarification on the lots referenced by Mrs. Robinson, stating they were not within City Limits. *(*Correction: The three (3) lots in question are within City Limits and were created via an illegal lot split.*)*

(Timestamp 01:13:40)

Chairman Young verified if any others wished to provide additional comments; seeing none, he closed the Public Hearing and the Commission proceeded back into discussion.

Chairman Young discussed the Commissions options moving forward.

Commissioner Hennis stated he noticed some areas in which the Preliminary Plat could be adjusted in order to provide larger lots on the south.

Commissioner Damron felt larger lots on the south was a better option as the adjoining southern property would have those larger lots if subdivided in the future.

(Timestamp 01:16:55)

Mr. Gigray stated, if the Public Hearing was continued as to receive additional testimony in the future and to review an amended Preliminary Plat showing the larger lots to the south, then it was the better option moving forward with the application.

(Timestamp 01:18:47)

Commissioner Gealy expressed confusion on the project layout she was viewing; the fellow Commissioners directed her to the updated Preliminary Plat showing 27 lots. She then expressed she was not willing to accept smaller lots in the northern portion of the project in exchange for larger lots on the southern boundary. Commissioner Gealy said the Commission did need to come to a consensus on what they wanted to see, then addressed additional concerns that may inspire additional Conditions of Approval or changes to existing Conditions of Approval.

(Timestamp 01:21:40)

Mr. Gigray provided a point of information explaining that if the Public Hearing was continued, the Commission would be able to receive testimony from the City Engineer regarding any applicable concerns. Commissioner Gealy thanked Mr. Gigray. Upon reviewing the Preliminary Plat further, she was confident that the project could be adjusted to accommodate larger lots on the southern boundary. Commissioner Gealy then confirmed with staff if there was availability on the next regularly scheduled meeting agenda if the Public Hearing was continued.

Mr. Hellman confirmed there would be availability on the July 13, 2021 agenda. He then asked for clarification on what the Commission was asking for in regards to the larger lots on the southern boundary; were they specifically asking for larger lots on the south, or were they

requesting the southern lots be limited to four (4) DUA as it presented a major difference in the requirements/dimensional standards that would need to be met.

(Timestamp 01:23:31)

Motion To: Continue the Public Hearing for Case Nos. 21-01-ZC (Rezone) and 21-01-S (Preliminary Plat) for the Circinae Valley Subdivision until July 13, 2021, with a request the Applicant work with staff to provide R-4 (Medium Density Residential) sized lots within the R-6 (Medium Density Residential) zoning designation on the southern boundary.

(Timestamp 01:26:20)

Mr. Hellman re-explained the difference between limiting the southern boundary to four (4) DUA and limiting to an R-4 zoning designation.

(Timestamp 01:26:53)

Motion To: Continue the Public Hearing for Case Nos. 21-01-ZC (Rezone) and 21-01-S (Preliminary Plat) for the Circinae Valley Subdivision, to July 13, 2021 as to review an amended Preliminary Plat with lot sizes similar to an R-4 designation; to receive testimony from the City Engineer in regards to neighboring property owners concerns with irrigation and drainage; to receive additional information regarding a Homeowners Association and their maintenance agreement for fencing and landscaping; and to update Condition No. 21 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 Garten was absent

4. BUSINESS ITEMS:

(01:28:30)

- A. Case No. 21-07-DR (Design Review) Journey's End No. 3 – Doug Hanson, Planner II
ACTION ITEM

Steve Arnold, requests Architectural Design Review approval for 20 townhomes located within phase 3 of Journey's End Subdivision (APNs: R0615252205 & R0615251805), Section 25, Township 2 North, Range 1 West.

Planner II Doug Hanson presented an overview of the proposed project.

(Timestamp 01:30:15)

Applicant Steve Arnold addressed the Commission, explaining the layout of the project and specific amenities provided; he also stated the Homeowners Association (HOA) would maintain landscaping and common areas. In conclusion, Mr. Arnold expressed he was in agreement with the Conditions of Approval outlined in the staff report, then stood for questions.

Commissioner Gealy confirmed the HOA would maintain the landscaping between the units and not the patios provided; Mr. Arnold stated that was correct.

Commissioner Damron asked if he was correct that a balcony was provided over the garage and on the side of each unit; Mr. Arnold confirmed he was correct.

Chairman Young felt the Townhomes were an appropriate transition from the existing four-plexes to single-family; he also felt the elevations and color palette were appropriate.

Commissioner Hennis agreed with the Chairman as well as stating the project complemented the existing phases of the Journey's End development.

(Timestamp 01:35:42)

Motion To: Approve Case No. 21-07-DR (Design Review) for Journey's End No. 3 with the Conditions as outlined in the staff report.

Motion By: Commissioner Hennis

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

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

(Timestamp 01:36:25)

- B.** Case No. 21-09-DR (Design Review) Falcon Crest Fencing Alternative Compliance – Troy Behunin, Senior Planner ACTION ITEM

JUB, on behalf of their client, M3 Companies, requests Design Review Committee approval for Alternative Compliance to Kuna City Code (KCC) 5-4-6-B-3; required perimeter fencing for the large Planned Unit Development (PUD) known as the Falcon Crest Golf Course Community. Applicant desires to install a consistent and unique fence throughout each of their phases in their 20+ year buildout, as described in *KCC 5-4-6-B-3*. The project is located on the Northeast Corner of Cloverdale and Kuna Roads, Kuna, ID 83634.

Senior Planner Troy Behunin presented an overview of the fencing alternative compliance request and stood for questions. There were no questions.

(Timestamp 01:38:22)

Applicant Travis Jeffers explained the alternative compliance request, touching on the longer life and easier replacement of the proposed fencing; Mr. Jeffers stated this type of fencing had been used in other M3 Companies developments with great success. A multi-level replacement plan was in place to ensure the fencing remains in good condition with a positive aesthetic.

(Timestamp 01:41:49)

The Commission discussed the proposed fencing, it's aesthetic, and established maintenance plan.

(Timestamp 01:42:46)

Motion To: Approve Case No. 21-09-DR (Design Review) Falcon Crest Fencing Alternative Compliance with the Conditions as outlined in the staff report.

Motion By: Commissioner Hennis

Motion Seconded: Commissioner Gealy

Further Discussion: None

Voting No: None

Absent: 1

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

5. ADJOURNMENT:

(Timestamp 01:42:50)

City Attorney Bill Gigray provided the Commission with a progress report in working with the Meridian Fire Department and Kuna Rural Fire District in updating any applicable City Code to adhere to current Fire Codes.

(Timestamp 01:44:12)

Motion To: Adjourn.

Motion By: Commissioner Damron

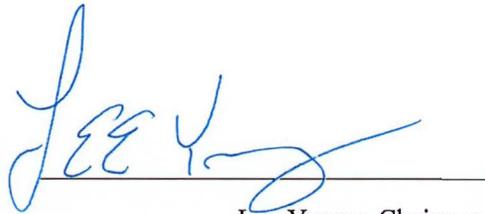
Motion Seconded: Commissioner Hennis

Further Discussion: None

Voting No: None

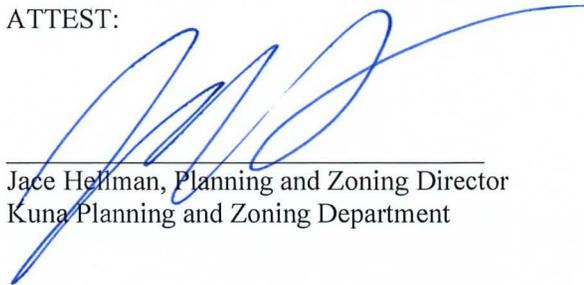
Absent: 1

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



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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

