

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Tyson Garten, Commissioner
Ginny Greger, Commissioner
Jim Main, Commissioner



CITY OF KUNA

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

Planning & Zoning Commission Meeting

MINUTES

Tuesday September 27, 2022

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 00:00:29)

COMMISSION MEMBERS PRESENT:

Chairman Lee Young
Vice Chairman Dana Hennis – Absent
Commissioner Tyson Garten – Absent
Commissioner Ginny Greger
Commissioner Jim Main

CITY STAFF PRESENT:

Andrea Nielsen, City Attorney
Morgan Treasure, Economic Development Director
Troy Behunin, Planner III
Jessica Reid, Planner II

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

(Timestamp 00:00:52)

1. Regular Planning and Zoning Commission Meeting Minutes Dated September 13, 2022
2. Findings of Fact & Conclusions of Law
 - A. Case No. 22-36-DR (Design Review) Kuna Lutheran Church

(Timestamp 00:01:01)

Motion To: Approve the Consent Agenda.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

3. RESOLUTIONS:

(Timestamp 00:01:30)

- A. Resolution No. PZC01-2022 – Morgan Treasure, Economic Development Director

(Timestamp 01:32)

Economic Development Director Morgan Treasure presented a brief overview of the Resolution then turned the floor over to Kuna Urban Renewal Agency Attorney, Megan Conrad.

(Timestamp 00:02:50)

Megan Conrad from the law office of Elam & Burke, presented a more in-depth review of the East Kuna Urban Renewal Plan (presentation found on Pages 152 – 163 of meeting packet); she then stood for questions.

(Timestamp 00:14:58)

As there were no questions, the Commission proceeded into deliberation.

(Timestamp 00:15:10)

Chairman Young expressed that based on the information provided and the workshops he had attended, he believed the proposed plan was in compliance with Kuna's Comprehensive Plan; he believed it was a great tool for the area.

(Timestamp 00:15:50)

Commissioner Greger agreed and was happy to see a plan put together.

(Timestamp 00:16:17)

Motion To: Approve Resolution No. PZC01-2022 as the East Kuna Urban Renewal Plan was in conformance with Kuna's adopted Comprehensive Plan.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

4. PUBLIC HEARINGS: ALL OF THE ITEMS LISTED ARE ACTION ITEMS

(Timestamp 00:16:58)

A. Comprehensive Plan Map Amendment – Doug Hanson, Planning & Zoning Director

(Timestamp 00:17:07)

Planner II Jessica Reid notified the Commission she would be presenting on behalf of Doug Hanson and asked the Commission for a moment to coordinate some sound system corrections.

(Timestamp 00:17:51)

Planner II Jessica Reid presented an overview of the proposed Future Land Use amendment, then stood for questions.

(Timestamp 00:19:47)

As there were no questions, Chairman Young opened the Public Hearing. Seeing no individuals signed in to testify, the Chairman confirmed if there were any present which would like to do so; there was one attendee who then signed in.

Support:

None

Neutral:

Steve Hughes, 3595 E Deer Flat Road, Kuna, ID 83634 - Testify

Against:

None

(Timestamp 00:21:10)

Steve Hughes asked if the City Council's questions were adequately answered regarding Commercial designations along the Ten Mile Corridor, as the Council had denied the previous amendment.

(Timestamp 00:22:05)

Planner II Jessica Reid explained that Council's questions and concerns were addressed by better explanations from Planning & Zoning staff. She went on to explain that the Mixed-Use designation means two separate but complimentary uses; as Ten Mile Road was the secondary Commercial Corridor (Meridian Road was primary), that Commercial development would be seen as development proposals came forward. Ms. Reid explained that Commercial uses would especially been seen at "hard corners" (major intersections) and collector road, then uses would fade into a complimentary use from there.

Mr. Hughes asked that if Council was not able to gain that clarification, then this proposed amendment would be denied as well.

Ms. Reid confirmed and explained if Council was not satisfied with the explanations provided, a Commercial designation in Red would have been required to be made along the Ten Mile Corridor frontages.

(Timestamp 00:23:49)

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

(Timestamp 00:24:17)

Commissioner Main believed that as the Council's concerns were addressed with the amendment request, he saw no issues with it.

(Timestamp 00:24:47)

Motion To: Recommend Approval of the Comprehensive Plan Man Amendment to City Council.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

(Timestamp 00:25:15)

B. Case No. 22-03-ZC (Rezone) 3003 N Ten Mile Road (Bodahl) – Troy Behunin, Planner II

(Timestamp 00:25:32)

Planner III Troy Behunin provided an overall history of the parcel and an overview of the Rezone request; he then stood for questions.

(Timestamp 00:27:49)

Jeff Bower presented a history of the project, touching on how Kuna City Code changed during their original application and multi-family housing was no longer permitted within Commercial zoned parcels; after discussion between the Applicant and city staff, it was decided that Applicant would come back forward to request a Rezone for a zone which reflected the new Comprehensive Plan designation of Mixed-Use. Mr. Bower further explained that development to the west had

single-family development that moved into a townhome product on the east; their proposed project would be a natural transition to the Commercial corner. Mr. Bowers also addressed recently approved Mixed-Use developments in the surrounding area then stood for questions.

(Timestamp 00:31:55)

Chairman Young opened the Public Hearing.

Support:

None

Neutral:

None

Against:

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

(Timestamp 00:32:22)

Robbie Reno explained the School District was not in support of this proposed Rezone and discussed the Districts desire for parcels currently zone Commercial to stay that way as they assisted with taxes. Mr. Reno then stood for questions; there were none.

(Timestamp 00:33:49)

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

(Timestamp 00:34:07)

Commissioner Main referred to the School Districts preference with properties remaining Commercial and pointed out the northeast corner also being Commercial and the northwest corner of the proposed parcel remaining Commercial, it would in result in that end.

(Timestamp 00:34:34)

Chairman Young believed the proposal was in compliance with the Comprehensive Plan and this Rezone was discussed during the original application process.

(Timestamp 00:34:56)

City Attorney Andrea Nielsen provided procedural advice and wanted to ensure the Applicant was provided the opportunity to rebut the testimony provided before the Public Hearing was closed.

(Timestamp 00: 35:24)

Mr. Bowers stated that while the parcel had been zoned wholly Commercial, the Applicant made diligent attempt to acquire the largest Commercial user that was available, however, having the entire parcel remain Commercial was not viable. Mr. Bowers stated he and the Applicant greatly respected what the School District does and looked forward to working with them in the future. Mr. Bowers also stated vacant land did not help taxes either.

(Timestamp 00:36:19)

Chairman Young officially closed the Public Hearing and the Commission moved into deliberation.

(Timestamp 00:36:39)

Commissioner Main stated he believed the requested Rezone was a good fit for the area and created a neighborhood feel.

(Timestamp 00:36:54)

Chairman Young pointed out the transition from single-family into a denser use, and then Commercial, was the appropriate transition.

(Timestamp 00:37:20)

Commissioner Greger stated that though she had mixed feelings, it was the appropriate location for a higher density.

(Timestamp 00:37:48)

Motion To: Recommend Approval to City Council of Case No. 22-03-ZC (Rezone) 3003 N Ten Mile Road (Bodahl), with the Conditions as outlined in staffs report.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

(Timestamp 00:38:24)

C. Case Nos. 22-07-S (Preliminary Plat) & 22-16-DR (Design Review) for Newberry Place Subdivision – Troy Behunin, Planner III

(Timestamp 00:38:55)

Planner III Troy Behunin provided an overview of the proposed project and pointed out the City Engineer and Public Works Department conditionally supported the request (see Exhibit 2.19).

(Timestamp 00:41:21)

Ben Simple presented an overview of their proposed project and stated they were in agreement with the Conditions of Approval listed in the staff report, as well as the report provided by other city departments and outside affected agencies. Mr. Simple pointed out their proposal was in compliance with Kuna City Code and explained that the parcels on the northern border were proposed to have a private yard in order to offer an additional buffer to the neighboring subdivision; they would also pull the proposed home as close to the front parcel line as possible. Mr. Simple addressed concerns from neighbors regarding traffic and privacy; he discussed the required extension of existing Donaway and the construction of a new mid-mile (Butterfly Street). Mr. Bowers explained the Preliminary Plat would be updated to reflect moving the Butterfly Street entrance further east as it was a Condition of Approval from the effected agency; he explained the Developer would in fact be required to drop one buildable lot to accommodate that. Mr. Simple then stood for questions.

(Timestamp 00:46:10)

Commissioner Main asked Mr. Simple to show where the Butterfly Street entrance would be moved to.

Mr. Simple explained it would be moved to the current location of Lot 28, which was approximately half way between the entrance shown on the current Preliminary Plat, and Ten Mile Road.

Commissioner Main asked if the current entrance reflected would remain as well.

Mr. Simple stated it would only be moved, not maintained and the area would be converted to a potentially private shared driveway and/or a pathway space; it depended on the easement required for sewer lines.

(Timestamp 00:48:05)

Chairman Young asked how tall the proposed units along the northern boundary would be.

Mr. Simple explained the preliminary design reflected a height of 28-feet; currently, the uppermost level of the preliminary designs would be a bonus room (approximately 100 SF), with no windows facing anywhere but the street frontage. He stated the first and second levels would offer very limited views to the neighboring properties on the north.

(Timestamp 00:49:56)

Chairman Young opened the Public Hearing.

Support:

None

Neutral:

None

Against:

Dawn Harmon, 6908 S Donaway Ave, Meridian, ID 83642 – Not Testify
Sandra Ammann, 6836 S Donaway Ave, Meridian, ID 83642 – Not Testify
Tim Ammann, 6836 S Donaway Ave, Meridian, ID 83642 – Not Testify
Shawn Harmon, 6908 S Donaway Ave, Meridian, ID 83642 – Not Testify
Clark Monson, 3273 W Devotion Drive, Meridian, ID 83642 – Testify
Hugo Castillo, 3441 W Devotion Drive, Meridian, ID 83642 – Testify
Scott Barrow, 6881 S Nordean Ave, Meridian, ID 83642 – Testify
Diana Castillo, 3441 W Devotion Drive, Meridian, ID 83642 – Not Testify
Jordan Hancock, 6909 S Donaway Ave, Meridian, ID 83642 – Not Testify
Wayne Hancock, 6909 S Donaway Ave, Meridian, ID 83642 – Testify
Susan Grubb, 6905 S Nordean Ave, Meridian, ID 83642 – Not Testify
Rachael Silver, 6905 S Nordean Ave, Meridian, ID 83642 – Testify
Michelle Bingman, 6933 S Donaway Ave, Meridian, ID 83642 – Testify
Anne Bingman, 3297 W Devotion Drive, Meridian, ID 83642 – Testify
Penny Code, 6954 S Nordean Ave, Meridia, ID 83642 – Not Testify (Was not present)
Cliff Code, 6954 S Nordean Ave, Meridian, ID 83642 – Testify (Was not present)
Michael Bingham, 6933 S Donaway Ave, Meridian, ID 83642 – Testify
Robbie Reno, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID 83634 – Testify
Derek Anderson, 6885 S Donaway Ave, Meridian, ID 83642 - Testify

(Timestamp 00:51:00)

Clark Monson testified to his concerns with increased traffic through the Memory Ranch Subdivision, pointing out that he lived on the corner of the future expansion of Donaway. Mr. Monson stated he was happy to hear there would be an entrance off of Ten Mile. Mr. Monson further testified that the proposed townhomes would be taller than the two-story homes within Memory Ranch; neighbors would be looking at a large expanse of wall. Mr. Monson believed that though townhomes were a needed housing type, it did not fit in with Memory Ranch.

(Timestamp 00:54:48)

Hugo Castillo testified to his agreement with Mr. Monson's comments. Mr. Castillo stated he did not believe the project was a good fit with Memory Ranch; he suggested developing something similar.

(Timestamp 00:56:04)

Scott Barrow testified to his concerns with the neighboring development and referenced a similar subdivision within the area that was denied by the Commission, where it was pointed out that single-family was developed against single-family. Mr. Barrow stated he always knew that Donaway would continue but was still concerned with traffic; he wanted to make sure there were additional entrances to the proposed project. He was also concerned with potential construction traffic coming through Memory Ranch.

(Timestamp 00:58:25)

Wayne Hancock also agreed with previous testimony, and further testified to his concerns to how the School District would be affected.

(Timestamp 00:59:29)

Michelle Bingman agreed with previous testimony and specifically asked if the Memory Ranch Subdivision entrance would be used by construction traffic. Mrs. Bingman was concerned with how the School District would be affected, and asked if, due to this proposed project and other one approved throughout Kuna, if additional emergency services personnel would be added to lessen the burden. She was concerned with increased noise, dirt and construction refuse as she worked from home. Mrs. Bingman would like to see a single-family development; she was not opposed to the neighboring land developing, she would just like to see something that matched.

(Timestamp 01:01:12)

Chairman Young called the next individual who had signed up to testify, Penny Code, but they were not present.

(Timestamp 01:01:34)

Chairman Young called the next individual, Cliff Code, who was not present either.

(Timestamp 01:01:58)

Michael Bingman again agreed with his neighbor's testimony. He specifically pointed out there was a mailbox at the entrance to Memory Ranch and the increased traffic there was a concern. Mr. Bingman asked why the Developer could not create and use a different entrance during the construction phase; he was concerned with Memory Ranch being the only way in or out unless the additional access was constructed in the beginning.

(Timestamp 01:03:22)

Robbie Reno testified on behalf of Kuna Joint School District No. 3, stating that they had been in conversations with the Developer, however, they would not be able to serve it at Crimson Point Elementary. Mr. Reno stated the School District was in continued collaboration with the Developer but was unable to serve the development at this time.

(Timestamp 01:04:29)

Chairman Young confirmed if there were any others present that wished to testify but had not signed in; there was.

(Timestamp 01:05:26)

Derek Anderson echoed the previous testimony and reiterated them. Mr. Anderson stated he did not believe the proposed development fit with Memory Ranch. He also commented on the future possibility that Haymaker would eventually be closed and the increased traffic would then use the Memory Ranch entrance further north. Mr. Anderson stated there were many small children within the neighborhood and their safety was a concern with that increased traffic; he asked that additional ingress/egress be required.

(Timestamp 01:08:00)

Mr. Simple rebutted by stating that Butterfly Street would be constructed and connected to Ten Mile as part of the project; there would be an ingress/egress from Butterfly Street. He stated construction traffic would primarily use an alternative entrance from Ten Mile; the builder had committed to this. Mr. Simple further explained that due to ACHD policies, an ingress/egress directly from Ten Mile was not permitted. He clarified the proposed development was single-family townhomes on individual lots, in sets of 2 – 4, as for sale units, not rentals. He further explained the density of the project was within the allowed density of an R-8 zone and they were not asking for any increased density; he believed it offered another housing product. Mr. Simple explained there was a large canal on the north between the proposed project and Memory Ranch, which provided substantial separation. Mr. Simple stated there had been conversations between the Developer and the School District where monetary mitigation was offered; the School District stated it was insufficient. The Developer then offered an increased monetary mitigation, and to drop a few buildable lots to accommodate a wider sidewalk and bus stop; Mr. Simple stated that the last number he saw valued the mitigation efforts at \$195,000. He stated the Developer and School District had a meeting scheduled for October 4, 2022, to further discuss mitigation efforts. Mr. Simple then stood for any additional questions the Commission may have had.

(Timestamp 01:12:48)

Chairman Young asked about potential project phasing and timelines for when Butterfly Street would be constructed, along with the Donaway extension.

Mr. Simple explained that a Final Plat would still be required to be submitted prior to building permits being issued, and those improvements would have to be made prior to building; he was not aware of a phasing plan or the proposal for one. He explained that he would assume Butterfly would be constructed immediately, and Donaway would be subject to the irrigation districts timeline (no construction allowed April – October). Mr. Simple also stated a Design Review of the proposed townhomes would be submitted in the future and additional conversations would be had regarding building heights.

(Timestamp 01:14:42)

Commissioner Main asked if the Developer foresaw any issues with constructing Butterfly Street first and using that as the construction entrance.

Mr. Simple stated they were leaning towards that end and offered that, if the Commission should like to make that a Condition of Approval, they would be in agreement.

(Timestamp 01:15:08)

Commissioner Main asked if the separation from structure to structure between the proposed development and Memory Ranch was 150 feet.

Mr. Simple answered that was correct.

Commissioner Main asked what the elevation difference was between the two projects.

Mr. Simple stated it was approximately 1 -2 feet higher next to Memory Ranch, then dropped off significantly as you moved south; he also explained the canal sat a bit higher than the proposed subject site.

Commissioner Main then asked what type of fencing would be used on the north property line.

Mr. Simple said they were in discussion with the irrigation district on that. Typically, they wanted open vision fencing but the Developer would prefer privacy fencing; the Developer was willing to install open vision and then privacy fencing if permitted.

(Timestamp 01:16:41)

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

(Timestamp 01:16:57)

Commissioner Main stated he had tallied the concerns during public testimony and the biggest concerns were traffic and roadways, followed by the buildings and construction. He suggested a Condition that Butterfly be used for construction traffic. Commissioner Main explained that a 150-foot separation between the proposed project and Memory Ranch was sufficient to minimize any overbearing feelings caused by the future buildings.

(Timestamp 01:17:52)

Chairman Young agreed with Commissioner Main. He stated Impact Fees would be collected for Fire, Police and Parks, which would assist with services as the community developed. He addressed concerns of the entrance through Memory Ranch and how Haymaker would eventually be closed, which would push the entrance even further north; he did not believe residents of the potential project would use that as much as the entrance immediately off of Ten Mile, especially if they in the middle to southern side. Chairman Young also commented on density concerns and explained the density was within the allowable parameters; he had no concerns with it. The Chairman felt that the open space, future pool house and pool, would keep a majority of residents within the subdivision itself. Chairman Young believed the overall design of the proposed project was appropriate and had no concerns; he further explained the proposal would still be required to go before City Council for approval, then a Final Plat would need to be submitted and approved, then a Design Review for the buildings themselves would also come forward.

(Timestamp 01:21:30)

Commissioner Greger agreed with her fellow Commissioners but still held reservations with the project. She believed it wasn't the best fit to the neighboring Memory Ranch Subdivision and was not located in the best spot.

(Timestamp 01:22:14)

Commissioner Main pointed out that it was an allowed use within the assigned designation.

Commissioner Greger agreed with that also but held to her reservations.

(Timestamp 01:22:53)

Motion To: Recommend Approval to City Council of Case No. 22-07-S (Preliminary Plat) for Newberry Place Subdivision, with the Conditions as outlined in staffs report, and the additional Condition that Butterfly Street be constructed in the initial phase of the project and be used for construction access.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: 1

Absent: 2

Motion Passed: 2-2-1 with Chairman Young being the tie-breaker vote.

(Timestamp 01:24:18)

Planner III Troy Behunin asked for a Motion on the Design Review portion of the application.

(Timestamp 01:24:45)

Motion To: Approve Case No. 22-16-DR (Design Review) for Newberry Place Subdivision, with the Conditions as outlined in staffs report.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

5. BUSINESS ITEMS:

None

6. ADJOURNMENT:

(Timestamp 01:25:11)

Motion To: Adjourn.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0



Lee Young, Chairman
Kuna Planning & Zoning Commission

ATTEST:



Doug Hanson, Director
Kuna Planning & Zoning