

# Kuna Planning & Zoning Commission

## November 28, 2006

**NOTE:** *These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.*

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### Those present:

Chairman Brian Roth, Vice Chairman Brian Stewart, Commissioners Gary O'dell, Justin Touchstone, and Holly Kerfoot. Planning and Zoning Director Diana Sanders, Attorney Randy Grove, Planner 2 Lisa Bachman, and Planner Tech Shawna Whitehead.

The Kuna Planning & Zoning special design review ordinance meeting was called to order by Chairman Roth at 6:30 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

### DESIGN REVIEW ORDINANCE WORKSHOP

The Chairman and Commissioners discussed various aspects of adopting a new design review ordinance. There was discussion about implementing a design review onto major arterials roads. On page 5 of the handout, Design Review Overlay District (DR), there were some questions regarding the new landscaping ordinance and if it followed what was already adopted. Diana Sanders said that she would research and make sure it flowed with the new landscaping ordinance. Vice Chairman Stewart discussed page 8 Section b – Architectural requirements exterior walls and soffits: He didn't believe that there needed to be a percentage specified when referring to maximum wall coverage. Chairman Roth recommended that it be removed. Also on page 8 there was discussion of vinyl siding and that it should be removed due to the difficulty of maintenance. Chairman Roth, Vice Chairman Stewart and Commissioner Touchstone agreed. Commissioner O'dell said to keep it in and Commissioner Kerfoot was neutral. On page 9 section k. metal siding Commissioner Touchstone recommended a surface treatment on metal. On page 9 section h. they recommended to remove percentages regarding the stucco. On page 9 letter i. the 10% maximum wall coverage was voted to be removed. On page 9 2 e. there was discussion about removing that from ordinance. Page 9 2 f. the flat roof specification was discussed but agreed to be left in. On page 10 letter d. there was discussion of wood decks being higher maintenance and should they be discouraged or not. They decided to leave it in. On page 10 number 5 letter a. regarding earthen tones and what that meant. The main feeling was that earthen tones were encouraged not required so it was agreed to be left in. On 5 c. Vice Chairman Stewart thought that it should be revised to say that roof mounted mechanicals should be screened or painted to match roof colors. Diana Sanders suggested that it be put in the ordinance. On page 10 number 6 there was discussion about cell towers and the height requirements. Chairman Roth wanted to know the typical height of a cell tower and Vice Chairman Stewart wanted to know if they need a Special Use Permit. There was nothing in code book on this issue.

Commissioner O'dell recommended continuing the special meeting after the regular meeting was over. Commissioner Touchstone seconded and the motion was unanimous.

### OLD BUSINESS

None

## **NEW BUSINESS**

### **A. PUBLIC HEARING / 06-11-ZC REZONE / 06-08-DA / 06-13-S PRELIMINARY PLAT / ROCKAWAY / SWAN FALLS ROAD**

Diana Sanders presented the first part of the application. The site is located at 1401 South Swan Falls Road. It contains approximately 8.71 acres. The applicant is requesting a rezone, approval of his development agreement and his preliminary plat for Rockaway Subdivision. This property has been annexed and is part of the L.I.D. The owner requested annexation with an agricultural zoning. There were some concerns about rezone and the current CC& R's. The subdivision has to enforce the CC & R's, not the city. New CC & R's will be created for Rockaway Subdivision.

Lisa Bachman presented the last part of the application. The applicant is requesting a rezone and a preliminary plat. The site was recently annexed into the city and is located on the west side of Swan Falls Road. They are proposing 4.8 units per acre with existing homes remaining on Swan Falls Road.

Chairman Roth opened the public hearing at 7:09 p.m.

#### **APPLICANT PRESENTATION:**

The applicant, Pat Tealey, representing the developer, Craig Wallace, requested an R-6 zone. They are proposing a subdivision which offers a mix of lot sizes and four different styles of homes up to an acre in size.

#### **CHAIRMAN DISCUSSION:**

The Chairman and Commissioners noted that in the existing plan there is a pool and wondered if it was going to stay or be removed when the new development came in. Commissioner Touchstone wanted to know if there was going to be a subdivision sign at the entrance of the subdivision. Commissioner Touchstone was also concerned with the lack of green park space. Commissioner Touchstone questioned the fencing on Swan Falls Road and Vice Chairman Stewart wanted to know what the applicant's intention was regarding the fencing. Vice Chairman Stewart wanted to know what the plans were for lighting the subdivision. Vice Chairman Stewart asked where the two-story homes would be located in subdivision and what the height requirements were. Vice Chairman Stewart wanted to know if the design intent was going to be added into the CC & R's. Vice Chairman Stewart was also concerned with the lack of open area and the fact that the yards are so small. Chairman Roth stated that he would typically not be in support of an R-6 because people are looking for larger lots. He is more in support of an R-4 because of size of lots. Chairman Roth wanted to know what the mix of lots was. Chairman Roth said that on the corner of Coldstone and Rockmore (flag lot) when someone wants to put a fence in all you are going to see is a driveway. Chairman Roth said that the Transportation Task Force recommended a turnabout or stop signs in the subdivision. Chairman Roth was also concerned with the high elevation and water drainage in the area of proposed subdivision.

The developer Craig Wallace introduced himself and said that the swimming pool could be removed and would be. Craig Wallace said he did not know exactly where the two story homes were going to be located. He stated that he wanted multiple builders to build homes. Craig Wallace said this is a compromise by moving in a mix of lot sized instead of squeezing in more homes. His vision was more of an empty nester subdivision. Craig Wallace said he was limited as to what he could do because of Ryan Meadows. In order to compete he is trying to build a more astatically pleasing home and that this quality of home costs more to build. The developer disagreed about the elevation and said it was not an issue to build a subdivision on.

The applicant, Pat Tealey said there was going to be something at the entrance of subdivision. There would be some type of sign with ample landscaping but no water feature. The applicant stated that they really didn't intend for the subdivision to be geared towards families so they hadn't really discussed an open area, but said he would discuss it with the owner. The applicant proposed a 6 foot cedar fence. The applicant proposed lighting as stated in Kuna City Code. The applicant stated that the design intent was going to be put into the CC & R's and that they would have to comply with all subdivision regulations. The applicant said that he appreciates the concern of lack of open area and yard space but they are meeting the set backs and trying to provide a mix of homes. The mix of lot sizes are 4,000 square feet to 9,000 square feet. The applicant didn't see the problem with cedar fencing. Applicant stated there was not a problem with the lack of turnabout or stop signs in subdivision.

Lisa Bachman stated that the height requirements of the two-story homes were not discussed in the development agreement only that there would be no basements.

#### **SUPPORTS:**

- Eva Wallace, 1401 South Swan Falls Road, is located on the upper part of the development. She is opposed to more Hubble type homes.
- Erma Mittleider, 1253 Crane Lane. She said there was no active homeowners association for Swan Estates Subdivision. She was not opposed and wished them the best of luck.
- Craig Wallace, P.O. Box 6277 in Boise, Idaho.

#### **NEUTRAL:**

- Jack Christenz, 1401 South Crane Lane, stated that he appreciates all the questions the Chairman and Commissioners bring forth.
- Georgia Bonjour, 1450 Crane Lane. Her property backs the subdivision and they have a large riding area. She is concerned about "first time homeowners" being able to maintain wood fencing so she wants to propose vinyl fencing. She would also like to recommend a row of shrubs along the back of the fence. She doesn't want two-story homes and she moved out there for the privacy.

#### **OPPOSES:**

- Eric Lebsack, 1487 Swan Falls Road. He wants the space that he moved out there for and wants it to be zoned R-4. He would like a 6 foot vinyl fence with downward shaped lights and one story landscaped homes with pressurized irrigation.
- Kate Barnes, 1251 Swan Falls Road. She is constantly concerned about the slope at new property and where water will go. She believes it should be zoned agricultural and wants it to stay open.

#### **APPLICANT REBUTTAL:**

The applicant, Pat Tealey, said he plans on installing the 6 foot cedar perimeter fence. Pressurized irrigation can only go to the properties with water rights. Most of the homes will be single story with some landscaping. He is not willing to plant a row of trees in front of fences. These are not starter homes and the yards will be just as big as the others. He cannot force people to landscape but will investigate an open space area. The applicant said he was opposed to a stub road and would rather provide an open space.

The developer, Craig Wallace, said that he is not opposed to providing a common space.

#### **CHAIRMAN DISCUSSION:**

The Chairman and Commissioners discussed future access for the subdivision to the west (Swan Estates) due to the fact that Crane Lane is the only access. Commissioner O'dell wanted to know how they were going to guarantee that most of the homes would be one story. Commissioner

Kerfoot brought up vinyl fencing and evergreens. Commissioner Touchstone wanted to know if the applicant was opposed to a stub road into lot 6 of the adjacent county subdivision, and felt that it was amiss not to provide a stub street for future development.

Lisa Bachman said that she spoke to ACHD and asked if they were going to require a stub road to the west and they initially said yes, but the applicant was not required to do so.

Chairman Roth closed the public hearing at 8:35 p.m.

**CHAIRMAN DISCUSSION:**

The Chairman and Commissioners discussed zoning options within the development. Vice Chairman Stewart is concerned about the lack of open space. He is not opposed to the R-6 zoning and felt that the lots to the west and south be designated as single level homes. He asked Randy Grove if it was legal to designate which homes could be single level. Randy said that Kuna City Code does not regulate. Commissioner O'dell said he agreed with Vice Chairman Stewart on the R-6 zoning. Commissioner Touchstone said that the R-6 zoning and R-4 zoning was something to talk about. Commissioner Kerfoot said she was having trouble with the R-6 and would go for an R-4. Chairman Roth agreed with an R-4. Commissioner O'dell was opposed to requiring a stub street along with commissioner Kerfoot. The commissioners recommended vinyl for perimeter fencing, and requiring a 5,000 to 6,000 square foot common area. They also recommended a stop sign on the West side of Coldstone and Rockmore Street. The flag lots need to be addressed.

**MOTION:**

Vice Chairman Stewart moved to approve the preliminary plat and rezone R-6 with the following conditions.

- Install a six-foot (6') vinyl perimeter fence around the subdivision and common areas.
- Provide a minimum 6,000 square-foot common lot within the subdivision.
- Construct a stub street to the west
- Install a stop sign on the west side of Coldstone St. for west-bound traffic.
- Provide a stop sign at the Rockmore/Rockaway St. intersection for south-bound traffic.
- Adjust the lot lines on the flag lots: Block 1, lots 10 and 11 / Block 4, lots 3, 4 & 5.
- Install an entrance monument sign with a permanent material on the south side of the Swan Falls Road entrance.
- Single story homes only in Block 1, along the western property line.

Commissioner O'dell seconded and the motion failed 2-3.

Chairman Roth – OPPOSED  
Commissioner Touchstone – OPPOSED  
Commissioner Kerfoot – OPPOSED  
Vice Chairman Stewart – IN FAVOR  
Commissioner O'dell - IN FAVOR

**MOTION: REZONE**

Commissioner Touchstone moved to approve the preliminary plat and rezone R-4 with the following conditions:

- Install a six-foot (6') vinyl perimeter fence around the subdivision and common areas.
- Provide a minimum 6,000 square-foot common lot within the subdivision.
- Construct a stub street to the west
- Install a stop sign on the west side of Coldstone St. for west-bound traffic.
- Provide a stop sign at the Rockmore/Rockaway St. intersection for south-bound traffic.
- Adjust the lot lines on the flag lots: Block 1, lots 10 and 11 / Block 4, lots 3, 4 & 5.
- Install an entrance monument sign with a permanent material on the south side of the Swan Falls Road entrance.
- Single story homes only in Block 1, along the western property line.

Commissioner Kerfoot seconded and the motion failed 2-3.

Commissioner Kerfoot – IN FAVOR  
 Commissioner Touchstone – IN FAVOR  
 Chairman Roth – OPPOSED  
 Vice Chairman Stewart – OPPOSED  
 Commissioner O'dell – OPPOSED

**MOTION: DEVELOPMENT AGREEMENT**

Vice Chairman Stewart moved to recommend approval for the Development Agreement (06-08-DA) with the following additional requirements:

- Install a six-foot (6') vinyl perimeter fence around the subdivision and common areas.
- Provide a minimum 6,000 square-foot common lot within the subdivision.
- Construct a stub street to the west
- Install a stop sign on the west side of Coldstone St. for west-bound traffic.
- Provide a stop sign at the Rockmore/Rockaway St. intersection for south-bound traffic.
- Adjust the lot lines on the flag lots: Block 1, lots 10 and 11 / Block 4, lots 3, 4 & 5.
- Install an entrance monument sign with a permanent material on the south side of the Swan Falls Road entrance.
- Single story homes only in Block 1, along the western property line.

Commissioner O'dell seconded and the motion passed 4-1. Chairman Roth was opposed.

**MOTION: REZONE**

Commissioner Kerfoot moved to recommend approval for the Rezone (06-11-ZC) to an R-4 zone.

Commissioner Touchstone seconded and the motion passed 3-2.

Commissioners Touchstone – IN FAVOR  
 Commissioner Kerfoot – IN FAVOR  
 Chairman Roth – IN FAVOR  
 Vice Chairman Stewart – OPPOSED  
 Commissioner O'dell – OPPOSED

**MOTION:**

Commissioner Touchstone moved to recommend approval for the Preliminary Plat (06-13-S):

Commissioner O'dell seconded and the motion passed unanimously.

## REPORTS

**PLANNING & ZONING DIRECTOR/ DIANA SANDERS:** A reminder of the Christmas party on December 8<sup>th</sup> at 6:30 p.m. at City Hall. The meeting at the end of December was cancelled and would meet on December 12<sup>th</sup> at 6:30 p.m. to continue discussion on Design Review Overlay District.

**CITY ATTORNEY / RANDY GROVE:** Randy Grove discussed the City Council's special meeting on the sewer treatment facility. They had just finished interviews and were receiving bids on the treatment facility.

## MINUTES

### November 16, 2006 Kuna Planning & Zoning Commission Meeting Minutes:

Vice Chairman Stewart moved to approve the Planning and Zoning Commission meeting minutes for November 16, 2006.

Commissioner O'dell seconded the motion and the motion passed. Chairman Roth did not vote due to his absence at the last meeting.

## FINDINGS OF FACTS/CONCLUSIONS OF LAW

### A.06-08-SUP SPECIAL USE / REAL ESTATE SALES OFFICE / 2362 W. CERULEAN DR.

Vice Chairman Stewart moved to approve the findings of facts and conclusions of law for 06-08-SUP. Commissioner Touchstone seconded the motion and it passed unanimously.

### B.06-07-DR / DESIGN REVIEW / 157 W. 4<sup>TH</sup> ST.

Commissioner Touchstone moved to approve the findings of facts and conclusions of law for 06-07-DR. Commissioner O'dell seconded the motion and it passed unanimously.

## CHAIRMAN DISCUSSION

- The Chairman and Commissioners discussed zoning and making a point to talk to City Council about what the City of Kuna needs. They also talked about looking at a requirement for smaller subdivisions to have open areas.

## ADJOURNMENT

Commissioner O'dell moved to adjourn the meeting.

Commissioner Touchstone seconded the motion and it passed unanimously.

Chairman Roth adjourned the meeting at 9:57 p.m.

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Brian Stewart, P & Z Vice-Chairman

ATTEST:

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Shawna Whitehead  
Planner Tech