

Kuna Planning & Zoning Commission

March 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.*

Those present:

Chairman Brian Roth; Commissioners Gary O'Dell, Brian Stewart, and Justin Touchstone; Attorney Randy Grove; Interim Director Diana Sanders and Planning Technician Michelle Blackmer.

The Kuna Planning & Zoning meeting was called to order by Chairman Roth at 7:02 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

Chairman Roth announced that on March 15, 2006, Vice Chairman Mel Coulter resigned from the Planning & Zoning Commission. Chairman Roth thanked him for his time served on the Commission.

REPORTS

PLANNING & ZONING INTERIM DIRECTOR / DIANA SANDERS: Diana Sanders reported the following information to the Commissioners:

- The Planning & Zoning Department hired Molly Smith, from Ada County Development Services, as a Planner 1.
- The City of Kuna has decided not to participate in the joint sub-area planning for Ada County, Meridian, and Kuna. One of the conditions to participate was for Kuna to stop annexations. The annexations are vital to the Local Improvement District to construct a new sewer treatment facility.

CITY ATTORNEY / RANDY GROVE: Randy Grove reported the following information to the Commissioners:

- The City is getting closer to the number of desired acres to form the L.I.D. A Resolution for the L.I.D. should be ready for City Council approval in April.

CITY ENGINEER / KEVEN SHREEVE: Absent

MINUTES

March 14, 2006, Kuna Planning & Zoning Commission Meeting Minutes:

Randy Grove stated that on page 4, under Adjournment it should read 10:20 p.m. instead of 10:20 a.m.

Commissioner Touchstone moved to approve the March 14, 2006 meeting minutes as corrected. Commissioner O'Dell seconded the motion and it passed with Commissioner Stewart recusing himself (he was not present at the March 14, 2006 meeting).

KUNA PLANNING & ZONING MINUTES
March 28, 2006

OLD BUSINESS

None

NEW BUSINESS

1. ANNEXATION 06-03-AN, DEVELOPMENT AGREEMENT 06-01-DA:

Diana Sanders reported this is an application for Annexation with R-6 zone and Development Agreement for 257 acres. The Development Agreement is being proposed with a maximum of 3 dwelling units per acre and a maximum of 771 lots. The applicant is not proposing a Preliminary Plat at this time, only the Annexation. There are currently 30-foot easements on west and south sides, of Danskin Subdivision for the existing drainage field. A pathway is proposed by the developer on the west and south side of Phase 1 to protect the easement and allow for a future city sewer easement to service the Danskin Subdivision. This could be included in the Development Agreement.

Chairman Roth opened the public hearing at 7:12 p.m.

APPLICANT PRESENTATION:

Jim Jewett, 1560 Carol Street, Meridian, presented the project and said he is open to suggestions on the placement of the density, transitional areas and a possible school site.

SUPPORT-

None

OPPOSE -

Lonny Reibor, 8095 S. Slide Creel Ln., Meridian, ID 83642 – Mr. Reibor is concerned with the septic system and being forced to hook into City sewer. He remembered late last year when the Commission wanted growth to the north to have less density for those who have larger lots and he hopes that current land owner's will not be neglected.

Arron Raap, 8191 S. Slide Creek Ln., Meridian, ID 83642 – Mr. Raap stated they have had a long history with this Developer. The developer has promised many things that have not been completed. He said the same project went to the County and was denied. Mr. Raap feels that R-6 zoning is too dense and is also concerned about Danskin being forced to annex into the City.

Staff Comment:

Diana Sanders stated that the City of Kuna is not planning to force annex and all annexations have been at the property owner's request. The state allows forced annexation if the property contains less than 5 acres and is completely surrounded by the City.

Lois Murphy, 8211 S. Danskin Ln., Meridian, ID 83642 – Ms. Murphy said she was not sure if she was opposing the correct development, because the notice she received did not have a file number on it. She was concerned about the legality of allowing only nine (9) days to give written testimony and felt the proposed density was too high.

Donelle Corona, 8239 S. Slide Creek Ln., Meridian, ID 83642 – Ms. Corona was concerned about promises the Developer has made and not kept. She stated that an R-3 zone makes more sense than an R-6 zone.

Kathie Klein, 8266 S. Danskin Rd., Meridian, ID 83642 – Ms. Klein stated that she agreed with all previous testimony given.

Gina Hall, 8319 S. Danskin Ln., Meridian, ID 83642 – Ms. Hall stated that she agreed with all previous testimony given.

Grant Francis, 8310 S. Danskin Ln., Meridian, ID 83642 – Mr. Francis stated that this development directly impacts him. He said that Mr. Jewett has brought this same development to the County many times and has been turned down for numerous reasons. Mr. Francis felt that they needed to take a better look at the surrounding property.

David Smith (no address given) – No testimony given.

Virgil Stucker, 8815 S. Ten Mile Rd., Meridian, ID 83642 – Mr. Stucker was concerned about his irrigation water because it goes across this property. He stated that he doesn't object to Kuna being his neighbor, but he wants them to be a good one. Mr. Stucker asked the Commission to change the density to not more than 1 home per acre.

Pam Stevens, 8565 S. Ten Mile Rd., Meridian, ID 83642 – Ms. Stevens said they chose to live where they do because they wanted to be in a rural area. She also voiced concerns about irrigation water.

Craig Potcher, 8957 S. Perfect Ln., Kuna, ID 83634 – Mr. Potcher stated they moved here because of the rural life style. He stated that Kuna has potential to be the best developed place in the area. He is not opposed to real estate business, but he is opposed to those that are in it to make as much money as they possibly can. Mr. Potcher said to annex the property, but do it right.

Ann Potcher, 8957 S. Perfect Ln., Kuna, ID 83634 – Ms. Potcher said she does not want to subdivide her property and high density should not be placed next to Rural Residential.

Randy Allen, 2652 W. Hubbard Rd., Kuna, ID 83634 – Mr. Allen said he is surrounded by this property but he never receives the notices. He is concerned he will not get his irrigation water if this development is approved. Mr. Allen was also concerned this was a Shoe String Annexation and the density is too high. He is not opposed to growth, but six (6) houses per acre is too dense.

Henry Vander Stilt, 8589 S. Danskin Ln., Meridian, ID 83642 – Mr. Vander Stilt knows that development is inevitable around them, but he is concerned about the R-6 zoning. He stated that he has read through City Council and P&Z meeting minutes and notices a lack of concern for mid-level homes. Mr. Vander Stilt said he has seen many proposals for different Master Plans for this property.

Todd Wasden, 8374 S. Danskin Ln., Meridian, ID 83642 – Mr. Wasden agrees with all previous testimony given.

NEUTRAL –

Dewain Emmons, 2835 W. Hubbard Rd., Kuna, ID 83634 – Mr. Emmons said this is about money for the city sewer system. Mr. Emmons is asking the City to protect people's investments. He believes it is pre-mature to Annex without a Preliminary Plat.

Sheri Russell, 781 S. School, Kuna, ID 83634 – Ms. Russell opposes the high density. She is a realtor and she sees a high demand for one (1) and two (2) acre lots and would like to see this development at that level.

APPLICANT REBUTTAL:

Jim Jewett, 1560 Carol St., Meridian, ID – Jim Jewett said he previously withdrew this application to received clarification from the City Council. The R-6 was requested to allow for flexibility in lot sizes. They have discussed a school site and envision higher density around the school. He hopes the Commission will recommend an arrangement for the densities and how they will be spread over the 257 acres.

Commissioner O'Dell asked for clarity regarding a maximum of 3 dwelling units per acre in the Development Agreement. Randy Grove said a Development Agreement is suppose to be restrictive. For the L.I.D., the property is going to be assessed at 3 EDU's per acre. To make the L.I.D. work for any Developer, they should be able to build at least 3 units per acre. That is why the Development Agreement should state a maximum of 3 dwelling units per acre. Jim Jewett asked the Commission what they would like to see in the Development Agreement. Commissioner Touchstone stated he would like to see a transition along Danskin of ¼ acre lots or larger. Jim Jewett is proposing a 20' pathway along the south and west side of Danskin Subdivision to allow for a portion of the existing drain field and future sewer easement overlay with a stub to Danskin Subdivision.

Jim Jewett asked for input from the Commission on the following items:

- The width and length for the lots in a percentage for the clarification of the word transitional.
- Recommend a minimum lot size and where they should be.
- Type of house style
- Landscaping
- ½ mile collectors
- Annexation with an urban density

Chairman Roth asked the applicant why not annex with an A (Agricultural) zone now, then come back with a Master Plan and Rezone. The applicant said an A (Agricultural) zoning is not fair to the surrounding property owner's. Chairman Roth was concerned about approving the proposed zoning designation without seeing a Master Plan. Jim Jewett said the City Council wanted a Development Agreement and Master Plan has to be submitted, but the Master Plan is not complete. Chairman Roth asked the applicant to annex with an R-2 zone now, and rezone when the Master Plan is complete. Jim Jewett said the Commission should provide input on where they wanted the R-6 zoning to be and go from there. Commissioner Stewart asked City Attorney Randy Grove if there would be problems with the L.I.D. if the applicant annexed with an R-2 zone. City Attorney Randy Grove they would have to pay a higher sewer assessment and not receive the same benefit as the other applicants participating in the L.I.D. Diana Sanders said the Commission could recommend in the Development Agreement that a Master Plan be submitted and approved prior to submitting the Preliminary Plat. Commissioner Stewart asked for clarification on the Danskin Subdivision sewer being tied into the City sewer system. Jim Jewett stated that the only commitment that he made was that he would install a sewer stub for the Danskin Subdivision, so if they ever need to tie into the City sewer system that will be available to them.

Chairman Roth closed the public hearing at 8:24 p.m.

CHAIRMAN DISCUSSION:

Chairman Roth said the Development Agreement states that exhibit C (3.1.3) and exhibit B (3.3) are attached but they are not a part of the Development Agreement. Diana Sanders stated that this is just a draft and the Commission can change the document. 3.1.2 should state that the Master Plan has to be submitted and approved prior to the submittal of the Preliminary Plat. Randy Grove clarified to the Commission that this property is not a shoe string annexation. It is

touching City limits by Perfect Lane, and the ten acre parcel at the southwest corner of Ten Mile and Columbia.

The Commissioners discussed the following items pertaining to the Development Agreement:

- The location and size of the school to be donated.
- The density around the school.
- The width of the lots abutting Danskin and surrounding property owners.
- If the school district does not accept the proposed school site, the Developer shall donate and construct a park with landscaping and amenities to be owned maintained by the City.
- The transition of the lots in the development.
- Construct pedestrian pathways with landscaping along the south and west portion of Danskin subdivision to allow for a future City sewer easement, and the current drain field easement for Danskin Subdivision.
- Construct pathways throughout the subdivision.
- The width of the pathways.

MOTION:

Commissioner Stewart moved to recommend approval to City Council for file #06-03-AN for Annexation with an R-6 zoning, with a maximum of 3 dwelling units per gross acre, and conditioned upon the Development Agreement.

Commissioner O'Dell seconded the motion and it passed unanimously.

Commissioner Touchstone moved to recommend approval of the file #06-01-DA (the Development Agreement) to the City Council with the following amendments:

- 3.1.1 Change the minimum to maximum of 3 dwelling units per gross acre (257.08-20 acres (for school site) x3=711 lots max).
- 3.1.2 Developer agrees to submit Master Plan to be approved prior to submitting the Preliminary Plat.

Add:

- 3.1.6 The Developer agrees to provide transitional lots at any lot abutting an existing home site of one acre or larger, including the lots abutting the 20' wide landscaped pedestrian path with the future sewer overlay, along Danskin phase 1. Transitional lots shall be a minimum 110' wide and not to be less than ½ acre in size.
- 3.1.7 The Developer agrees to provide a 20' wide lot with an 8' wide pedestrian path and landscaping with an overlay easement for future sewer along phase 1 of the Danskin Subdivision. Including a stub to Danskin for future connection to City sewer.
- 3.1.8 The Developer agrees to donate a 20 acre school site to be shown on the Master Plan and approved by the School District prior to the Preliminary Plat of the subdivision and locate the highest density lots in the development around the school site. If the School District does not approve the 20 acre site, then the Developer shall construct a park on those 20 acres with landscaping and amenities to be donated to the City.

Section:

- 3.3 The (Subdivision Name) shall be constructed per the approved Master Plan. Strike the rest of the statement.
- 3.5 The Developer shall commence construction within 365 days of the completion of the MBR (mechanical bio reactor) wastewater treatment plant. Remove "effective date of this agreement".

- Article 4: correct the word affidavit.

Commissioner Stewart seconded the motion and it passed unanimously.

Chairman Roth called a recess at 10:35 p.m.

Chairman Roth called the meeting back to order at 10:45 p.m.

2. ANNEXATION 06-02-AN / MULTIPLE ANNEXATIONS:

Diana Sanders reported this Annexation involves several parcels will help the City get to the new sewer treatment plant. The properties will all be zoned Agricultural (A) and will come back with Rezone applications Development Agreements.

Chairman Roth opened the public hearing at 10:47 p.m.

SUPPORT:

Russell Durrant, 8397 S. Old Farm Pl., Meridian, ID 83642 – Mr. Durrant said he attended Kuna Schools and farmed in Kuna his entire life. He likes to see the space around the houses. He wants to be a part Kuna, which is why he wants to be annexed into the City.

Tim Gordon, 1206 N. Black Cat Rd., Kuna, ID 83634 – Mr. Gordon said he has lived in Kuna for 20 years. When he first moved here there were a lot of 900 sq. ft. homes and now the square-footages have doubled. Home values have also increased, but we still need money to take the City services to other properties. The planning is going to be critical, but this Commission brings a lot of expertise. If we don't annex now, Meridian will have the say.

OPPOSE:

Virgil Stucker, 8815 S. Ten Mile Rd., Meridian, ID 83642 – Mr. Stucker said he is not opposed to the Agricultural zoning or Kuna annexing land. He feels that Kuna needs to lower the density and get larger houses to get on the map.

NEUTRAL:

None

Chairman Roth closed the public hearing at 10:53 p.m.

CHAIRMAN DISCUSSION:

Commissioner Stewart asked if any of the properties being annexed include the site for the sewer treatment plant. Randy Grove stated the negotiating property is included in this annexation.

MOTION:

Commissioner Stewart moved to recommend approval to City Council for file #06-02-AN, for annexation with the zoning designation of Agricultural (A).

Commissioner Touchstone seconded the motion and it passed unanimously.

FINDINGS OF FACT/CONCLUSIONS OF LAW
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The Commissioners said they need to see the changes to the Findings of Facts before approving them.

Commissioner Touchstone moved to table 06-03-AN, 06-01-DA, and 06-02-AN Findings of Facts to the April 11, 2006 P&Z meeting.

Commissioner O'Dell seconded the motion and it passed unanimously.

CHAIRMAN DISCUSSION

Diana Sanders stated she made the changes as requested by the Commissioners for the sign posting ordinance. The sign permit and application process will be on the agenda for a public hearing at the end of April.

ADJOURNMENT

Commissioner Touchstone moved to adjourn the meeting. Commissioner O'Dell seconded the motion and it passed unanimously.

Chairman Roth adjourned the meeting at 11:10 p.m.

ATTEST:

Brian Roth, P & Z Chairman

Michelle Blackmer
Planning Technician