

Kuna Planning & Zoning Commission

April 24, 2007

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 Stewart, Vice-Chairman Justin Touchstone and Commissioner David Case. Planning and Zoning Director Diana Sanders, Attorney Randy Grove, and Planner Tech Tracy Rushlow.

Commissioner Kerfoot and Commissioner Wierschem were absent.

The Kuna Planning & Zoning meeting was called to order by Chairman Stewart at 7:00 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

OLD BUSINESS

None

NEW BUSINESS

The Chairman and Commissioners talked about the agenda changes and decided to adjust 3c to 3b and 3b to 3c. Chairman Stewart moved to recommend approval to change the agenda. Vice Chairman Touchstone seconded the motion and it was unanimous.

1. PUBLIC HEARING / 07-01-ZC / 07-02-DA / 07-02-S / SCORIA SUBDIVISION / MEADOWVIEW-HWY 69

Table to May 8th. Chairman Stewart moved to recommend approval to table until May 8, 2007. Vice Chairman Touchstone seconded the motion and it was unanimous.

2. PUBLIC HEARING / 07-03-S / SAILOR SHORES MEADOWS / SAILOR PLACE

Table to May 8th. Vice Chairman Touchstone moved to recommend approval to table until May 8, 2007. Commissioner Case seconded the motion and it was unanimous.

3. PUBLIC HEARING / 06-14-S / 06-10-DA / 06-12-ZC / SERA SOL SUBDIVISION / 429 SWAN FALLS

Diana Sanders presented the application. The applicant is requesting preliminary plat and rezone approval with a Development Agreement for 78 single-family lots and 8 common lots on approximately 20-acres. The site is located on the southwest corner of South Swan Falls Road and south of East Stage Coach Way and includes 3 stub roads. Subdivision access will be via South Swan Falls Road. This is a zone change with a development agreement from an Agricultural zone to an R-6 zone with 4.5 dwelling units per acre. Swan Falls Road is an arterial road and the Developer worked hard with City to develop stubs to out parcels to limit the access in the future on Swan Falls Road. Vice Chairman Touchstone asked about a street name change on page 6 saying that Bella Avenue is a duplicate and that the developer would be required to choose a new name.

APPLICANT PRESENTATION:

The applicant, Mike Pena, introduced himself and said that his proposed project, Sera Sole is a 20-acre development with 78 single-family lots and 8 common lots. R-6 zoning will surround the West and the South. M1 industrial is to the North, residential to the East. He is proposing 1.76 acre park owned & maintained by the homeowner's association and will provide playground equipment. There will be walking paths on the south side of the subdivision. He is proposing minimum square foot requirements for a single family lot to be 1350 square feet. A two-story home will be 1650 square feet and lots 1-16 in Block 1 will be patio homes with a minimum square footage of 1100 feet.

CHAIRMAN DISCUSSION:

Commissioner Case wanted to know about the park area and what the section with the circular diagram was on sheet 2 of maps at the western edge of park. Mike Pena said that the park is going to serve two purposes with onsite drainage and park area. Commissioner Case asked how deep the drainage area is with kids playing around and wanted to know if there were any alternative drainage areas. Commissioner Case is concerned about the park with drainage and not enough open space for the number of lots proposed in the subdivision. Vice Chairman Touchstone said that retention ponds are not necessarily appropriate for play areas and with the drainage it only leaves approximately 1 acre for the park, so in reality the park is not 1.76 acres it's more like an acre. An alternative should be considered for the retention pond. Chairman Stewart suggested they propose the area to be elongated on the northern boundary of the park. He wondered if the isolated area will be grass and how they will put in park equipment. Vice Chairman Touchstone was also concerned about the playground area. Chairman Stewart asked the applicant where he was thinking of putting playground equipment and if it was on the far end of park along the southern border. Commissioner Case asked about open space requirements. Diana Sanders said there is no provision in the code to require a certain percentage of open space in a subdivision. Only the Planned Unit Development Code has a percentage requirement. Commissioner Case said that large scale developments addresses parks but does not feel that the open space is adequate for a 78 lot subdivision. Vice Chairman Touchstone asked about perimeter fencing around subdivision and suggested they change wording in Development Agreement that says that any infill fencing will be vinyl. He also wondered about the entrance features. Diana recommended taking out architectural requirements in development agreement. Chairman Stewart said he is encouraging samples from applicants regarding housing styles and colors but they need not be included in Development agreement and would like to see the roof pitch be required to have an 18" overhang on all structures. Commissioner Case asked if they would put a fence around the pond.

Chairman Stewart opened the public hearing at 7:44 p.m.

SUPPORT: None

NEUTRAL: None

OPPOSE: None

Chairman Stewart closed the public hearing at 7:44 p.m.

APPLICANT RESPONSE:

The applicant said that the section with the circular diagram is part of the onsite drainage, and can be addressed if needed. The engineer, Ryan Carney from 1311 West Jefferson, said that the pond is about 3 feet in depth maybe a little deeper and tailored to get as much park space as possible but the side slopes 1 foot. If there was water in the pond it would probably drain in approximately 48 hours. They could possibly reduce the size of pond by re-routing the drainage to the ACHD right of way but they need a subsurface report. Another option would be on the final plat to mention what the infiltration rates are according to city code for storm ponds. The applicant said that it meets the city's requirements for open space and that it is typical that open areas have multi purpose design.

The applicant said that he is willing to look at seepage beds on ACHD right of way and maybe get rid of the retention pond in the park. The applicant said that the area will be seeded with grass; he will work with city to provide playground equipment. He said that the placement of the playground equipment would depend on retention pond and if it was moved more to the north or not. The applicant said that there was 13% open space and if they elongate the retention pond it would be about 20' wide. He is only referring to the park which is 1.76 acres and is a reasonable size for this subdivision. The south is fenced and the west side is ¾ fenced with some fencing on the north. The west side is cedar fencing that Willow Glenn is currently putting in. The southern part is Ryan Meadows with an open fence requirement with chain link along the drain ditch with all other fencing being vinyl. The applicant said that the entrance will be rocks with large inscriptions and an Italian theme with maybe a water feature where the water cascades over rocks. The applicant said that he would probably put required fencing around the pond if requested.

CHAIRMAN DISCUSSION:

Chairman Stewart said that the retention pond would only be filled with water a few times and shouldn't be fenced off because it is easier to maintain without fence. Commissioner Case said that he is worried about the safety of the pond and that something could happen with it being placed in the park with children playing. Maybe they could put some kind of fencing to go around the pond. Chairman Stewart said that if a fence is there kids could throw a ball or something in there and then they crawl in to get the ball and they can't get out it and that would be a disaster. Commissioner Case said that there are not a lot of places for kids to go and to do anything that is why he wants more area for parks here and in the future. Chairman Stewart said that maybe they need to consider that in the future. Vice Chairman Touchstone said that he is not against the fencing but it closes off parts that kids could play in most of the time if they do agree on fence, make it an open fence. It could be a maintenance issue if that area is fenced off. Chairman Stewart said he is not opposed to it but there are potential hazards associated with it. Commissioner Case says it's a safety issue and is not whole heartedly set on a fence but can see both sides. The agreement is to put the pond to the south side and not in middle of park. Chairman Stewart asked if there were any concerns with the landscaping and thought that the applicant had done a good job and Vice Chairman Touchstone appreciated the buffer.

DEVELOPMENT AGREEMENT :

Vice Chairman Touchstone had the following changes for the development agreement:

- Delete sections 3.1.1.a, 3.1.1.b and 3.1.1.c from the Development Agreement and re-designate the following: 3.1.1.d to 3.1.1.a: 3.1.1.e to 3.1.1.b: and 3.1.1.f to 3.1.1.c.
- **3.1.1.d:** To have an eighteen inch (18") overhang on all structures.
- **3.4:** Vinyl fencing will be provided on any in-fill fencing.
- **3.5:** The entrance amenities will consist of carved rock signage and a water feature.
- **3.6:** Pedestrian and park fencing will be two foot (2') vinyl lattice with four foot (4') solid vinyl fencing.
- **3.7:** The retention pond will be constructed along the southern border of the park and the pond will be elongated.

Commissioner Case had no additions but some of the other items that needed to be discussed are zone changes for the preliminary plat and the development agreement.

MOTION:

1. Vice Chairman Touchstone moved to recommend approval to City Council of 06-14-S / 06-10-DA / 06-12-ZC / SERA SOL SUBDIVISION / 429 SWAN FALLS with an R-6 zone and the following conditions:
 - Delete sections 3.1.1.a, 3.1.1.b and 3.1.1.c from the Development Agreement and re-designate the following: 3.1.1.d to 3.1.1.a: 3.1.1.e to 3.1.1.b: and 3.1.1.f to 3.1.1.c.

- Incorporate the following into the Development Agreement: **3.1.1.d:** To have an eighteen inch (18”) overhang on all structures.
- Incorporate the following into the Development Agreement: **3.4:** Vinyl fencing will be provided on any in-fill fencing.
- Incorporate the following into the Development Agreement: **3.5:** The entrance amenities will consist of carved rock signage and a water feature.
- Incorporate the following into the Development Agreement: **3.6:** Pedestrian and park fencing will be two foot (2’) vinyl lattice with four foot (4’) solid vinyl fencing.
- Incorporate the following into the Development Agreement: **3.7:** The retention pond will be constructed along the southern border of the park and the pond will be elongated.
- Meet all staff recommendations

Commissioner Case seconded, and the motion passed unanimously.

REPORTS

PLANNING & ZONING DIRECTOR DIANA SANDERS: Diana said that Mayor O’bray had resigned and will be in office until April 30, 2007. The interim Mayor would be Scott Dowdy. The Meridian south corridor comprehensive plan is tabled until November. The meeting with Meridian & Kuna City Council has been canceled due to a lack of quorum. The City may have an annexation path to the Baptist Church.

CITY ATTORNEY RANDY GROVE:

MINUTES

April 10, 2007 Kuna Planning & Zoning Commission Meeting Minutes:

Commissioner Case moved to approve the Planning and Zoning Commission meeting minutes for April 10, 2007.

Vice Chairman Touchstone seconded the motion and it passed unanimously.

FINDINGS OF FACTS/CONCLUSIONS OF LAW

1. 07-01-S / PRELIMINARY PLAT / KAMI PLACE SUBDIVISION / LINDER ROAD

Chairman Stewart moved to approve the findings of facts and conclusions of law. Vice Chairman Touchstone seconded the motion and it passed unanimously.

CHAIRMAN DISCUSSION

- Commissioner Case talked about the parks and open spaces. Since the development agreement needs to be negotiated do we need to change the code to specify the percentage of open space in all subdivisions? Vice Chairman Touchstone said that the subdivision does not have to let people use the open space for their development. The City needs to provide community parks. The 1.5 acre park is not an unreasonable size for a subdivision park. Youth sports suffer but it’s a fine line because you could maybe get the larger developers to donate park sites to the City. Ordinarily you would not count drainage as open space. Retention and drainage should have it’s own lot and not count it as useable open space. Chairman Stewart said that the use of space isn’t efficient.

Commissioner Case said that strips are not useable open spaces. Chairman Stewart stated that open space is not the same as park space. Commissioner Case asked if the code addressed large developments and requires open space? Vice Chairman Touchstone asked what Commissioner Case wanted addressed maybe a bigger park area but it would be for people who live there and not for the general public. It would be nice to get the drainage separate from the park. Diana Sanders said that the definition of open space does not include a landscape buffer and the island is in ACHD right of way. Chairman Stewart said we need to address city or park space. Randy Grove said that we need to reestablish impact fees for recreational areas and have to go through a capital improvement process that will include what the city will provide or a formula on assessor fees or developers fees and the City needs to find money by bonds or raising taxes. Kuna does not have room in budget at this time for the required study to proceed with this process. Vice Chairman Touchstone said that the City is should see if they could set money aside in the next couple of years so a study can be done. Commissioner Case said several years ago a private group tried to get recreational area together. Randy said that a couple years ago they tried to grow Kuna's park and recreation district so the city can work toward this and it died and did not get revived. A year ago suggestions on recreation improvements on the City's farm ground was proposed, but the developers have not demonstrated a way to finance plan. Randy said that with some large developments you will see some recreation improvements. Chairman Stewart said that the school system can't support all of the recreational needs of the city and the city does not own any useable property at this time. He wanted to ask staff and Randy that a request for a study for parks and recreational facilities be put on the agenda for the budget. Vice Chairman Touchstone said the City needs to show the public that they are working towards a recreational district. Putting money in the budget would be a start. Chairman Stewart said they have huge potential to collect impact fees to create more recreational areas and give back to the community. Randy said that the planning and study for a recreational district would take 6-9 months to start.

ADJOURNMENT

Chairman Stewart moved to adjourn the meeting.

Commissioner Case seconded the motion and it passed unanimously.

Chairman Stewart adjourned the meeting at 8:34 p.m.

Brian Stewart, P & Z Chairman

ATTEST:

Diana Sanders
P&Z Director