

Kuna Planning & Zoning Commission

May 29, 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, Commissioner Holly Kerfoot, Commissioner David Case, and Commissioner Stephanie Wierschem. Planning and Zoning Planner II Lisa Bachman and City Attorney Randy Grove. Planner Technicians Tracy Rushlow and Maranda Schindle.

The Kuna Planning and Zoning meeting was called to order by Chairman Stewart at 6:58 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna

OLD BUSINESS

Vice-Chairman Touchstone motions to amend the agenda, tabling items 2: A&C and 2: D. Tabling P.U.D. Ordinance and Scoria Subdivision to June 12, 2007, and Common Driveways & Private Streets tabled to June 26, 2007.

Commissioner Case seconded the motion, all approved, motion carried.

1. NOT A PUBLIC HEARING / 07-03-S / Sailor Shores Meadow Subdivision

Tracy Rushlow presented the application. Project is zone R-6 an 4.77 acres, It is located South of Kuna Road and on the West side of Sailor Place. Applicant has revised the preliminary plat from 28 lots with 26 buildable lots and 2 common lots to 29 lots with 25 buildable lots and 4 common lots, The applicant is proposing a park area in lot 5m block where the turnaround is located, with benches, picnic table and swing set in addition on lot 12 block 1 applicant is proposing an 8 foot wide meandering asphalt pathway to the north.

APPLICANT PRESENTATION:

Applicant, Alex MacDonald, returning to address the concerns and conditions of the commissioners from the P & Z meeting from May 8, 2007, start with stating the typo in the ACHD report stating that there were two entrances when there is only one, and another Private dirt road owned by the neighboring property. Second the turnaround, it was a concern of the public the have it fenced for safety from children, but the Chief of the Fire Department said other wise. Applicant stated that in discussion with the Chief he stated that fencing the turnaround would be more of a safety issue, causing a more likely chance of the equipment to get caught. Third the excessive irrigation water; after talking with Idaho Department of Water decided to sub-surface drainage across the North lots, using 8' wide X 4' deep X 335' in length of 80,000 gallons of water would solve the issue, agreeing that there would be continual future Impact Studies. As for the Common Lot, applicant states that they are proposing to landscape with trees, shrubs, picnic tables, benches, with play ground. The area will be fenced along three sides of that area with a 6' vinyl fence, which will also be constructed around the perimeter of the subdivision. Finally; the Access for children catching School Bus, is currently in discussion with the property owner of the Duplexes and are confident in reaching an agreement for a Cross Access Agreement.

CHAIRMAN DISCUSSION:

Vice-Chairman Touchstone opens discussion with asking if the applicants have spoken with the School District in getting the buses to turn into Duplex off the Highway. Applicant replies stating they have spoken with them and were told that they will not turn into a Duplex, and feels that since they already are stopping on the highway at a current pick-up spot it was safe.

They feel that they have made a safe place for the children to wait for the bus to come. Commissioner Case asks if the applicant has a copy of the letter given by the Chief of Fire Department and about how deep the water drainage will be placed. Applicant said that he did not have a copy of the letter and had sent it to the Planning and Zoning Department. Tracy Rushlow confirmed that a letter was being sent but had also personally spoken with the Chief. Applicant continued stating that they can go as far as 16' deep if needed. Commissioner Case asked another question in regards to the where the discussion lied between the Developers and Property Owners of Duplexes. The applicant replied stating they talked over their concerns for privacy, outbuildings, and the place to cater a bus. Commissioner Case asked if the children were catching the bus off the highway at this moment. Applicant stated that they were and that they plan on making it a much nicer area for them to wait at. Chairman Stewart addressed the commissioners and applicant expressing his concern for the pick up area. That he would like to be able to see another solution, but that he felt this design was much better than the past and found it friendlier. Commissioner Case states that since there is already a stop on HWY 69 and feels they have done everything to try to defuse the issue there isn't anything that can be done at this time. Chairman Stewart states that with future development of the area into commercial will development more traffic could be a problem, worst case scenario being a accidents. That impact of design is variable, access controls, traffic, short streets, and sped. Though sooner or later others around will develop and tie into other developments very nicely, also asking if the water issue was resolved. Applicant states yes, the water resource will handle all water drainage property.

MOTION

Chairman Stewart motion recommendation to City Council with Commissioner Case seconded also recommending with conditions to meet all staff approval and agencies recommendations and conditions. Vice-Chairman Touchstone seconded, all approved, motion carries.

<h2>NEW BUSINESS</h2>

1. PUBLIC HEARING / 07-05-ZC / 1090 W. Avalon / Cox Rezone

Tracy Rushlow presented the application. This application is for a Rezone: The site is located on W Avalon and S Titan Pl. The applicant is requesting a rezone from R-6 to Central Business District in order to facilitate a zone for future commercial use and sale of property. They are not planning on developing at this time. The rezone complies with the Future Comprehension Plan.

APPLICANT PRESENTATION:

Applicant, Mark Cox, states that he wants to rezone property solely for better chance of selling. States he lives on a ½ acre and doesn't have the money to develop and doesn't have the desire to, that he's just looking to sell to a doctor office/small business.

CHAIRMAN DISCUSSION:

Chairman Stewart asks applicant what is currently on the property and access. Applicant replies stating there is an existing Manufactured Home that is currently being rented out and there is a circle driveway that has access off of Avalon. Vice-Chairman Touchstone questions issues, if any, in converting from R-6 to CBD. Planner II Lisa Bachman states there will be no issue, though it can remain a resident until development but once it goes commercial it can not return or remain a residential. Vice-Chairman Touchstone questioned if ACHD has future R-O-W rights to the property and/or alley. Applicant states that they are willing to vacate the alley for which ACHD will be given rights to develop at any time.

Chairman Stewart opens the public hearing at 7:36 pm.

SUPPORT: None

NEUTRAL: None

OPPOSE: Derek Hopson 1136 W. Avalon St., is the neighboring property owner to the left of the applicant. He is opposing the rezone because he doesn't want to see the neighborhood go to commercial. He has two small children and is afraid of the traffic becoming to be dangerous, plus the noise pollution if there is a gas station or highly trafficked facility to go in. He states that he has been in contact with ACHD about doing a Traffic Study along Avalon Rd to have the speed limit reduced and has yet to hear back. He states that there is currently a bus stop at Avalon and Titan, with more traffic there could be an issue with accidents and be hazardous to the children. Basically he wanted to state, that he enjoys his neighborhood, made many investments on his home on improvements, and would hate to see it lose it's "neighborhood feel".

APPLICANT RESPONSE:

Applicant states that he cant' really argue in regards to it being a nice neighborhood, but the fact is Avalon is a main road from Kuna into Nampa and with the current growth there will be no stopping the traffic. Claire Cox, co-applicant states in regards to the sell of property to commercial, that they only have a small lot and are only looking to sell to small businesses with very little traffic. Planner Lisa adds to the concern of the noise pollution that there is a required noise buffering, within the Design Review process it is required when developing to have a 20-40 foot wide buffer between any residential.

Chairman Stewart closes public hearing at 7:41 pm.

CHAIRMAN DISCUSSION:

City Attorney Randy Grove addresses the Commissioners stating that within a Development Agreement they can require at rezone or annexation you can put in conditions. Only in this case it would be premature being that they are not asking to develop. You can require conditions within a Development Agreement only upon development. Chairman Stewart asks if there are any concerns with a CBD zone, while stating that with HWY 69, Ten Mile, Kuna Mora, Avalon, and even Linder that there's not going to be any less traffic in the future. Also if there are any concerns on future developments to go around it. Vice-Chairman Touchstone agreeing with Chairman Stewart states there is a lot of development and it does comply with Comprehensive Plan, and that they should put a Development Agreement on future control so as to make future arguments. Chairman Stewart adds to also require the same agreement to surrounding properties and motions to recommend to City Council.

MOTION

- Commissioner Case seconded Chairman Stewarts motion with the condition that a Development Agreement is placed before Commission at the time of development of the property. Attorney Randy Grove confirming the motion is accurate, Commissioner Kerfoot seconded the motion, all approved, motion carries.

2. PUBLIC HEARING / 06-11-SUP / 06-13-DR / Sewer Treatment Facility

Tracy Rushlow presented application. This application is for a Design Review and Special Use for a Sewer Treatment Facility located on the east side of Ten Mile between Columbia and Lake Hazel. The site is on approximately 10.2 acres and will be built in 2 phases, for phase 1 it will consist of an operations building, maintenance building, headworks, effluent and influent pump station, solids handling building, 2 digesters and 2-MBR building. Phase 2 will consist of an additional 2-MBR building, 2 digesters and drying beds.

APPLICANT PRESENTATION:

Applicant, Randy Zollinger a representative of Keller Associate as project manager addresses the Commissioners about Phase One of the project. The treatment will be accommodating over 13,000 homes, with treatment basins made up of hollow fiber resembling spaghetti with small pores suctioning and filter. Separating the clean treated water from the dirty water, which clean water will be housed North of Basins and distributed out in to Indian Creek. Treated waste water is of high quality not much different from drinking color just a slight discolor. Headwork of initial sewer water though to MBR. Applicant is hopeful to break ground soon, maybe late this fall construct buildings and contract waste water equipment made with steel with stucco on exterior

CHAIRMAN DISCUSSION:

Chairman Stewart had concerns about Landscaping/Elevation, Appearance, and smell/odor. Applicant replied that there will be landscaping, that obviously in the diagrams they show much maturity but in time they will reach that. The appearance of the facility will be in resemblance of a school, with the stucco exterior to make it more eye pleasing. Last the smell/odor issue;

the basins will have a cover over the top, they were in discussion of either a hard fiber glass or a cloth membrane cover. They felt the soft cloth membrane would be a better chose so as to do maintenance. The filters will also be taking a part in reframing from an odor. Chairman Stewart stated that he was also concerned in regards to the large trucks load ing/unloading into the facility whether they had enough of a setback off the HWY to avoid accidents and how often. Applicant states that there will some large trucks supplying chemicals and misc. materials; but as for the waste removal, maybe twice a month will be hauled to landfill. Applicant did not reply on the setback and traffic issue addressed. Commissioner Weischmen asked when they planned on starting development of Phase 2 or when they see the project completed. Applicant replied that it depends on the growth and needs of the Kuna area surrounding the Facility. Vice-Chairman Touchstone had a questions and concerns about the perimeter of the facility, mainly around the surrounding neighboring Residential area. Applicant proposed that the facility will be constructing a chain-link fence with a 3 strand barb-wire along the top, but also states that he wasn't crazy about the look of it. Chairman Stewart inquired if the property owners have been in contact with about the desired fencing; applicant stating they have. Commissioner Case wants to know how the odor is being monitored to meet DEQ standards, but to applicants knowledge was there were no regulations or requirements. In which fact caused Commissioner Case to request a letter wanting to know if they will be reviewing and/or overseeing the Treatment. Commissioner Kerfoot wants further explanation as to what they are and what they are to do. Applicant answered with; Bio scrubs with an H2S 95%-99% effective, many of which are in several locations. Which are favored by more than the chemical and making it a friendlier approach. Chairman Stewart again addressed the traffic issue in regards to the trucks entering and exiting the Facility and if/when the gate is closed are they going to have enough clearance to get off the road of harms way. Applicant did not know what that clearance was or how the facility would be handling it. Chairman Stewart replied that it was something to keep in mind.

Chairman Stewart opened the public hearing at 8:10 pm.

SUPPORT: None

NEUTRAL: Richard Durrant 7590 S Ten Mile Rd., states the he has been working with Keller and dealing with his concerns. One of which is the cover type to conceal the smell/odor. That they have a good working relationship with each other and feels that they will come to an agreement. He also stated that he was promised by the City Council and Mayor Obray that if or when he decided to sell his property and the value depreciated that they will compensate the difference. Vice-Chairman asked if in his opinion he was comfortable with the proposal; he replied yes, but time will tell and we'll see how well the fiber glass/cloth will hold in the odor.

OPPOSE: None

Chairman Stewart closed the public hearing at 8:14 pm.

CHAIRMAN DISCUSSION;

Chairman Stewart wanted to give credit to the applicant the look/structure of the facility; they could have made it look very industrial and instead they made it very pleasing. That it will last for a long time within the City of Kuna and appreciated. Commissioner Case stated his concerns for the gate to entrance of facility, whether it's footage was enough and would like to see them look into it a little more. Commissioner Kerfoot requested more information about the compensation promised; which City Attorney Rand Grove answered, the facility was carved out of several properties among the Durrant Family. In dong so there were conditions, one being Durrants' involvement in development and the arch that runs along the corner of facility will still be allowed to farm by the Durrant Family until ready to develop. Commissioner Kerfoot asked the projected number of homes to Randy; who replied, 13,000 was projected but there's no surety. Chairman Stewart, also asking Randy if there will be any cost the City in the future in regards to discharge into Indian Creek. Randy replied that he was not aware of any. As for the fencing around the perimeter being chain-link and barb-wire, could there be anything else to use, was a question addressed by Vice-Chairman Touchstone. Agreed by also Commissioner Wieschmen suggesting slats or more landscaping in the buffer, only with that comes maintenance concerns, adds Chairman Stewart. Chairman Stewart suggests that for future development require putting the slats in then; if Mr. Durrant has no arguments to the current fencing at this time.

MOTION

Chairman Stewart motions approval of 06-11-SUP with Commissioner Kerfoot seconds motion meeting all staff requirements, amending motion with conditions: Move the entrance gate in further to accommodated large vehicles so they do not block traffic on Ten Mile. Commissioner Case seconded, all approved, motion carries.

3. PUBLIC HEARING / 07-11-S / 07-02-ZC / 07-01-DA / Sanctuary Subdivision

Tracy Rushlow presented the application. This application is for a rezone, preliminary plat and development agreement. This is a large scale development. The site is located on the North side of Hubbard between Black Cat and Ten Mile roads. The applicant is requesting a rezone from Agricultural to R-4 which is in accordance with the Future Comprehensive Plan It will consist of 270 lots with 247 buildable lots and 23 common lots on approximately 81.047 acres with an overall density of 3.05 dwelling units per acre. The minimum home size will be 1200 square feet. The applicant is a participant of the LID. The applicant is also proposing a landscaped park of approximately 5.69 acres with parking, tot lot playground equipment, picnic tables, benches, a backstop and 5' wide paved pedestrian walkways connecting to the park and from the subdivision. The applicant plans to dedicate and improve the park and donated it to the corner site adjacent to the Ridenbaugh Canal of will consist approximately 1.15 acres, which will be landscaped and have a tot lot with playground equipment, a full basketball court, and benches. The applicant is also proposing an area for al lift station and a 20' wide station and a 20' wide paved walkway along the Ridenbaugh Canal easement. The applicant is proposing a 6' solid vinyl perimeter, and right of way fencing and 4' solid and 2' lattice vinyl for common, pedestrian and canal fencing. On the Hubbard Road entrance will e landscaped with trees, shrubs, grass and a center landscaped island with low planters and an entry monument sign. All other entrances will be landscaped with trees, shrubs, grass and center landscaped island with low planter walls. Buffers on Hubbard, Shayla and Coconut will be 20' wide and landscaped and 5' detached sidewalls. ACHD is requiring the applicant to participate in a trust fund for a future crossing over the Ridenbaugh Canal from Coconut Street for future connectivity to Black Cat to the West.

APPLICANT PRESENTATION:

Applicant, Joe Canning, representative of B&A Engineers with Tim Gordan and Kevin Shreive, starts out painting a picture of the property and how it came to be made. Stating how it follows the Future Comprehensive Plan nicely by having High Density to the Northwest and Low Density to the South. He shows how in their park area and pedestrian walkways that they are very well landscaped and there are four homes that backyards open into the park. Applicant also states how the park is close the Mid-Mile Collector. Commissioner Wieschmen questions in regards to Monkey Pl road whether it adjoins the park or an opening; also if it were possible with the impact it will have on the school district, set up a trust for future development of schools so a bond doesn't have to be proposed.. Applicant replies that it is additional park area/walking pathway/green space. Chairman Stewart answered Commissioners last question stating; that there are 2 issues, schools are a different entity and that decision can't be made by them. The answer lies between the School District and the Developers, if they want to donate a trust it is solely up to them. When building out four phases, Idaho Code does not allow to be funded by Impact Fees reason being School Funding. Chairman Stewart encourages staff to send envelops to further involve the School Districts, Planner I Lisa Bachman replies that we are currently doing so. Commissioner Case wanted to let the applicant know just how much he 'loves' the park, with Chairman Stewart agreeing that the Packet and Development was put together very nicely. Vice-Chairman Touchstone inquires whether the Irrigation was resolved; Randy replied that hadn't. Boise-Kuna accepts but NY does not in any shape or form, and is currently in legalities with hopes to resolve soon. Rand also states that this issue at this time does not need to be addressed. Vice-Chairman Touchstone asks applicant if all ACHD Traffic Studies were read and taken into concern, applicant replied yes.

Chairman Stewart opened public hearing at 8:56 pm.

SUPPORT: None

NEUTRAL: Deb Wiscombe 4389 W. Hubbard Rd., states that the impact on the property to the west has egress and ingress on to property and the roads have not been addressed by the development. The other issue is that of Trespassing; they are currently working with the development for an agreement but wish that it is met before approved.

Ken Wiscombe 4389 W Hubbard Rd., adding to wife's statement, agreed to the working with the development and wants things addressed before approves. They want assurance that they won't be land locked by the project. That there is a small bridge but only used by the neighbor for a Four Wheeler, it wouldn't be big enough take his equipment across to farm the land.

John R Ewing 1500 Eldora do Boise, ID., No comment at this time.
Chairman Stewart closed public hearing at 9:03pm

APPLICANT RESPONSE:

1. Trespassing issue: because of Indian Creek; propose to fence all of West side, including both Stub streets with locked gates leaving access to the Wiscombes', and pathway along canal fences also.
2. Land Locked Property: there being two options; Tiling portion of open ditch connecting stub streets causing more trespassing or provide driveway from cul-d-sac with a gate at end of driveway. Chairman Stewart asked about the access accommodating the farming equipment assuming there are some, and if so how big Applicant replied that thee will be most likely a combine to be passing through to get to farm land. Vice-Chairman Touchstone stated that he had a problem with the safety factor of a piece of equipment driving through a subdivision of that size. The fact of turning corners, parked cars on the road, children playing the cul-d-sacs, or neighbors concerns for the noise.

CHAIRMAN DISCUSSION:

Commissioner Case requests a solution as to how to make a motion with out the issue resolved, with Vice-Chairman adding his concerns towards Randy in regards to the large farm equipment passing through the neighborhood. Randy Grove stated that before making any decisions they would have to show legal document of an easement, using it for many years doesn't grant you the right to it. Chairman Stewart asked Randy what he recommend as far as motioning, if they should find out about the legal rights and table until arguments are settled. Tim Gordan, co-applicant and attorney, stepped up stating that he didn't know the particulars of the easement and would be happy helping in any research needed to figure it out. Chairman Stewart states that he's in agreement with wanting resolution on property easement, likes the development, but has to have all the information to make a motion and would like to see the issue resolved.

MOTION

Chairman Stewart motions to table to June 12, 2007, until a resolution is made, Commissioner Case seconded, all approve, and motion carries.

REPORTS

PLANNING & ZONING DIRECTOR: None

CITY ATTORNEY RANDY GROVE: The Recreational Facilities study might be able to be funded with private funds by a developer who is interested. Right now talk is in just general terms.

MINUTES

May 8, 2007 Kuna Planning & Zoning Commission Meeting Minutes:

Chairman Stewart moved to approve the Planning and Zoning Commission meeting minutes for May 8, 2007. Commissioner Caw seconded the motion and motion carries unanimously.

FINDINGS OF FACTS / CONCLUSIONS OF LAW

No findings of facts to approve.

CHAIRMAN DICUSSION

Commissioner Kerfoot was not at last meeting and would like to be filled in on discussion. Chairman Stewart said it was a discussion with Mayor Dowdy on the open positions in Planning and Zoning.

Commissioner Case asked if packets were being sent to the school board. Planner II Lisa Bachman said yes, it is being sent to the main office, Alex Simpson use to get them and he had participated in the past. Don't know who gets them now. Planning and Zoning does not have the time to chase after the agencies for comments.

Vice Chairman Stewart responded that we need to be more proactive and strongly encourage them to respond.

Planner II Lisa Bachman responded that it was brought up about bonds and funding but the school responded that they needed rooftops first before looking at purchasing property and building schools.

Commissioner Case said maybe the packets should be sent to a trustee since they only meet once a month. Commissioner Wierschem asked is there an impact fee for schools that could be implemented. Randy Grove said a study has to be done first by professionals in that field and then a Impact Fee Advisory Committee be formed. Planner II Lisa Bachman said with the change in the Comp Plan maybe that's something that can be looked at when they look at the comp plan.

ADJORNMENT

Vice-Chairman Touchstone moved to adjourn the meeting.

Chairman Stewart seconded the motion and it passed unanimously.

Chairman Stewart adjourned the meeting at 9:58 pm.

Brian Stewart, P&Z Chairman

ATTEST:

Tracy Rushlow
Planner Technician