

Kuna Planning & Zoning Commission
June 12, 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:

Vice-Chairman Justin Touchstone, Commissioner Kerfoot and Commissioner Wierschem, Attorney Randy Grove, and Planner Tech Tracy Rushlow.

Chairman Brian Stewart, Commissioner David Case was absent.

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

OLD BUSINESS

Commissioner Kerfoot motions to amend the agenda, tabling items B, PUD Ordinance to the June 26, 2007, amend Item C , The Sanctuary, to Item A and Item A , Scoria Subdivision to Item C. Commissioner Wierschem second, all approved.

NOT A 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 a 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 be 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 sidewalks. 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

Kevin Shreeve, Kuna ID , addressed the issues of access for the property owner to the west, the Wiscombs. There are several access that they will be able to use. There is a swell that can be filled in so farm equipment can pass and a 20 foot wide permanent common lot with a 12 foot paved road for access from the subdivision between lots 13 and 14 and a stub street to the west.. When the Wiscombs develop their property it will be converted to a walking/ bike pathway.

Steve Bradbury, 1015 W Hays, Boise ID Attorney, The gravel road to the west will be closed but the southern portion from Hubbard will remain open for the Wiscombs use. There is a stub street to the west as well as the common lot that they will be able to use for access. The northern portion that is cut off from the lower part is blocked by a concrete ditch and drain, but since that goes directly into the subdivision and will be filled in, that section where it crosses the Wiscombs will also be filled in since it will go nowhere and this is where they can bring the bigger farm equipment. The access from the common lot between lots 13 and 14 will be 20 feet wide with a 12 foot paved roadway. It will be gated with lock that the Wiscombs will have keys for so no one else may use the access. When the Wiscombs property is developed it will be converted to a walking/bike pathway that will hopefully connect to one in that development. In the revised Development Agreement it is stated in 3.3 the terms that both parties agreed to for access and will be binding.

Leo Shishmenan, Franklin Rd, Boise ID, attorney for the Wiscombs, said his clients are satisfied with the agreement.

CHAIRMAN DISCUSSION:

Vice Chairman Touchstone asked if the Wiscombs were happy with the agreement .

MOTION:

Commissioner Kerfoot motion to recommendation to City Council with Commissioner Wierschem seconded also recommending with conditions to meet all staff approval and agencies recommendations and conditions. Commissioner Wierschem seconded all approved, motion carries.

NOT A PUBLIC HEARING: 07-01-ZC/ 07-02-DA/07-02-S SCORIA SUBDIVISION

Vice-Chairman Touchstone asked that it be discussed later, Vice Chairman Touchstone believes since it has been tabled so many times that they should re-submit and be re-noticed. City Attorney Grove agreed to set aside to for Chairman Discussion.

NEW BUSINESS

1. PUBLIC HEARING / 07-01-SUP Shipley Family Child Care

Maranda Schindel presented the application. The applicant is requesting approval for an in-home child care located at 407 W. Wood Owl Drive with a maximum of 6 children with the Hours of 7am-6pm, Monday through Friday.

APPLICANT PRESENTATION:

The applicant, Kathy Shipley, introduced herself. She has been doing in-home care for 2.5 years, lives on a corner lot in Stonegate Subdivision, has a fenced yard with padlocks and in the backyard is Rainbow playground equipment that consists of a slide, swings, rock wall in a grassy area.

CHAIRMAN DISCUSSION:

Vice Chairman Touchstone asked about the stairs, do they have gates so the children can not go upstairs, and what about parking and where do the parents drop off and pick up the children. Also can the gates be opened from the outside and what about people getting in the backyard?

Vice Chairman Touchstone opened the public hearing at 7:30 p.m.

SUPPORT: None

NEUTRAL: None

OPPOSE: None

APPLICANT RESPONSE:

The stairs are blocked with a child approved gate. I have a three car garage with a big driveway so there is no problem with the parents picking them up or dropping them off, there is lots of room. As for the backyard gates, they are padlocked and can only be opened from the inside, no one can enter from the street.

Vice-Chairman Touchstone closes public hearing at 7:30 pm.

CHAIRMAN DISCUSSION:

None

MOTION:

Commissioner Kerfoot recommend approval of 07-01-SUP, Special Use Permit
Commissioner Wierschem, seconded, and the motion passed unanimously.

2. PUBLIC HEARING /07-07-AN New Beginnings Christian Church

Maranda Schindel presented the application. The applicant is requesting at this time for only annexation into the City of Kuna from RR (Rural Residential, Ada County) to A (Agricultural –Kuna City). The property will remain "A" until the future when city services are available, then it will be re-zoned and the applicant hopes to develop the property so it will be available to the Kuna Community for purposes other than a Church that will benefit the community. Examples would be for groups that might need space to meet, parking for commuter rides, play fields for soccer and baseball.

APPLICANT PRESENTATION:

Bruce Wheeler, Boise Id, The New Beginning Church wants to establish and enhance its relationship with the City of Kuna and the community. As Maranda stated, we would like to develop the property sometime in the future with more than just a Church in mind. We would like to have meeting place for public use, athletics facilities like soccer and

baseball fields or maybe a park. Facilities that would enhance the community and provide needed amenities.

CHAIRMAN DISCUSSION:

Vice Chairman Touchstone asked City Attorney Randy Grove if they needed a Development Agreement at this time since they are not going to be developing it now. City Attorney Grove, said no, just make it a condition that they will have to have a Development Agreement when they do develop.

Chairman Stewart opened the public hearing at 7:38 p.m.

SUPPORT: None

NEUTRAL: None

OPPOSE: None

Vice-Chairman Touchstone closes public hearing at 7:38 pm

CHAIRMAN DISCUSSION:

None

MOTION :

Commissioner Kerfoot recommends approval of 07-07-AN-Annexation with the condition that a Development Agreement be submitted at the time of development.

Commissioner Wierschem, seconded, and the motion passed unanimously.

CHAIRMAN DISCUSSION :Scoria, 07-01-ZC/ 07-02-DA/ 07-02-S:

Vice-Chairman Touchstone had concerns about Scoria since it has been tabled so many times and was there a provision in city code covering the time lapse and when they would have to resubmit the application. Randy Grove, City Attorney, on the old business of Scoria Subdivision there are provisions in the city code for an application that has been deemed complete, which Scoria was, to allow for up to 120 days for additional information. This will take it to the middle of July from date it was accepted. There is no code about publications and notices and no case law that address's this issue. For all concerned that would be interested but have not kept up or lost touch that maybe it needs to be re-published and re-noticed. There is not enough time for it to be noticed again to meet those deadlines before the next meeting and they have changed the original plat map so he recommends maybe have them re-submit the application.

MOTION :

Vice-Chairman Touchstone motioned that Scoria be removed from the agenda and re-submitted and re-noticed since it has changed from the original plat submitted.

Commissioner Kerfoot seconded, and the motion passed unanimously.

City Attorney Randy Grove mentioned he would write the applicant a letter stating reason why it needs to be re-submitted and re-noticed.

REPORTS

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PLANNING & ZONING DIRECTOR : None

CITY ATTORNEY RANDY GROVE: Mayor Dowdy has a number of resumes and inquiries in the open positions in Planning and Zoning, from local as well as other states. One of particular interest is from a Senior Planner from Nevada and if he is willing to relocate will be at the top of the list. The Mayor will be setting up interviews when he gets back for his conference. We are still trying to work out a contract for Lisa Bachmans services to help until the positions are filled and the new director is up and running.

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If you remember the Black Labrador, from a while back, the Planning and Zoning Commission recommended approval but City Council denied. The applicant filed and has received Judicial Review, but do not have a decision yet.

I believe they are going to have the ground breaking ceremony for the sewer treatment plant on June 26.

City Attorney also had a meeting with several people like ACHD, consultants and Transportation consultants for the Kuna School district about bike plans for Ada County and what Kuna may need in as far as bike pathways, improvements for bike traffic and safety issues, such as bike crossings for roads and the railroad tracks. Very informative and helpful.

Also Mayor Dowdy discussed in the State of the City Address about a park around Indian Creek off of Eagle Road. This is a project that was started by the previous Mayor O'Brey and Mayor Dowdy would like to push it forward. It would be a point of entry for floaters on Indian Creek, be developed with bike paths, bathrooms, a park, recreational facilities like ball fields and maybe a pavilion. He also hopes to develop a recreational corridor and bike paths along Indian Creek.

MINUTES

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May 29, 2007 Kuna Planning & Zoning Commission Meeting Minutes:

Commissioner Kerfott moved to approve the Planning and Zoning Commission meeting minutes for May 29, 2007.

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Commissioner Wierschem seconded the motion and it passed unanimously.

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FINDINGS OF FACTS/CONCLUSIONS OF LAW

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A. 06-11-SUP / 06-13-DR / Sewer Treatment Facility

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B. -07-03-S / Sailor Shores Meadow Subdivision

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C. 07-05-ZC / 1090 W. Avalon / Cox Rezone

Commissioner Kerfoot moved to approve the findings of facts and conclusions of law. Commissioner Wierschem seconded the motion and it passed unanimously.

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CHAIRMAN DISCUSSION

Commissioner Kerfoot asked about the PUD Ordinance and when will they expect to see it. Also Commissioner Kerfott said in conversation with Mayor Dowdy there was talk about maybe forming and Design Review Committee like they have in the City of Eagle and what did the Commission think. City Attorney Randy Grove said it seems to help Eagle a lot and free up a lot of time for Planning and Zoning and City Council at meeting times since all the bugs have already been worked out. Commissioner Kerfoot asked how do they go about it. City Attorney Grove; the city would have to propose and adopt a ordinance, give them the scope of expectations, and who has final say, a process to appeal to City Council. Vice Chairman Touchstone asked do the applicant go to Planning and Zoning first then the committee or what? City Attorney Grove said in Eagle it goes to the committee first then to Planning and Zoning and it works great for them. City Attorney Grove said that on that committee it would be easier to get members because they do not have to be a resident of Kuna and they are usually professional in the field like architects and engineers and such. Commissioner Wierschem asked about how the Comp Plan was coming. Planner Technician Tracy Rushlow responded that there have been some inquires into doing the comp plan and these were referred to City Clerk Lynda Burgess. That they were going to have to start over. City Attorney Grove said that the process will have to be started over as the qualifications were not clear the first time it was presented. Hopefully soon.

ADJOURNMENT

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Commissioner Kerfoot moved to adjourn the meeting.

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Vice-Chairman Touchstone seconded the motion and it passed unanimously.

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Vice-Chairman Touchstone adjourned the meeting at 8:18 p.m.

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Brian Stewart, P & Z Chairman

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ATTEST:

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Tracy Rushlow

Planner Technician

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