

Kuna Planning & Zoning Commission
August 14, 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, and Commissioner David Case, Attorney Randy Grove, Planning and Zoning Director Steve Hasson, Planner Tech Tracy Rushlow and Maranda Schindel.
Commissioner Stephanie Wierschem was 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

A. PUBLIC HEARING / 07-01-ZOA/ ZONING ORDINANCE AMENDMENT / COMMON DRIVEWAYS / PRIVATE STREETS

P&Z Director Steve Hasson presents the ordinance amendment. Lisa Bachman, who is contracted with the city and was a former employee, has constructed an application that is pretty extensive in its entirety and provides some level of detail and nature of this proposal. Kent Brown and Greg Johnson are the applicants requesting a zoning ordinance amendment. Has 2 or 3 component parts to it, a lot configuration , type of lot configuration might go into effect in Kuna provide that private streets and common driveways are allowed in the community. Have a memorandum that would like to hand out. The nature of the handout has 4 parts to it. First are Idaho code considerations for whenever you modify a zoning ordinance it is important to see if that action is supported by the Kuna Comprehensive Plan. Idaho code has two separate parts, on one hand zoning policies need to be in accordance with policies wet forth in the adopted comprehensive plan; additionally Idaho code requires action on individual applications to be based on the applicable provisions of the comprehensive plan. Went through three documents for evaluation, the comprehensive plan which is in place, the zoning ordinance(title 5) and subdivision ordinance (title 6). Review pertinent language and in the comprehensive plan it is silent on private streets, no language there. In the zoning ordinance under definitions on streets says a private street and maintenance and care are private. Under title 6 under subdivision it says that private streets and roads shall be prohibited in Kuna except with planned unit developments. After the assessment I am in the belief that there is nothing supporting in the general plan that affords you the opportunity to qualify this application in terms of accordance with or an application based on applicable provisions within the comp plan. Instead found language within the planned document that spoke against the idea of private streets except as a feature of a planned unit development and staff could not find any comprehensive plan language supporting the concept of a private roads or common driveways as is required by Idaho Code. It's important that when you do a rezone you have to rely upon the general plan you have to have some kind of timing that supports the action to modify the zoning ordinance. If you have private streets and are relying on the Home Owners Association to provide for those streets that when those streets get to be 10 to 15 years old and start to break down you find that the HOA does not have the experience to maintain the roadways. And

secondary unless you have a significantly large HOA, more than 100 members its hard to have the financially ability to maintain the streets once they start to degrade. Ill maintained streets work against the aforementioned comprehensive plan language that speaks to increasing community livability and protecting citizen investment rather than property values declining or the motoring public endangered resulting from declining street maintenance. Invariably the residences ask the municipality to assume their private street maintenance burden as the roads starts to decline or they look to the HOA to improve them through their due structure. Private streets prompt a number of public policy issues that need to be clearly understood as part of any private street zone amendment consideration for instance, are the roads for public use, what if you need to put in infrastructure in can you do that, storm water on private street can it rely upon public land, final issue that there was other parts in it that should be taken in consideration separately, was idea of modify lot setback, lots size and minimum street frontages. Don't think that these issues should be part of the private street and common driveway ordinance and be addressed separately. Kuna zoning ordinance presently affords private streets through the PUD process and that should be efficient for the city at this time at that is in fact if private roads and common driveways is in fact good for the community then that is part of the update of our comprehensive plan could provide in that plan for private streets. I would recommend denial of this ordinance. Wait to go through public process and be addressed in the comp plan, a text amendment, where the public has a chance to have a say and if that is what they want then staff is certainly supportive of that.

Applicant: Kent Brown 1472 E. Iron Eagle, Eagle ID, Bailey Engineers. I am surprised with the report from staff. We are trying to comply with the comp plan ordinance, in reference to Lisa Bachman, trying to provide something that provides some flexibility. Other municipalities are using common driveways and private streets. Meridian just adopted ordinance, they believe will be beneficial. The biggest hurdle was street addresses, street lights, parking and orientation. Many national projects have used the green court idea, where alley's loop in the back, focus on the park space. Some of the benefits are interconnectivity, and with this ordinance there will be site specific things and it can be denied. With common driveways the house's are oriented so you don't see the garages, work something like a cul de sac but since it is usually not longer than 150 feet don't require a turn around. We did a survey of the Meridian and Boise Fire Departments to see if they had a problem with common driveways. They said they have never had problem. Meridian has had them for 4 years and Boise 10 years, provides more flexibility, frontage, different look and gives the builder some flexibility for lot sizes.

Greg Johnson Meridian ID, Some examples would be Tuscan, older people, single or young couples under 34 of age, it is not a big family draw, but for people who don't want to bother with lawn care, it is fully maintained, more given space in the front for green area, yet is maintained. Seattle, California and Utah all use these with great success. Will require two car garages, and will give variety so they don't look at all garage doors along the street. 20% of people who would like to buy this kind of home.

Concerns about HOA and private streets can come back and be a burden and in this case more ACHD than the state but have and will continue to encourage ACHD to accept this type of road consideration. They haven't so far but would be ideal that they would accept these as public streets.

Vice Chairman Touchstone: Is this consistent with the comp plan? P&Z Director Hasson: this can be achieved but currently it is addressed only in the PUD.

Kent Brown: That is why we are trying to set up standards. When something new is brought up, the planner has to guess some and try to make it work and then try to put a ordinance in place to accommodate the changes and amend the comp plan. We are trying to have these

standards adopted and in place before a project come up so they have guidelines in place. These things usually come up in a PUD and then it is adopted and then they adopted some standards. We are trying to do it differently. We want to have the standards in place first so when the planner uses then they can say ok we have the standards and we are going to build this common driveway or Privates Street to standards to this thickness, to ACHD standard, and these issues are addressed instead of a PUD.

Chairman Stewart: I agree that this is the way to go about it. To present it as a ordinance change instead of project with changes. This is the right way to handle it.

Greg Johnson: We have been working on two large projects have a lot of variety and instead of going through PUD and a long painful process we got with previous planning staff, the mayor and council that this would be a much more acceptable process.

Kent Brown: Common driveways use space more efficiently a and we change the setbacks on the side yards to be 5 feet instead of 4 feet and the fire departments like it better because of no fences and they could get to other properties better.

City Attorney Grove; If more cities are adopting this type of project and standards has ACHD talked about adopting these standards.

Kent Brown: We build these projects to ACHD standards so that eventually they may take them over eventually. Recent discussion and trying to move forward, Steve Price with ACHD to see if they can take less right of way, so less paving, slower traffic, we are trying 1 way streets, public alleys to try to keep the streets public and the biggest problem was addressing. Think that they are moving, but they are slowly moving, Boise City Council is pushing to make smaller roads but to ACHD standards so that in the future ACHD can take over. We don't want to create problems for the HOA so we are trying to make them as durable as possible. With planned communities ACHD has agreed to accept narrower streets or alleys and I think they are making progress.

Chairman Stewart: are they ACHD alleys then?

Greg Johnson: No were not building them yet, but are planned and if those are acceptable I think we can see ACHD come back and accept these.

Commissioner Case: On Letter from P& Z Director dated August 13, can you address the zoning text amendment your thoughts regarding that.

Kent Brown, I didn't realize we were asking for different frontages or setback. Greg Johnson: this was for common driveways were the front of the house was not along the street this was for a side yard

Commissioner Case: addressing common driveways and private streets, why are we addressing issues of setbacks and lots sizes in this ordinance?

Kent Brown: maybe I am missing something I don't remember asking for it to be change.

Greg Johnson: We are asking for decreased front yard setbacks adjacent to landscaped area, we are asking for a 5' foot instead of 10-15 foot because it will be abutting the landscaped common area and they would have a 5'foot front yard so that they would encourage neighborhood communication and court yard type of easements. Specialized type of product and though we should address the setback at the same time since the area will be the side yard and not front yard with different setbacks along the street.

Vice Chairman Touchstone: Those setbacks apply only for those who apply for this type of development and not all common driveways and private streets.

Kent Brown: that is correct. About 15% of the plat would be this type of product. Most people want the traditional type.

Public Hearing Opened at 8:05 pm

Neutral-none

Support-none: Sandy Butler-left, Greg Johnson, Kent Brown-nothing else to say.

Opposed-none

Public hearing closed at 8:06pm

Discussion:

Commissioner Case: I came up with the same questions that were addressed on last page of the letter that P&Z Director Hasson addressed. In my profession there is the problem of gaining permission of others in the common lots and then the maintenance or up keep, who is going to pay for it several years down the road on these common driveways and private streets.

Concerned with dealing with driveways and private streets.

Commissioner Kerfoot: is this already addressed in the PUD.

Chairman Stewart :In a PUD its can be more negotiated between the city and the developer on what can an can not happen and there is more flexibility in a PUD but in a regular subdivision or regular lot we are more tied in to the rules and ordinances in place. And those aren't addressed right now in the standard ordinances, but could be addressed for a certain ordinance in a PUD.

Commissioner Case: in looking at this ordinance why are we looking into these other special modifications, setbacks and lots sizes, have some real issues with that.

Vice Chairman Touchstone: is not really a special modification, only that section pertains to common driveways and does not apply across the board.

City Attorney Grove: non-traditional type housing where traditional setbacks won't work and would apply only to this type of product.

Setback, lots sizes and other stuff this will be addressed with the private streets and common driveways then these rules would come in to play.

Vice Chairman Touchstone, I like the concept , has a lot of merits and is something we need to consider, there are a couple of concerns nothing major that we can work out, like to have a comp plan and ordinance that work together so we don't end up with two different things. Need to mover forward and catch up with everything, we need to make sure the comp plan and other codes and other verbiage are all together. Something we should ultimately have on the books.

Chairman Stewart: I agree with Commissioner Touchstone, like the idea like the product love to see in the community, biggest complaint about developments is the they are all the same and they cram as many homes as possible to make it profitable, from the community side, this give opportunities for variety I support this type of development, don't have a big concern about the private streets and driveways, there is no way for us to maintain the private streets and driveways in this community, and the owners using it maintaining it. The right client, size home and budget they will maintain it. Issue with this is timing before the city, fact comp plan is way overdue for more than three years and still working the comp plan and with the growth and annexation recently future planning the problem is putting these ordinances in place then working around the comp plan. The better plan would be to put the master comp plan in place then build ordinances around the master comp plan. I think it needs to go to the community so they can see it, talk about it and let them see how it functions and how it will benefit them.

Would like for our comprehensive plan committee to review this, talk about it and figure out the right use for it to function for our community. Steve I am going to lean on you to lean on the committee to get the comp plan jumped started and have this as one of the topic to be covered.

P&Z Director Hasson: There are two things I want to do is get the comp plan jumped started and forming a design review committee.

Recommendation to City Council:

Vice Chairman Touchstone: Motion denial; because it does not comply with the comp plan of Kuna.

Commissioner Kerfoot: seconded, all approved, motion carries.

B. NOT PUBLIC HEARING – ALREADY CLOSED – COMMISSION DISCUSSION & DECISION ONLY / PUD ORDINANCE / Tabled to August 14, 2007

City Attorney Grove: Urge to pass over till the end and the public hearings have been heard for discussion.

Vice Chairman Touchstone motions to move Item B Old Business to item D of new business. Commissioner Kerfoot Seconds. All approve, motion carries.

Vice Chairman Touchstone motions under old business to table item C, minutes for 7/10 and facts and findings for Swan Falls 07-07-ZC / 07-12-DA due to not enough people present. Commissioner Kerfoot seconds. Chairman Stewart retracts motion, motions to approve minutes for 7/10 and facts and findings for Swan Falls 07-07-ZC / 07-12-DA Commissioner Kerfoot seconds Chairman Stewart and motion carries, Vice Chairman Touchstone and Commissioner Case abstain from voting, motion carries.

NEW BUSINESS

A. Van Lith Annexation 07-06-AN/ 2045 Lake Hazel Road: Planner Technician Maranda Schindel presented the application. The applicant is requesting an annexation, zoning designation of Agricultural. The development will occur when sewer and water services become available during the 2nd phase of the LID.

Applicant: Penelope Riley TV Engineers, Nampa ID. Welcome back Steve to the area. The Planning and Zoning staff have been very helpful. We have read staff report and agree with all staff recommendations. We have met with ACHD to discuss future development on this parcel and dedicated an additional 23 feet right of way and construct a 5 foot sidewalk. Indian Creek runs through the place so maybe it would be a good place for a park or greenbelt. Again we don't plan on developing until services are available but we want to get annexed in to start the process so when services are available we posed for development. We are excited to be able to participate in the second LID and when we do develop will have Development Agreement at that time.

Commissioner Case: Any general timelines for development?

Applicant: When the 2nd LID is available and hookups available for that site then we will develop. The applicant is not in a big hurry no time lines that need to be met or anything.

Commissioner Case: What are you looking at for density and how many homes per acre?

Applicant Medium density around 3.8 density.

Chairman Stewart: where are you gaining connectivity from?

Applicant: South of the property.

Public Hearing Opened at 8:37

Neutral: none

Oppose: none

Support: none

Closed Public Hearing 8:37

Discussion:

Chairman Stewart: Randy where are we at on the 2nd phase of the LID?

City Attorney Grove: What 2nd phase? There was talk for a while about a 2nd LID but it has died down and with the plant under construction that will provided 10, 000 connections , with 8300 devoted to the LID, 1400 left in existing system with priority given to developers that leaves 2700 left on the market to others. A developer in the southern corridor to increase the fund for an additional 3000 more connections to be reserved. Right now there is no need to pursue a 2nd LID and those in the current LID can transfer their connections to others if they want to.

Applicant: We were given the understanding by the former Planning and Zoning Director that there was a 2nd possible LID

Chairman Stewart: Do we move forward or allow the applicant to see if they want to move forward or wait ?

City Attorney Grove: Sewer and water will be available after the completion of the sewer plant and a second LID is not required.

Chairman Stewart: There is uncertainty of a second LID so are you willing to move forward with this application knowing that there will be connections available when the new sewer plant is online?

Applicant: Yes, there is no real driven timeline; we want the annexation done so when there are services available we can then submit plans and advance to the next step.

City Attorney Grove: Services should be available to that area in about 1.5 to 2 years.

Vice Chairman Touchstone motioned to approve file

Commissioner Case seconded, all approved 07-06-AN to City Council with the conditions:

- To submit a Development Agreement at time of Development and Rezone.
- Meet all staff and agency requirements and recommendations.

Commissioner Case Second, all approve, motion carries.

Chairman Stewart called for Recess at 8:48

Resume Public Hearings at 8:54 pm

B. PUBLIC HEARING / Malaspina Ranch Subdivision / 07-09-ZC (Rezone) / 07-13-S

(Preliminary Plat) / 07-11-DA (Development Agreement

Planner Technician Maranda Schindel presented the application. The applicant is requesting a preliminary plat and rezone with a development agreement; for an R-4, with 90 single family lots, one with an existing home which is to remain on the 1.9 acres located on the southern boundary of the proposed site. There are currently 4 buildings residing in the Parcel # S1314223410; a home and three misc. buildings. In which the home proposes to become a lot within the development, leaving the remaining three to be demolished. There is also a paved road, W. Walker Lane, that will be abandoned and demolished.

The property was recently annexed into the City with an Agricultural zone and is a participant of the Local Improvement District for the new wastewater treatment plant. Edward Mason will be working with the City to bring sewer, water, and pressurized irrigation to Galiano Estates.

Planning and Zoning Director Hasson: In looking this over there are a couple of things that need to be addressed 1) a site plan be a binding document and make a requirement that if there is a deviation of more than 10% change then it should go back before the public hearing process, and 2) water rights. We need to have the water rights given to the city because water can be a scarcity resource. And subject to engineers requirements as I don't see a engineers report.

Chairman Touchstone: the site plan is usually address on Development Agreement, and Randy we don't usually address the water rights do we?

City Attorney Grove: City has been doing, most of the water rights consist of one of two irrigation districts and it is usually annexed to one of them .

Chairman Stewart: clarification on the lot sizes it has one with existing home and then without existing home, is the home to remain or be removed?

Planner Technician Maranda Schindel: to be with the home, but in some unforeseeable reason it has to be removed it was also stated the density without the home.

Applicant: Kent Brown 1472 Iron Eagle, Eagle Id Bailey Engineering. 51 % of the homes back up to a common area of some sort. There are pathway system to go back to open spaces, a 1.5 acre park, it is addressed in 3.1.5.2 of the Development agreement that we would like to change. It says to have a 5 foot wide paved pathways to the open space. We would like to keep the open space pathways, but not have paved pathways, this way people can still walk on them, and yet they are wide enough that kids can play there also. The comp plan calls for a higher density with smaller

lots but we felt the density we are asking for ties in better with the surrounding area an existing home to the east.

Chairman Stewart: the access to the existing home where will that be?

Applicant: the street in front of the home will provide access.

Chairman Stewart; will the private lane to the south be abandoned?

Applicant: yes

Vice Chairman Touchstone: You don't want to develop the pathways?

Applicant: we want the pathways just not paving them; make them grass so we want to strike out on 3.1.5.2 stricken out the paved pathways.

Vice Chairman Touchstone: How wide are the pathways?

Applicant: most are 30 feet but the one on Block 3 is 22 feet wide.

Steven Shrader For this project pathways worked best giving it a more natural feel would like to have sandstone paths that begin on the outside of the open area to get closer to the fire pit and sandstone benches to keep in the concept of what Malaspina means.

P&Z Director Hasson: What about the ADA requirement. If you take away the paved pathways what option do people who are handicapped have for access to the fire pit area?

Public Hearing opened at 9:08 pm

Neutral, none, Oppose, none, Support, none.

Public Hearing closed at 9:08 pm

Discussion:

Chairman Stewart: what about ADA pathways since it's a private park?

City Attorney Grove: Since most HOA are corporate entities the ADA applies.

Commissioner Case, I like the density, larger lot and a good layout. A unique concept family friendly.

Chairman Stewart: How the HOA is going to be set up for fencing on narrow corridors and on common lots?

Applicant; for pathways and along the common lot it will 4 foot fencing most likely 4 foot wrought iron and 6' vinyl perimeter fencing. Again on interior lots it will match so if we go vinyl then it will be all vinyl or if wrought iron will be all wrought iron. Between the homes if they want 6 foot vinyl that would be fine.

Chairman Stewart: on the Gazebo I am concerned about the access for ADA to amenities. Need to make it ADA accessible not necessary blacktop but of a approved ADA material something that will go with your concept. On the ditch going through the property, are you going to abandon it and is it for your use only or do others use it also?

Applicant: We are going to tile and pipe it through our portion.

Vice Chairman Touchstone; motions to recommend to City Council with the following conditions:

- Meet all staff and agency requirements.
- Change Development Agreement to reflect the following changes
- 3.1.3 Conditions as shown on Exhibit 15 and 16 and if deviates more than 10% must resubmit the preliminary plat to Commission.
- 3.1.4 16' over hang on all structures.
- 3.1.5.1 Developer will provide a 5 foot wide path of non penetrable surface between Block 5 and Block 6 that is ADA compatible to the amenities.
- 3.1.5.4 Developer will allow for either 4 foot vinyl or 4 foot wrought iron fencing on all common areas.

Commissioner Kerfoot second motion, all approved, motion carries.

PUBLIC HEARING Pawnee Creek Subdivision / 07-12-S (Preliminary Plat)Planner Technician Maranda Schindel presented the application. The applicant was approved for an R-6 zone and Preliminary Plat with Development Agreement last year for 41 single-family lots. Between the time of approval and now, Kuna City Code dimensional standards for an R-6 zone have since then changed. Applicant is submitting an application for a Preliminary Plat to accommodate those changes and to allow more buildable lots to be approved for development within Pawnee Creek

Subdivision. Applicant is proposing 63 single-family lots on 12.98 acres with one primary access on Deer Flat Road located on the northeast property line. The property is part of the Local Improvement District for the new wastewater treatment plant. Among the 7 common lots, are a park and playground area as well as a greenbelt pathway.

C. Applicant William Weaver Boise ID, Staff has pretty well covered the project which you looked at last year but the ordinance changed the to allow more buildable lots. This allowed us to add pathways and open space. On the site specific item Deer Flat was downgraded from an arterial to a local collector and we will not have to develop further, no extension beyond the entrance of proposed to Crimson Point. Deer flat will be improved to the westerly entrance of Crimson Point according to ACHD and if they eliminate that access point there will no need to develop this further because of Crimson Point internal circulation is adequate.

Chairman Stewart: In the ACHD report I don't see where they talk about not putting in an extension?

Applicant: ACHD left open the most western access to Crimson Point and the Developer will put up a bond for that half of the road in case the road does go through and when Crimson Point comes on line.

Vice Chairman Touchstone: In the ACHD report under staff recommendations it reads: "Deer Flat Road is classified as a minor arterial roadway to the east property line of this site. Previous approvals in this area (Crimson Point & Fossil Creek) were made with the intent that Deer Flat Rd. would be extended across Indian Creek and the Union Pacific Railroad to Black Cat Road as a minor arterial roadway. Since these approvals, it has been determined that Deer Flat Road will not cross Indian Creek in this location, and will consequently terminate at the furthest west public street access to the Crimson Point Development."

Applicant: They left this open by saying the further west point

Chairman Stewart: They say the further west point to Crimson Point which shows Ivy Ave. I am assuming that they are going to that access.

Vice Chairman Touchstone: It seems more like a Crimson Point issue more than a Pawnee Creek Issue is that correct

Yes.

P&Z Director Hasson: Crimson Point bonded as a condition of approval that they would dedicated 48 feet of roadway and for remaining of the roadway; it is understood that adjoining applicant would provide for the remaining sum of that roadway to account for the functionality of that roadway

Staff is recommending that it stay a collector I worked at ACHD when the initial corridor study came in to make Deer Flat a minor arterial, now they subsequent say a collector, staff does not support removal of that roadway vacation because of fundamental of transportation planning is the preservation of section lines and half mile and quarter mile sections. One of our goals is to preserve half mile corridors as future collectors. When we grow we will likely will need that roadway and in the future they will need to build a bridge. And staff believes that the applicant needs to provide the remaining of what Crimson Point has already agreed to and provide an easement from there to over to the river. This is good preventative strategy. This is in with the general plan.

Applicant: ACHD downgrade to 35' and we have no problem with the 15 'we are to provide, just don't want to make the improvements until Crimson Point is ready to construct that portion. That's why the money would be put in a trust fund for when they construct otherwise it would be just half of a road for who knows how many years. Will still have a sidewalk and pathway and landscaping. Commissioner Kerfoot then you will have only a pathway then nothing else?

Applicant: No sidewalk that comes down that ties everything in. There will not be anything put in where the road it's a field until it is time to develop the road.

P&Z Director Hasson: I think we need to put this in context. These people already have approval for a certain amount of lots already now they are coming in for additional entitlements and those entitlements will do a lot financially for them so it seems reasonable that for the entitlement you are offering them that they anti up a little something that is fundamental to the long term and maintenance to this city and that the part of that road section be completed.

Chairman Stewart : are we just reviewing the preliminary plat or the development agreement also since the sign in sheet are wrong.

Planner Technician Maranda Schindel: Well the preliminary plat but there have been minor changes to the Development Agreement. So we are just amending the Development Agreement so same file numbers for the Development Agreement. The only difference is 3.1.2, 3.17.

Public Hearing Opened at: 10.00 pm

Neutral, none, Oppose, none, Support, none.

Public Hearing closed at 10:00 pm

Discussion: Chairman Stewart: is there a new landscaped plan submitted.

Applicant: it is all on the preliminary plat.

Chairman Stewart, now the original plat was for how many 41 and changed to 63 because of the change in the zoning ordinance

Vice Chairman Touchstone now they originally zoned in as a R-6 and was approved but because the zoning ordinance they are still a R-6 but with the zoning change it made the lots smaller and higher density that went in effect with the ordinance change just after approval.

Commissioner Case: I can see where this piece of property is difficult to work with but personally I don't like it, it's too condensed and there is this tiny little playground in the middle that is designed to accommodate 63 homes.

Chairman Stewart: to clarify in their previous proposal they did not have any significant open space, had bigger lots.

Vice Chairman Touchstone: in regards to the playground it states stone paths; need to make sure that the pathways to public amenities are ADA accessible.

City Attorney Grove: I think the conditions need to be addressed is access to amenities be ADA compliant.

Chairman Stewart: Mr. Grove I would like clarification on changes to preliminary plat because of the ordinance changes the dimensional standards then coming back and changing plat to reflect these changes or have they gone through the process and resubmitting with new fees and such.

City Attorney Grove: This is a murky area. I understand it is the dimensional standards in existence at time of approval. It was approved under the old standards and the dimensional standards have changed since. The R-6 they got is not the R-6 that currently exists. Legally no precedence on this. You can grant them this application to get an entitlement or have them rezone to the new R-6 dimensional standard.

Chairman Stewart: I don't have what was originally proposed before to compare to what is purposed now to make a decision to grant them more and is it better for the community than what was purposed. Recommend to table this till we get the original to compare so we can see what the differences are and then make a decision.

William Riley: I was told by the former Planning Director that if turned down the old standards or approval still stood. But this is a new application and it is to be treated as the new R-6 standards.

Vice Chairman Touchstone: But you had a preliminary plat on the R-6.

Applicant: on the original R-6 the only thing changed was the percentage of lots had to be over certain sizes and under the old standards you could not meet the R-6 standards so that was part was taken out so you could meet the R-6 standards. Was a catch 22 on the old regulations and it was taken out of the ordinance so that the standards could be met for density.

Chairman Stewart: Staff- are we looking at new preliminary plat and development agreement?

Planner Technician Maranda Schindel: I was under the impression that it was just an amendment.

Grove here is the issue can they abandon the previous plat while still zoned R-6 and move forward entitled to the dimensional standards. Maybe table to review the original application.

Chairman Stewart: I would like to see the original plat to know what exactly the application is and are we abandoning that and are we moving forward with a totally new application or an amendment and what the stipulations were against the original plat.

Applicant : this is a new application.

Chairman Stewart moves to table until August 28, 2007 meeting to clarify original plat this doesn't have any conflicts with this application.

Commissioner Kerfoot second. Commissioner Case abstains. Motion Carries with Chairman Stewart, Vice Chairman Touchstone and Commissioner Kerfoot.

Public Meeting- Season Creek Estates / 07-06-ZC (Rezone) / 07-10-S (Preliminary Plat) / 07-08-DA (Development Agreement) / 07-01-PUD (Planned Unit Development)

Planner Technician Maranda Schindel recommended table as do not have the reports from ACHD City Engineer and not correctly noticed.

Commissioner Case motioned to table to August 28, 2007, Commissioner Kerfoot second, all agreed motion carried.

(B) NOT PUBLIC HEARING – ALREADY CLOSED – COMMISSION DISCUSSION & DECISION ONLY / PUD ORDINANCE / Tabled to August 14, 2007

City Attorney Grove there are a few minor changes, recommend table until August 28, 2007.

Chairman Stewart motions to table until August 28, 2007 Vice Chairman Touchstone seconds, all approve motions carries.

REPORTS

PLANNING & ZONING DIRECTOR: Not much to say. Just glad to be here in Kuna and hope to do a good job for the city. Keep you informed with my activities and advance the city's interest. Also hired a planner.

CITY ATTORNEY RANDY GROVE: Nothing to report.

MINUTES

July 31, 2007 Kuna Planning & Zoning Commission Meeting Minutes:

Commissioner Case motions to approve minutes from Planning and Zoning from July 31, 2007, Commissioner Kerfoot seconds, all approve. Chairman Stewart abstains

FINDINGS OF FACTS/CONCLUSIONS OF LAW

Facts and Findings for July 31, 2007

1. 07-02-S/ 07-02-DA/ 07-01-ZC /SCORIA SUNDIVISION, N KUNA ROAD AND E. MEADOWVIEW:
2. 07-08-AN, MELVON DAVIS
3. 07-09-AN/ IDAHO BAPTIST COLLEGE
4. 07-05-DR-GODSIL COMMERCIAL LOTS

Commissioner Kerfoot motions to accept facts and findings for all of the above, Vice Chairman Touchstone seconds all approve. Chairman Stewart abstains from voting due not at meeting.

CHAIRMAN DISCUSSION

Commissioner Kerfoot do we still have the ability to say we don't want that zoning changes like last meeting when we requested R-3 instead of R-6, but let the Council decide? Chairman Stewart

We are here to look after the best interest of Kuna, and hypothetical speaking say someone waltzes in to make a big buck and we already approved someone on with the 45 lots then 70 if you can make a buck at 45 then why do you need to make a killing at 70 at the expense of the people of Kuna, and design was terrible, hypothetically.

Commissioner Kerfoot: anything concrete on the comprehensive plan on where we are going?

ADJOURNMENT

Chairman Stewart motions to adjourn

Commissioner Case seconded the motion and it passed unanimously.

Chairman Stewart adjourned the meeting at 11:12 p.m.

Brian Stewart, P & Z Chairman

ATTEST:

Tracy Rushlow
Planner Technician