

**Kuna Planning & Zoning Commission Meeting
September 30, 2008**

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 Wierschem, Commissioner David Case, Commissioner Carl Trautman Planning, City Attorney Randy Grove, Zoning Director Steve Hasson, Planner II Troy Behunin, Planner Tech I Maranda Schindel, and Planner Tech I Tracy Rushlow.

Absent: Commissioner Holly Kerfoot

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

Consent Agenda

Planning and Zoning minutes:
August 26, 2008

Facts and Finding and Conclusions of Law for:

Sunshine Preschool – 08-09-SUP

Durrant, David & Lydia – 08-12AN / 08-14-DA / 08-04-LLA

Time Extension: 08-07-TE: Pawnee Creek Subdivision - Preliminary Plat

Time Extension: 08-08-TE: Timbermist Subdivision-Preliminary Plat

Time Extension: 08-09-TE: Malaspina Ranch Subdivision-Preliminary Plat

Commissioner Case motions to approve consent agenda with corrections to minutes that include:

On page 4, under discussion, put in “Commissioner Case: My concern with the entrance off of Columbia across traffic, it will be a concern for vehicles trying to get across traffic. The issues I have are I would like to see a right-in, right-out on Columbia also.

On page 1 under old business Commissioner Wierschem name is misspelled.

Commissioner Wierschem second, all approve, motion carries.

OLD BUSINESS

none

NEW BUSINESS

Chairman Touchstone motions to amend agenda to move 4C to 4A, Commissioner Case seconds, all approve, motion carries.

Public Hearing: 08-10-SUP (Special Use Permit) – Naoma Babbitt: Loving Kids

Daycare: Property owner, Naoma Babbitt, at 1410 W Wheat Street is interesting in opening a home daycare within her residence and is requesting approval of a Special Use Permit to

do so. Ms. Babbitt feels she can offer a valuable service to her community by providing child care service. Her home has adequate parking and access; neighbors are all aware of her interest in establishing a daycare within her residence.

Ms. Babbitt wishes to provide a daycare that will accommodate up to six (6) children depending on age and she wishes to provide home child care in order to provide more personal attention, love and guidance in a small family setting not found in larger centers.

Applicant Naoma Babbitt 1410 W Wheat St. I have worked in a daycare and wanted to stay home with my children and decided to open a home daycare.

Commissioner Wierschem: I don't see where you have smoke detectors in the bedrooms, are there smoke detectors there?

Applicant: no, but I can put them in. We only have the ones installed when we bought the house.

Chairman Touchstone: Is the back yard fenced in and the gates have locks?

Applicant; Yes the backyard is fenced and has padlocks on the gates.

Commissioner Touchstone: is every thing on one floor?

Applicant No we have two stories but there is a child-gate on the stairs.

Commissioner Case: Do you have any children?

Applicant: yes I have two, a 7 year old and a 2 year old.

Commissioner Case: So you want to watch 4 children besides your own 2?

Applicant: I was told that my 2 didn't count towards the amount of children that I watch.

Commissioner Case: They do. Do we have a copy of the Idaho State code?

Staff: No, not here.

Applicant: Well I want to watch 6 children besides my own, so what do I need to do?

Staff: There is group home day care that allows you to watch up to 12 children, you will need to have another neighborhood meeting and we will need to have it re-noticed. We can put conditions on where there is a maximum of 8 children, her 2 plus 6 additional.

Commissioner Touchstone: On the floor plan, it shows two rooms. Are the children sleeping in both, playing, sleeping, what?

Applicant: One room is for napping. The other room is for my daughter, they will be some playing in there, but for the most part the main play area will be in the living room.

Chairman Touchstone: Well, you have two options. Do you want us to decide tonight, and you will have only 4 children besides your own or do you want to do the group-home day care, which means that we would table it?

Applicant: I want to watch 6 children besides my own, so I guess the group daycare.

Commissioner Case motions to table 08-10-SUP (Special Use Permit) until October 28, 2008. Commissioner Trautman seconds, all approve motion passes.

Public Hearing: 08-01-S (Subdivision) / 08-15-DA (Development Agreement) – Willow Glenn Subdivision Phases 3 and 4 –Planner Tech. Maranda Schindel presented the application.

The applicant is seeking approval for preliminary plat and development agreement for Willow Glen Subdivision phases 3 and 4. The Willow Glenn Subdivision phases 1 and 2 received final plat approval in 2004 and 2006. The developers had commenced construction of phase 3 under the preliminary plat process; however, the consent to plat entitlement expired because the Developer did not seek a time extension for an additional year (noting a preliminary plat is only valid for one year without extension). All improvements have been installed in phase 3 except for paving and pressurized irrigation. Construction plans had been approved back in 2006 for phases 3 and 4; however, due to expiration of the QLPE letter the City Engineer will reissue an updated letter.

The applicant submitted a letter with the status and history construction for phase 3; entered into the record as Exhibit 15. This letter gives a detailed time line with attached letters was deemed complete, also which weren't and why. The preliminary plat resubmission, if accepted and approved, will apply to the new preliminary plat process; phases 3 and 4 will each receive a new one year time period for development purpose from the time of Council's approval of Facts and Findings and Conclusions of Law.

Based on Staff's review of the application, staff concludes that this application generally complies with Title 6 of the Kuna City Code, and Section 4.3, 4.4 and 7.0 of the Kuna Comprehensive Plan. Staff forwards a recommendation of approval with standard and specific conditions to the Commission.

Commissioner Case motions to table Item B: 08-08-ZC/ 08-18-DA/ Re-zone and Development Agreement/ Blacks Creek LTD until October 14, 2008, Chairman Touchstone seconds, all approve, motions carries.

Planner Director Hasson: There are a few items that I wish to address. I met with the HOA president and they had several concerns that need to be addressed. These concerns are:

1. On the phase one there is no paved sidewalk, it is just a dirt path. Phase 2 has a impervious sidewalk, but it ends when it meets with phase 1.
2. In the facts and Findings it states there will be 2 interior parks, 2 entrance parks, and there is only 1 interior park.
3. There are 3 places where storm drainage is conveyed. The storm drainage in phase 2 is like a pond, it has standing all year around and they are concerned with the risks associated with that such as West Nile and mosquitos. The other storm drainage areas are damp enough that cattails grow in them as well.
4. And even though we can not dictate HOA and we have no wish to, phase 1 is financially responsible for the upkeep of the common areas and all phases should share the cost of the upkeep on the common areas. It should not fall upon the shoulders of just a few.

Commissioner Trautman: Do we review this on the standards from that time or do the current standards apply? And since they are changing that street into a cul-de-sac do those standards apply?

Staff: Yes.

Applicant Al Kristy, Treasure Valley Engineers. I have not been on this project long. The original preliminary plat expired due to unforeseen circumstances, a lot of that had to do with ACHD and the streets, and the drainage site in phase 2 and the changes with staff at City Hall, this project just fell through the cracks.

This plat is the same except for the change on Melody Street. This street will not be a through street due to the fact the City does not want connectivity to a Manufacturing zone. All the improvements are in except for the paving and irrigation.

Chairman Touchstone: Why was this information not included in the packets and given to us tonight?

Staff: We requested the information about a month ago, and asked for it several times, but it was not delivered until Thursday, after the packets had already gone out. We felt it was important enough that you have it, but it is just to give you a time line on the completion of the first 2 phases.

Chairman Touchstone: Why wasn't the pathway finished in phase 1?

Lance Warnick, 1204 6th t. I believe the former owners had an arrangement with the City Staff at that time where it was not required to provide a hard surface. As for the information we had to locate it and I have done some e-mailing back and forth with staff. As Chris stated, the project is finished except for paving and irrigation and the paving was held up by ACHD. The developer is in charge of the HOA in phase 2, which is common until enough of the lots are sold then it is usually turned over to the HOA that a lot of times is set up by a management firm that specialized in HOA. I believe that something should be worked out to share the cost of the common areas and I am sure that the developer will want to because it benefits all phases and phase 1 should not be bearing the cost alone. I don't know about the developer not wanting to communicate with them, I am not party to that, but I am sure he would like to resolve any issues. There is a problem with the drainage area in phase 2, and we are working on trying to solve that problem. The storm drain areas in phase 1 work just fine.

Commissioner Case: As I have often stated, I don't believe that storm drainage areas, and entrance areas should be counted as park or play area. I have an issue with the fact that it states in the Facts and Findings that there will be 2 interior parks and there is only 1.

Open Public Hearing at 8:12PM

Oppose: none

Support: Al Kristy TV Engineers

Neutral:

Chris Kirko, 720 W Willow, former president of the HOA of Willow Glenn 1. Steve has highlighted the problems that we believe need to be addressed. Phase 2 has a separate HOA and we have tried to talk to them about the sharing of the costs of maintaining the common areas, right now it is all paid for by the HOA in phase 1. Phase 2 HOA is currently run by the developers and they will not talk to us. The park is in phase 2, and at one time there was sign up that limited who was able to use that area. Phase 1 was exclude at one time, but there is a verbal understanding that phase 1 can use the park, but due to the fact that the insurance only covers the residents on phase 2 and not the rest, people from phase 1 are hesitant to use it. There still is not a second park. The front entrance area is really not a good place for the kids to play, and the storm drainage areas are not acceptable either. Then there is the problem with the drainage pond in phase 2. Water is always in it and when the additional phases are put in I can guess what kind of mess that will be when there will be twice as much water going in to the drainage area.

Mike Rampelberg 795 W Tallulah, current HOA president. I have an exhibit I would like to give you. This outlines the issues we have, pictures and a map showing you the areas of concern. Like Chris said, we have been trying to talk to the developers to fix these issues. One of the issues we have is when the additional phases come in there will be additional foot traffic from the children walking to school, so maybe a marked crosswalk at Omphale and North Walkway. Second, we would like the pathways brought up to standards. Finish the pathway in phase 1 with a hard impervious surface and on all pathways where there is not enough room to grow plants or grass, some areas there is only 6 inches from the fence, we would like decorate rock put in there so it will be weed free. Third we would like for adequate drainage for all phases to alleviate concerns about health risks such as mosquitoes and West Nile. And the last thing is to provide some method to share cost upkeep for common areas for all 4 phases. Right now residents in phase 1 are paying for all of the upkeep.

Commissioner Case: Is there any way that we can table this until they have done all the improvements that they were suppose to do that are in the Facts and Findings and Conclusions of Law? Why should we reward them for not completing what was required in the first place? I just don't think that it is right to let them go ahead and work on other phases when they have not kept their obligations on the first 2 phases.

City Attorney: We can condition that they can not get final plat until those improvements are done or you can deny this application and it can go on to City Council and they can put on their own conditions or accept or deny that application, but we cant really table it and make them do those conditions before we hear it again. I not sure how it passed inspections without those conditions being done, but we can cure it by placing conditions on this application so that it gets cured.

Close Public Hearing at 9:08 pm

Commissioner Case: Again, I think this is like rewarding for not doing what they were required to do. I hear a lot of what should be done, but not what is going to be done.

Chairman Touchstone: I have written down some conditions that I believe will help and feel free to add or change what I have.

- Provide impervious surfaces that meet ADA regulations and standards along the southern pathway; work with Staff to provide landscaping as shown on original landscape plan (Dated 04-28-03, Drawn by D.P. and approved by Lance Warnick, Project Engineer for Treasure Valley Engineers) where applicable or provide landscape rock, to be determined by Staff.
- Provide landscape rock along path abutting L20 B2 & L7 B4 of Phase One; to be approved by Staff.
- Melodie Street shall be changed from thru-way Street to cul-de-sac; to be approved by appropriate agencies.
- Street lights shall be placed at end of cul-de-sacs (Willow Oak and Melodie streets); location to be determined by Staff.
- Provide written proof of a meeting between existing HOA's in regards to park access and amenities.
- Provide a second park within Phase 4, L23 B4 based on the Site Plan dated 07-09-08, drawn by C.P. and approved by Robert Hinkley, Project Engineer for Treasure Valley Engineers; complying with current City code requirements.
- Each HOA for each phase shall enter into a shared cost agreement for the maintenance of stormwater retention areas.

Commissioner Trautman: Do they have to meet the standards in force now or when they first applied?

Staff: They have to meet the standards that are in effect now.

Commissioner Trautman, then I think that should be added in that they meet current standards also.

Chairman Touchstone makes a motion to **recommend approval** of File #08-01-S / 08-15-DA to the Kuna City Council with the following conditions:

- Provide impervious surfaces that meet ADA regulations and standards along the southern pathway; work with Staff to provide landscaping as shown on original landscape plan (Dated 04-28-03, Drawn by D.P. and approved by Lance Warnick, Project Engineer for Treasure Valley Engineers) where applicable or provide landscape rock, to be determined by Staff.
- Provide landscape rock along path abutting L20 B2 & L7 B4 of Phase One; to be approved by Staff.
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- Provide a second park within Phase 4, L23 B4 based on the Site Plan dated 07-09-08, drawn by C.P. and approved by Robert Hinkley, Project Engineer for Treasure Valley Engineers; complying with current City code requirements.
- Each HOA for each phase shall enter into a shared cost agreement for the maintenance of stormwater retention areas.
- All previous conditions must be met in Phase 1 and 2 according to current land use interpretations and standards; to be determined by Staff.
- Meet all Staff and Agency conditions/regulations.

Commissioner Trautman seconds, motion passes, 2 to 1 with Commissioner Case opposing. Commissioner Kerfoot was absent.

REPORTS

Planner Director Hasson: none

City Attorney Grove: none

CHAIRMAN DISCUSSION

Commissioner Wierschem: What hours did we approve for the hot dog stand on Main Street? He is open in the morning and I thought we had just evenings?

Staff: I believe it was Monday – Sunday, 10:00 am – 3:00 am. He is not supposed to be open before 10am.

Commissioner Wierschem: On the time extensions, how many times can they get a time extension and is it from the date it is heard or when the facts and findings are approved?

Staff: In the code it does not say how many they can have; they just have to have it in before the one year is up and it expires and it goes off the date of the facts and findings approval.

Commissioner Case: Is there a moratorium on how many daycares that we approve or have in the City? Can we limit them to so many or so many per subdivision? A couple of meetings ago there was the complaint from the one gentleman who complained that Home daycare is a commercial business and their HOA does not allow commercial business in their subdivision. It just seems like they are turning up on every corner.

Staff: No we cannot put a moratorium. It is the supply and demand type of thing and as long as they meet the criteria and get the necessary permits we do not have the means to limit the amount of home daycares that come in. They will either fill the need or the daycare will go away if there is not the need.

ADJOURNMENT

Commissioner Case motions to adjourn the meeting at 10:00 pm
Commissioner Trautman seconds , all approve, motion carries.

Justin Touchstone, Chairman

ATTEST:

Tracy Rushlow Planner Technician