

**Kuna Planning & Zoning Commission Meeting
November 10 2010**

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 David Case, Commissioner Stephanie Wierschem, Vice Chairman Carl Trautman
Commissioner Stan Sanders, City Attorney Richard Johnson, Director Steve Hasson, Planner II
Troy Behunin and Planner I Tracy Rushlow,

Absent: Commissioner Curt James

The Kuna Planning & Zoning meeting was called to order by Chairman Case at 6:00 p.m., located
at the Kuna City Hall, 763 W. Avalon, Kuna.

Consent Agenda

Chairman Case opened the meeting at 6:00 pm

Chairman Case turns the meeting over to Vice-Chairman Trautman, who will be conducting the meeting.

Consent Agenda:

Planning and Zoning minutes:
September 22, 2010

Facts and Findings and Conclusions of Law

10-05-SUP (A) Kimberly Day Group Home daycare amended

Chairman Case motioned to approve consent agenda of minutes and Facts and Findings and
Conclusions of Law for 10-5-SUP (A).

Commissioner Wierschem seconds, all approve, motion carries.

OLD BUSINESS

None

NEW BUSINESS

A. 10-01-CPA (Comprehensive Plan Amendment) Map: Maranda O Bray presents this application. This proposal is intended to amend the current FLU map to reflect the recent annexations and rezones approved by City Council (Council) within the last six (6) months. This is for 757 Shortline where the zoning was changed from Industrial to Commercial and for property recently bought by the City for a well site off of Columbia. This property is not currently annexed in, but we wish to change the zoning map to reflect "Public" instead of "Medium Residential" for this site.

Steven Hasson: As part of our comprehensive land use plan update, we also approve a future land use map that corresponds with that boundary, and it identifies all of the land uses that are proposed for the future for those lands in that 75 square mile area. So from time to

time, people will come in for a zone change and we are going to try to make sure those zone changes matches, but occasionally there will have to be a map amendment because the land use zone change will not match the future land use map. Idaho law will only allow you to amend the comprehensive plan future land use map once every six months.

Because we are growing, you will probably see more of these update on a regular basis.

Open Public hearing at 6:10 p.m.

Neutral: none

Support: none

Oppose: none

Close public hearing at 6:11 p.m.

Commission Discussion:

None

Commissioner Sanders recommends approval of 10-01-CPA as proposed.

Chairman Case seconds, all approve, motion carries.

B. 10-12-SUP (Special Use Permit) Amanda Fransen; Little Hands Daycare: Planner Tracy

Rushlow presents the application. Property owner, Amanda Fransen, who resides at 268 E Screech Owl Drive, is interesting in opening a group daycare; however, Ms. Fransen's Home Owners Association has restricted her to six children to include her own.

Ms. Fransen does not yet have her State issued Daycare License, as Health and Welfare have changed their requirements and will not issue a license until the applicant has completed and been approved by the City.

Applicant: Amanda Fransen. 268 E. Screech Owl Dr. Kuna, I just had a baby, so I wanted to stay home and I have been working on this and this is the final step.

Chairman Case: Have you had a chance to read the report.

Applicant; I have, I did not see anything in the report that gave me any alarm.

Commissioner Wierschem: Why did you decide to hold your neighborhood meeting at that time and date? What about parking? In the backyard, is there any play equipment?

Applicant: It was two weeks out from when I sent out the notices, there was no specific reason I figured weekend day would be easier for any who wanted to attend. Our driveway is open as we park in the garage, so there are two spots available there as well as three right in front of the house and one on the other side of the driveway on the street if by chance everyone showed up at the same time. I do not have any play equipment. We hope be able to purchase some in the near future.

Vice Chairman Trautman: In your diagram, you show a children's area, what area is that in your home? The nap area is in the living room, what types of accommodations are there? Now in the backyard, I believe they typically require a lock what is the situation here?

Applicant: that is the dining room area, that is where the high chairs, children's table, toys, etc. in the living room area is more for quiet time, to read, those type of activities. The whole area is for the kids, it is just divided up into different types of activity in those areas.

For the nap area, they have nap mats, most bring their own blankets. They can also sleep on the couch, depending on the age.

The gate in the back yard has a slide latch and it cannot be reached by sticking your arm over the fence, yet it is higher enough up that children cannot reach it. It cannot be opened from the other side.

Commissioner Wierschem: In the application it said that you were going to hire some additional help. Is your husband going to be working there also? I saw that his credentials were included in this packet.

Applicant: For additional help- I originally was going to but that was before I was restricted to the six children. So that is not valid anymore.
My husband may help some in the evenings for about 30-45 minutes. I do plan on finding a second job in the evenings. He has had his background check and the same courses so he is qualified.

Open the Public Hearing at 6:23 P.M.

Support: none
Neutral: none
Oppose: none

Close the public hearing at 6:24p.m.

Commission Discussion:

Commissioner Wierschem; there is a statement from ACHD about a traffic impact fee may have to be paid, does the applicant know about that?

Applicant: I don't remember reading that.

Staff: That is standard wording. If there was an impact fee to be paid, they would have already received something from ACHD and had a meeting with them to discuss any fees.

Steve Hasson: We had little problem a while back with ACHD when they were trying to charge the applicants, but with as little traffic that it actually produces, we argued with them about requiring additional funds, and they changed their minds since these are not commercial daycare centers, it is not anymore than having friends visiting.

Chairman Case motions to approve 10-12-SUP Daycare for Amanda Fransen with the following conditions:

- Meet all site specific and standard conditions, staff and agency requirements.
Commissioner Sanders seconds, all approve, motion carries.

C. Deserthawk: 10-03-S, Subdivision Phases 1-3/ 10-08-DR-Design Review: Planner Tracy Rushlow presented the application. This is a re-activated of a subdivision with minor changes in phases 2-3. These modifications include the additional of seventeen (17) building lots and two (2) additional common lots. The changes all fall within the framework of the City's zoning strictures. The subdivision consists of 115 buildable lots and 11 common lots/areas.

Phase one has already been started; there is infrastructure already there as far as water, sewer, sidewalks, curb and gutter. The streets have been graded and packed, just need to be paved. The developer lost the development and the current owner wishes to move forward with the plat. When we structured the house sizes, City Council wanted the homes to be an average of what has been built over the last 12 months. The house size average is somewhat smaller than the average house size built in the last year. But we put them in for a starting point.

The project went through Design Review for landscaping and the small park. The only changes Design Review wanted was on the road from Sunbeam that the small divider island be of stamped concrete or brick, not just plain concrete. And if they put up a sign it has to come back through Design Review.

Chairman Case: How did you decide on the house sizes, was it averaging or how?

Staff: Through averaging over the past 12 months of permits submitted.

Commissioner Sanders: What about the green area that seems to be fenced off from the street, Block 1, Lots 2-3, it would make a nice view.

Staff: that is a drainage pond, it can be used for common area but its main use is drainage.

Commissioner Sanders: what about pathways? I don't really see any.

Staff: there are some pathways, but this is a fairly small subdivision and the blocks are short, so connectivity is really good. Pathways are for connectivity, and especially in the larger subdivisions they are needed.

Steven Hasson: The biggest reason we want pathways is walk-ability. In the larger subdivisions the blocks are longer and there is a lot more area to cover. In smaller ones like this one, the blocks are shorter; the areas are easier to cover in as far as walking. But we also want roadways for connectivity, and this one has those so it is not isolated and no subdivision is a island is in itself. There is a pathway that goes to Sunbeam, in the middle so they do not have to walk all the way around on the roads/sidewalks; this is what we are looking for in connectivity.

Applicants:

Kent Brown, 4242 Brookside, Boise ID. I was not a part of the original approval of this subdivision, but Bailey Engineering was. The street locations are in the exactly same spot they were in the original plat. The minor changes are in the north-east corner, the cul-de-sac because the City is asking for more right-of-way on Ten Mile and Sunbeam than what was approved in 2003. We put a knuckle in the south-west corner. There use to be an extension of a road to the north-south and there was a vacation that was started and everything was put onto the Highways Districts end, they have not recorded that vacation or else the right-of-way would have been straight. The common areas are the same, we had construction plans on all three phases, and on phase one we had construction plans completed and approved by the City and the Highway District, the curb, gutter is built, the infrastructure is in, if they would have paved the streets, they very well could have pulled permits. They ran out of money prior to paving.

There is not really enough width to add any additional pathways other than the one in lot 10 blocks 6, which connects to Sunbeam. The Highways District has asked that in Block 5 lot 17 be removed and that is a stub street to the east. We will have to adjust those lots and lot 15 will probably be a little bit smaller and 18 a little bit bigger since it will be a corner lot. There is some typography difference, it goes up hill there, and we are the low property in this area. We have talked to the City Engineer in phase one and other than paving it are done and all we have to do is provide testing.

Randy Hopkins, Hopkins, LLC, which is the owner of Deserthawk Subdivision. 1390 E. Mallory Lane, Meridian. In subdivision development, Hopkins manages about 100 million dollars in loans, and because of the downturn we have become the owners in a lot of subdivisions. And we have been involved in subdivisions for a long time. Starting with Lexington Hills, Rockbridge in Star, and some commercial like Lakeview in Meridian. Like Silvertip, we got that back through default. We handle other people's money, as we are brokerage firm, and we did Silvertip last year. And unless we build the right product in the right price we will get slaughtered. And I have known builder Mike Smith for about 20 years, and we decided we need to start a construction company to add value to all these spare lots. And it was a great success in Silvertip, and this year we went to Rivendale in Boise with the same success with 75 homes built and sold this year. We have built several homes in Solair, also the Idaho side of Jackson Hole. These are subdivisions that we got back from foreclosures. This is also how we got Deserthawk back.

Right now it is a weed patch because we had to go through the foreclosure process and it is now clear so we want to try and do the same thing that we did with Silvertip. On the conditions of approval, we are fine with all of them except the house sizes. The team that we put together to design and build these subdivisions was with the plan that we do less square footage but of a higher quality. We were coming in below our competitor's but still having a higher quality product. Here are some of the products that we build in other subdivisions. The long and short of this, is we want to change the mandate of the house sizes and the reasoning of this is that anytime I try to estimate the market I am wrong.

The reason that Silvertip was such a great success is that I talked to Janice Stiger, she is actually an investor in this fund, and I asked what should we do to make this succeed? We want to build a product that is of high quality and sells, it is better for us to build the larger square footage as we make more money on those, but if they are not selling, that does not do us any good. And being put in a box that says you have to build this and this, I don't know what the market place wants, and I could be left holding the bag if that is not what they want. We have all the land use actions, zoning, annexations, and so forth; what we are trying to do is drive the truck out of the ditch. All we have now is a weed patch. We are requesting that we have latitude to build what the marketplace demands so we can be successful and not what is stated in the report.

Just because it is a smaller homes does not mean that it is a lesser quality or slum and we're not going to build something like that and then let the City deal with the matter after the Developer is gone. There is a lot of downsizing right now in America, people are being more frugal and want affordability on every level. I would like to ask for approval of the report but with the exclusion of the square foot housing size on page 5 of the report. We would like a minimum square footage of 850.

Vice Chairman Trautman: In looking at these photos, you say you are building a smaller square footage product but of a higher quality, which I am amiable too if I understand the higher quality. What makes this a higher quality?

Applicant: We have nice finishes inside, from a practical standpoint I don't want to get into the siding and rooflines and that sort of thing.

Vice Chairman Trautman: from the landscaping on these photos it looks very inexpensive and does not look like a very high quality standard. I am a little hesitant to allow smaller lots and homes without any long term street-scape.

Chairman Case: Your proposal of the smaller homes, the 850, how many are you looking to build? My concern is when Silvertip came in I got a lot of calls asking why the City was

allowing such small homes to go in next to subdivisions with larger, more expensive homes, and they believed that it brought their property values down. My other concern is I do not see myself voting on something that says build whatever you want. We need some kind of figures or numbers. I am not opposed to smaller homes, just the vagueness of this.

Applicant; What I am saying is these very well could be 1300-1500 square foot homes. Come February, we will put our thumb on the pulse of the market and see what is selling and see what we believe is selling.

I understand about the square footage, and we would rather build the larger homes because we make more money on those, unfortunately we don't know what the market wants. I understand as the City wants the higher quality, and yes Silvertip was an entry level product, but we want a higher quality product. Just to put that square footage requirements there scares me because we don't know the market. The more latitude that you give us the more chance that we have that we can succeed.

Chairman Case: I understand that but what I am hearing is that you are asking for a blank check and I am not willing to do that. For argument sake you could put a 200 square foot shed on there and call it a house. And legally if we do not put any restrictions on it you could do that and we would have no recourse. We are here to protect everyone. In my own opinion it is unrealistic to ask for no minimum square footage.

Applicant: I guess what I mean to say is that we are asking for a minimum square footage, but less than what is proposed, I was asking Mike what is practical for the smallest square footage that we have been able to sell. So for a proposal a minimum of 850 square foot in size is what I am asking. We are not going to build all 850 square foot homes; those are more for the empty nesters, grandma, and single people. Most want three bedrooms, two baths which is between 1180 and 1300 square feet. It will have Hopkins name on it and we have become the second-third largest builder in Idaho. The more latitude that you can give the more market driven we can be.

Mike Smith, 140 NE 8th Street: I manage the construction for Hopkins; I am not too much into the development part of the process. In regards to small house sizes, I understand you want to protect the City from squalor and slums and in the past small houses was equated with that. In Silvertip, those houses were sold to widowers, retirees, single-older adults. If we are mandated on certain square footage, some of those types of people on fixed income will not be able to buy a home, or a newer home. I had one older guy, he was so happy, because he was able to buy a small two bedroom house. No one makes them anymore and he thought that he would have to rent an apartment for the rest of his life for that reason alone. He could have not been happier to have a home that is smaller, and yet he could afford to buy. It is hard for me when a municipal tells me that you don't what these types of people in their town. I understand what you want to do, but it could come down to that consequence.

The quality of the houses was brought up; we are now an energy star home builder. Silvertip does not have a lot of high-end finishes, but it is hard to keep the costs down and affordable and put those high-end finishes on. We were half-way through Rivendale when we became energy star builders. Now every house is an energy star home.

I have a little bit of problem with a municipal dictating that they have to build larger homes, especially in the "green" movement and the climate change that we have, it is kinda like mandating Ford to sell 30 percent Excursions and 40 percent Expeditions because we want to haven nicer cars on the road. They burn a lot of fuels and larger houses are the same they use a lot more fuel/energy even though they are more energy efficient, than a smaller home.

Vice Chairman: I think that you misunderstood me; I am amiable to smaller square footage as long as there is a tradeoff. I would like there be nicer landscaping, nicer street-scape and nicer exteriors on the front of the homes.

Chairman Case: On Silvertip, how many homes were built and how many of those were the 850 square foot homes did you build? And what was there selling price?

Mike Smith: there were about 76 homes total in the subdivision and out of those about 5, I believe, it would be in within 1 or 2 of that where the 850 square footage. They sold for about \$89,900.

Chairman Case: a lot of people are more in tune to buy a house they can afford and not so much on size.

Open public hearing at 7:19 p.m.

Support: Kent Brown, Mike Smith, Randy Hopkins

Kent Brown- about the lot sizes, in the past what we have done is make the changes and stamp the plan and we move forward, but the streets are already there, and the infrastructure is there. In the past Kuna has had about 2 main builders who build the majority of the homes. The only time that was ever effected was when Silvertip came in. The plans here for Deserthawk is upgraded plans from Silvertip. Silvertip did not have any square footage on the homes; and yet they only built about 5 homes that were 850 square feet.

Randy wants to build a nice project, they want to be liquid. There marketing is good and they have a good builder with Mike. They have done a good job.

Oppose: none

Neutral: none

Close public hearing at 7:25 p.m.

Commission Discussion:

Commissioner Sanders: I have difficulty with these arbitrary numbers. Spending my life in retail, I will stock gallon, half gallon and pints of milk. If I m selling more half gallon and no one is buying the gallon of milk and it spoils, I am out of money. So therefore I am going to cut back on the gallon and stock more half gallon. It makes sense economically. We need more building in Kuna but I don't follow those numbers. It needs to be market driven and we have room to compromise on minimum square footage. We can discuss that. I don't like those numbers; we do not want all those big houses setting out there doing nothing. I would give an approval of a minimum size and the rest square footage be market driven.

Commissioner Wierschem: I would have to agree with what the other Commissioners' have said tonight. I would like to see or be reassured that this community it is not going to be all entry level homes. If I understand it correctly, you need to market it at a price that will sell, but I would like it to be a good or even better quality home than starter home or where we look back and we are disappointed but what the product ended up as.

Vice Chairman Trautman: My only wish is that we had a little more architecture control or landscaping requirements. I don't know if we have that ability.

Steven Hasson: That is one of the reasons we required that they have at least 9 different house styles in their portfolio to be dispersed throughout the subdivision phases so that we don't have a cookie cutter subdivision.

When we looked at the house sizes, we averaged them out and then compared that to Silvertip, so we gave them a smaller amount. This was more of a starting or tool so that we do not end up with a cookie cutter subdivision with a bunch of small inferior houses.

Kent Brown: What I am hearing is that they are afraid that these houses are going to be inferior because they are smaller and that is not the case. People are just cutting out the bonus rooms or that office area and building energy efficient homes. There are numerous upgrades done in the homes, in the kitchen and bathrooms that can be done without the cost going up by eliminating those extra rooms. They would prefer to build the larger homes, they make more money on them, but again it is market driven and what is selling that they build.

Chairman Case: If you look at the market as a whole, there are a lot of short sales and repossessions, bank owned properties and it is depressing the market. I am in agreement with Stan's assessment except for one thing. I am inclined to set a minimum square footage, and let the market drive determine the square footage of homes being built, and the exception is to accommodate that specialty class that was talked about earlier with the smaller home of 850 square feet; to set an absolute number of that size-such as around 8 or 9 maximum of 850 square footage. I can see the difficulty of saying we need so many of this size. I am not in favor of setting a number that need to be of each size, but I am in setting the minimum smaller homes with the square footage of 850 and then a minimum square footage for the remainder and let the market determine the size of the homes.

Commissioner Sanders; The problem with that is in phase one build out is all the larger lots and the smaller ones are in phases 2 and 3 which would be more applicable to the smaller home.

Vice Chairman Trautman: In listening to all the conversations I hear the builder say we can fill that niche of the 850 square foot, but the 1180 is the most popular. So how about so many at 850 square feet and then a minimum square footage of 1100 for the rest of the lots and let the market determine how big. It gives a balance, yet some flexibility.

Chairman Case recommends for approval of Deserthawk phases 1-3# 10-03-S with the following conditions:

- Meet all site specific and standard conditions, staff and agency requirements.
- On page 5 of the staff report, replace the minimum square footage requirements with the following: maximum of 10 homes 850 square feet or larger to be dispersed throughout all three phases of the subdivision and the remainder of the homes to be a minimum of 1100 square feet or larger.

Commissioner Wierschem seconds, all approve, motions carries.

REPORTS

Planner Director Steve Hasson: Walgreens, Les Schwab's and Subways are now here. The school on Ten Mile is coming along. We have the area of City impact that is still before County Commission.

Commissioner Sanders: I was at a ACHD meeting a couple of weeks ago dealing with the sidewalks on 4th Street, and they are using the impact given to them by Compass and it is only like

5 square miles, we need to get that approved by County and we need to make sure ACHD gets that.

Steven Hasson: it is very frustrating, and Ada County has a law that says whose comprehensive plan you use, where their impact area is, this was last updated in 1998, and it refers everything to the County that is not in the City. So hopefully in time, but I think the reason it may be on hold is they are changing the County Commissioners, but I don't know for sure. Right now our area of impact is very small. There were a bunch of questions that they wanted answered from staff before they could process the application, which we have answered and given those answers to them. It has been in review since we turned it back in to them.

Surprisingly, at the same time, up north we have had a ongoing battle of where to draw our area of City impact because we were interlopers and did not have the where with all to go up there. Now there are in negotiations going with some of the property owners and Meridian and Meridian is telling them we don't think that we have the capacities to accommodate your needs and maybe this should not be in our area if impact and maybe it should be in Kuna's area of impact. We are amendable to changing our area of impact and drawing back and giving that area to Kuna. So if that occurs, the pending application will come back and be modified and may go far north as Amity.

We are busy, we don't have a lot of building permits, but there are a lot of land use things that we are working on. The land use table is one, it has extensive land use changes, the El Giro Gallo is coming forth and we were going to meet on the 8th of December, but we are changing it to December 15.

Commissioner Sanders: What about the Black and White Taxi, I have had several people ask me why they are still operating out of a residence?

City Attorney Johnson: I am drafting that letter as we speak to address the issue. They have had 3 enforcement letters and they have ignored all of them. The bottom line is, if he ignores my letter, he will get a misdemeanor from the Sheriff's department. Then it goes to the prosecutor's office.

Steve Hasson: I have talked to the property owner about it, and he more or less ignored me also, telling me all about what he has done for the community. Even though he is in a community and has an obligation to those neighbors. He is letting his neighbors down.

Commissioner Sanders: As I was reading this packet, there was mention about the problem of bridges over the railroad tracks and Indian Creek, and it is becoming more and more of a problem, has there been any thought about a impact or fund for future developments for a bridge.

Steven Hasson: There are two or three things on the table. First of all every year the City comes up with a list of priorities. We just finished cobbled this year's list and among the items on the list is a need for a bridge over Ten Mile and likewise on the Kuna-Meridian Road alignment. It will go before a sub-committee that will review all the request and priorities and construct a priorities plan. So in theory the bridge gets funded from the impact fees collected and other sources. And mind you there budget is 84 million dollars. It seems like a lot of money, but more and more the money is going for maintenance and less for road improvements. There is a new funding authority CID or something close to that. It is similar to a urban renewal authority, it's a new funding authority and its created for a certain area and the people in that area fund through assessments some major improvement. This may be one of the ways to get one of these bridges funded. Bridges are very expensive, somewhere between 15-20 million dollars. That's about a quarter of their yearly funds, so it had better be a very high priority, and as you can see we do not have the traffic volume to warrant that rating. So unless we get creative and come up with some alternative funding it is going to be a long time in coming.

Commissioner Sanders: again we come back to a full circle, with our area impact as only 5 square miles from Compass it does not do us any good.

Commissioner Wierschem: A couple meeting ago we had 3 businesses come before us, where are they on those things?

Steven Hasson: For the heating and cooling and Arlene's they have until the first of the year to complete those things. The O'Leary's actually will have the clock in place and celebrate the Anniversary sometime next week. For Ray's Dog House, he is totally gone; he has moved to Nampa.

Commissioner Sanders: Speaking of sidewalks, what is taking so long on getting the sidewalk done on Avenue D?

Steven Hasson: It was actually finished yesterday. I took pictures and called and raised heck to them on Monday, and they called me yesterday and it's done.

City Attorney Richard Johnson: none

CHAIRMAN DISCUSSION

Chairman Case: My official last day is December 31, 2010, or it could be sooner depending on the meetings. I really have enjoy doing this, enjoyed being with everyone on the Commission and the staff, but conflicts with jobs are what is causing me to resign. This is new position is something that I feel would benefit Kuna, and give Kuna a voice with the ACHD Commission.

Vice Chairman Trautman: On the December 15, hopefully everyone will be here so we can choose a new Chair and a new Vice-Chairman.

ADJOURNMENT

Chairman Case motions to adjourn at: 8:20 p.m.
Commissioner Sanders seconds, all approve, motion carries.

David Case, Chairman

ATTEST:

Tracy Rushlow, Planner