

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



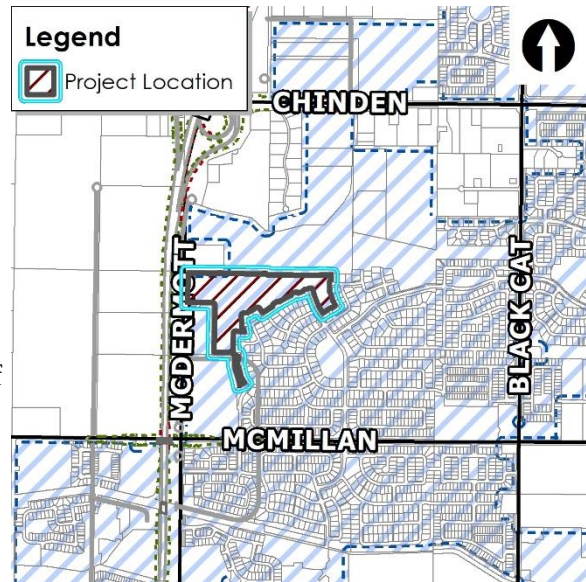
HEARING DATE: 5/3/2022

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner
208-884-5533

SUBJECT: H-2022-0010
Oaks North Rezone

LOCATION: The site is generally located northwest of 5151 N. Rustic Oak Way, in the NW ¼ of the SW ¼ of Section 28, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Request for a Rezone of 12.02 acres of land from the R-4 to the R-8 zoning district for the purpose of recouping five (5) building lots in a future final plat phase of the Oaks North Subdivision, by Toll Southwest, LLC.

II. SUMMARY OF REPORT

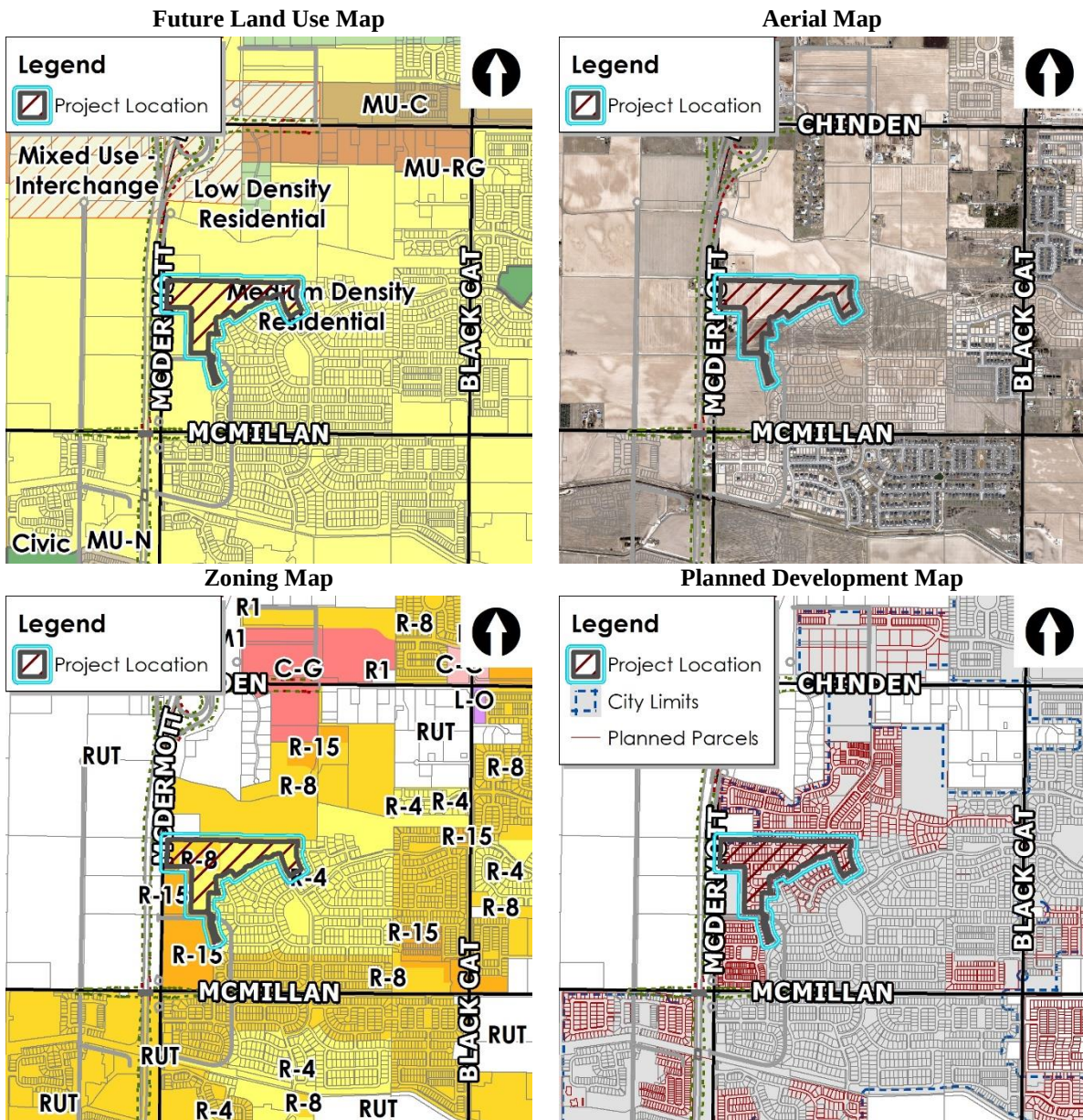
A. Project Summary

Description	Details	Page
Acreage	RZ – 12.02 acres; Current Property Size – 37.5 acres	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Detached Single-family Residential	
Lots (# and type; bldg./common)	83 future residential building lots; unknown number of common lots	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	January 20, 2022 – number of attendees unknown	
History (previous approvals)	RZ-13-008; PP-13-013 (DA Inst. #114030972).	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
- Staff report (yes/no) - Requires ACHD Commission Action (yes/no)	No No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via local streets that are either planned or currently under construction. No changes to the previously approved road layout are proposed.	
Stub Street/Interconnectivity/Cross Access	There is no proposal to change the previously approved road layout, including stub streets. See attached concept plan in Exhibit VII.B.	
Existing Arterial Sidewalks / Buffers	Portion of required buffer along McDermott Road to the west (west boundary of Oaks North No. 10) is already approved – future final plat for this phase will be required to complete this buffer.	
Proposed Road Improvements	None required to any adjacent arterial or collector streets because of previous improvements and road dedications.	
Fire Service		
	No Comments	
Police Service		
Concerns	Area can be serviced per letter from Police Department (Exhibit VIII.!!)	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Kristen McNeill, Givens Pursley, LLP – 601 W. Bannock Street, Boise, ID 83702

B. Owner:

Adam Capell, Toll Southwest, LLC – 3103 W. Sheryl Drive, Ste. 100, Meridian, ID 83642

C. Representative:

Jeff Bowers, Givens Pursley, LLP – 601 W. Bannock Street, Boise, ID 83702

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	3/22/2022	4/17/2022
Radius notification mailed to properties within 500 feet	3/21/2022	4/18/2022
Site Posting	3/28/2022	4/18/2022
Nextdoor posting	3/21/2022	4/18/2022

V. STAFF ANALYSIS

A. Rezone

The subject application is for a Rezone that contemplates approximately 12 acres of land, currently zoned R-4. The Applicant is requesting to rezone this area from the R-4 zoning district to the R-8 zoning district for the purpose of including five (5) additional building lots that were lost over the course of the previous 11 final plat phases of the Oaks North Subdivision. Staff has confirmed the addition of five (5) building lots within this phase will keep the project consistent with the approved preliminary plat from 2014. Because of this, there is no need for a new preliminary plat to be submitted—city code allows for later phases of a project to include lots lost with previous phases so long as the total number of lots approved with the preliminary plat is not increased. In short, the future phase 12 final plat is sufficient to memorialize the addition of lots within the Oaks North Subdivision. However, adding these additional lots within the existing R-4 zoning district is not possible as the minimum dimensional standards requirements could not be met. Therefore, the applicant has requested the rezone to the R-8 zoning district.

In addition, the applicant has stated within their narrative that the request to rezone 12 acres to the R-8 zoning district along a portion of the Oaks North northern boundary is also in better alignment with the existing R-8 zoning to the north (Prescott Ridge Subdivision) while providing for additional variation of lot sizes within this area of the Oaks North Subdivision. Staff supports the requested rezone for the purposes noted.

Outside of the Rezone application and the zoning implications, it is important to analyze other changes that would occur because of the rezone and increase in density of this phase. First, the Applicant is not proposing to change any of the previously approved road network. The proposed local streets and the stub streets along the north boundary are shown in the same locations as before. Secondly, the Applicant is proposing to increase the open space in this phase of the development to meet the latest open space requirements for the R-8 zoning district. According to their revised concept plan and narrative, the Applicant is showing over 180,000 square feet of common open space for phase 12 which accounts for approximately 15% of the gross area. This complies with the minimum open space requirements now required by UDC 11-3G-3. This helps maintain a livable neighborhood and assists in the project meeting current purpose statements outlined within the new open space regulations. However, some of the open space areas shown on the concept plan may be better suited in larger and condensed areas; Staff will work with the Applicant between the timing of this Rezone application and the future final plat submittal to make any necessary adjustments to the location of the open space as allowed under the subdivision ordinance. In general, the locations shown on the new concept plan do appear to comply with code.

B. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

Medium Density Residential (MDR) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

Staff finds the proposed Rezone to the R-8 zoning district and anticipation of 83 additional lots is compliant with the future land use designation of MDR. Because the existing preliminary plat and Rezone request comply with the future land use designation, Staff does not have additional comprehensive plan analysis on the future land use of the subject area and this project.

The City may require a development agreement (DA) in conjunction with a rezone application pursuant to Idaho Code section 67-6511A. **Staff is not recommending a new DA or a modification to the existing DA because the subject property is still subject to the terms of the the existing recorded development agreement (DA Inst. #114030972).**

C. Existing Structures/Site Improvements:

Site improvements are currently in progress or planned per the existing final plat approvals and the future phase 12 final plat.

D. Proposed Use Analysis:

The proposed use of detached single-family residential is a principally permitted use within the requested R-8 zoning district, per UDC Table 11-2A-2. The proposed use is also consistent with the existing preliminary plat (PP-13-013).

E. Dimensional Standards ([UDC 11-2](#)):

The new concept plan for phase 12 of the Oaks North Subdivision does not show lot sizes. Staff will analyze the future final plat for compliance with the minimum dimensional standards of the requested R-8 zoning district, per UDC Table 11-2A-6.

F. Building Elevations ([UDC 11-3A-19](#) | [Architectural Standards Manual](#)):

The Applicant has submitted conceptual elevations for the future single-family homes. After analysis of these conceptual elevations, Staff finds these elevations to be consistent with the approved conceptual elevations in the DA (DA Inst. #114030972). Due to the number of conceptual elevations submitted, please refer to the public record to view these elevations.

VI. DECISION

A. Staff:

Staff recommends approval of the requested rezone per the conditions of approval in Section VIII and the Findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on April 7, 2022. At the public hearing, the Commission moved to recommend approval of the subject Rezone request.

1. Summary of Commission public hearing:

- a. In favor: Jeff Bower, Applicant Representative.**
- b. In opposition: Miranda Kennebrew, neighbor; Daniel Kwok, neighbor; Brenden Owens, neighbor; Elaira Jones, neighbor; Sabrina Johnson, neighbor; Jess Dubois, neighbor;**
- c. Commenting: Jeff Bower; Miranda Kennebrew; Daniel Kwok; Joe Bongiorno, neighbor; Brenden Owens; Elaira Jones; Sabrina Johnson; Jess Dubois;**

- d. Written testimony: Five (5) pieces of testimony submitted prior to P&Z meeting – all discussed a desire for more open space and an additional pool within the subdivision and did not support the addition of 5 lots in this phase.
- e. Staff presenting application:
- f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. Concerns over recent HOA meeting and overall amenity package of Oaks North as it continues to get built out;
 - b. Distaste for proposed rezone and increase of 5 lots;
 - c. Discussion of adjacent Oakwinds project that may share amenities of overall Oaks North project and the fact it is a for-rent community (unrelated to Oaks North Rezone project);
- 3. Key issue(s) of discussion by Commission:
 - a. Will any amenities be added to the enlarged open space area and what are they planned to be;
 - b. Content of written and public testimony in regards to overall amenity package within Oaks North Subdivision;
 - c. Purview of City to condition a Rezone – Cannot condition a Rezone without a DA Modification.
- 4. Commission change(s) to Staff recommendation:
 - a. None
- 5. Outstanding issue(s) for City Council:
 - a. None

C. City Council:

The Meridian City Council heard these items on May 3, 2022. At the public hearing, the Council moved to approve the subject Rezone request.

- 1. Summary of the City Council public hearing:
 - a. In favor: Jeff Bower, Applicant Representative
 - b. In opposition: None
 - c. Commenting: Jeff Bower; Larry Lent, neighbor; Ed Kessler, neighbor; Mike Lewis, neighbor; Karen Klawitter, neighbor;
 - d. Written testimony: None since Commission
 - e. Staff presenting application: Joseph Dodson Associate Planner
 - f. Other Staff commenting on application: Bill Nary, City Attorney
- 2. Key issue(s) of public testimony:
 - a. Concerns with the City mailer not being clear on the project area;
Are any condos or townhomes proposed with subject applications;
Concerns of overall traffic generation in this area of the City with new developments;
Confusion over project area and proposal;
- 3. Key issue(s) of discussion by City Council:
 - a. Is process of increasing lots in later phases a common practice in Meridian and why does Council not generally see them;
Discretion Council has with Rezone applications;
Main purpose of Rezone being due to lot frontage requirements versus aiming to increase density of phase 12 and the thought behind the design of the proposed open space lots;
Is the Applicant willing to tie the proposed additional amenities to the approval;
- 4. City Council change(s) to Commission recommendation:
 - a. Make Staff comments conditions and require Applicant include open space and amenities as shown in the public hearing on May 3, 2022.

VII. EXHIBITS

A. Rezone Legal Description and Exhibit Map

Legal Description
Proposed City of Meridian Rezone
The Oaks North Subdivision

A parcel located in the N ½ of the SW ¼ of Section 28, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southwest corner of said Section 28, from which an Aluminum Cap monument marking the southeast corner of the SW ¼ (S ¼ corner) of said Section bears S 89°16'58" E a distance of 2635.25 feet;

Thence N 1°00'42" E along the west boundary of the SW ¼ of Section 28 a distance of 2630.85 feet to an Aluminum Cap monument marking the northwest corner of the SW ¼ (W ¼ corner) of said Section 28;

Thence along the north boundary of said SW ¼ S 89°21'17" E a distance of 971.05 feet the **POINT OF BEGINNING**;

Thence continuing S 89°21'17" E along said north boundary a distance of 340.07 feet to the northwest corner of the NE ¼ of the SW ¼ of said Section 28;

Thence along the west boundary of said NE ¼ of the SW ¼ S 0°52'12" W a distance of 16.99 feet to a point;

Thence leaving said boundary S 89°14'34" E a distance of 596.07 feet to a point;

Thence S 0°45'26" W a distance of 146.93 feet to a point of curvature;

Thence a distance of 189.18 feet along the arc of a 600.00 foot radius curve left, said curve having a central angle of 18°03'57" and a long chord bearing S 8°16'32" E a distance of 188.40 feet to a point on the centerline of W. Burnt Sage Drive;

Thence along said centerline the following courses and distances:

Thence S 72°41'29" W a distance of 157.31 feet to point of curvature;

Thence a distance of 275.35 feet along the arc of a 1000.00 foot radius curve left, said curve having a central angle of 15°46'36" and a long chord bearing S 64°48'11" W a distance of 274.49 feet to a point of tangency;

Thence S 56°54'53" W a distance of 368.06 feet to a point;

Thence leaving said centerline N 33°05'07" W a distance of 144.00 feet to an angle point on the northerly boundary of the Oaks North Subdivision No. 8, as shown in Book 121 of Plats on Pages 18996 through 18999, records of Ada County, Idaho;

Thence along said subdivision boundary the following courses and distances:

Thence S 56°54'53" W a distance of 90.00 feet to a point;



Proposed Rezone
The Oaks North Subdivision
Job No. 18-35
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Thence S 63°40'51" W a distance of 73.86 feet to a point;

Thence S 83°00'24" W a distance of 70.71 feet to the northeasterly corner of said The Oaks North Subdivision No. 8;

Thence leaving said boundary N 6°38'19" W a distance of 137.94 feet to a point;

Thence N 0°38'42" E a distance of 135.00 feet to a point;

Thence S 89°21'17" E a distance of 46.00 feet to a point;

Thence N 0°38'43" E a distance of 425.00 feet to the **POINT OF BEGINNING**.

This parcel contains 12.02 acres more or less.

Clinton W. Hansen, PLS
Land Solutions, PC
November 11, 2021

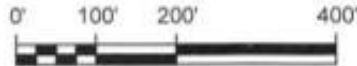
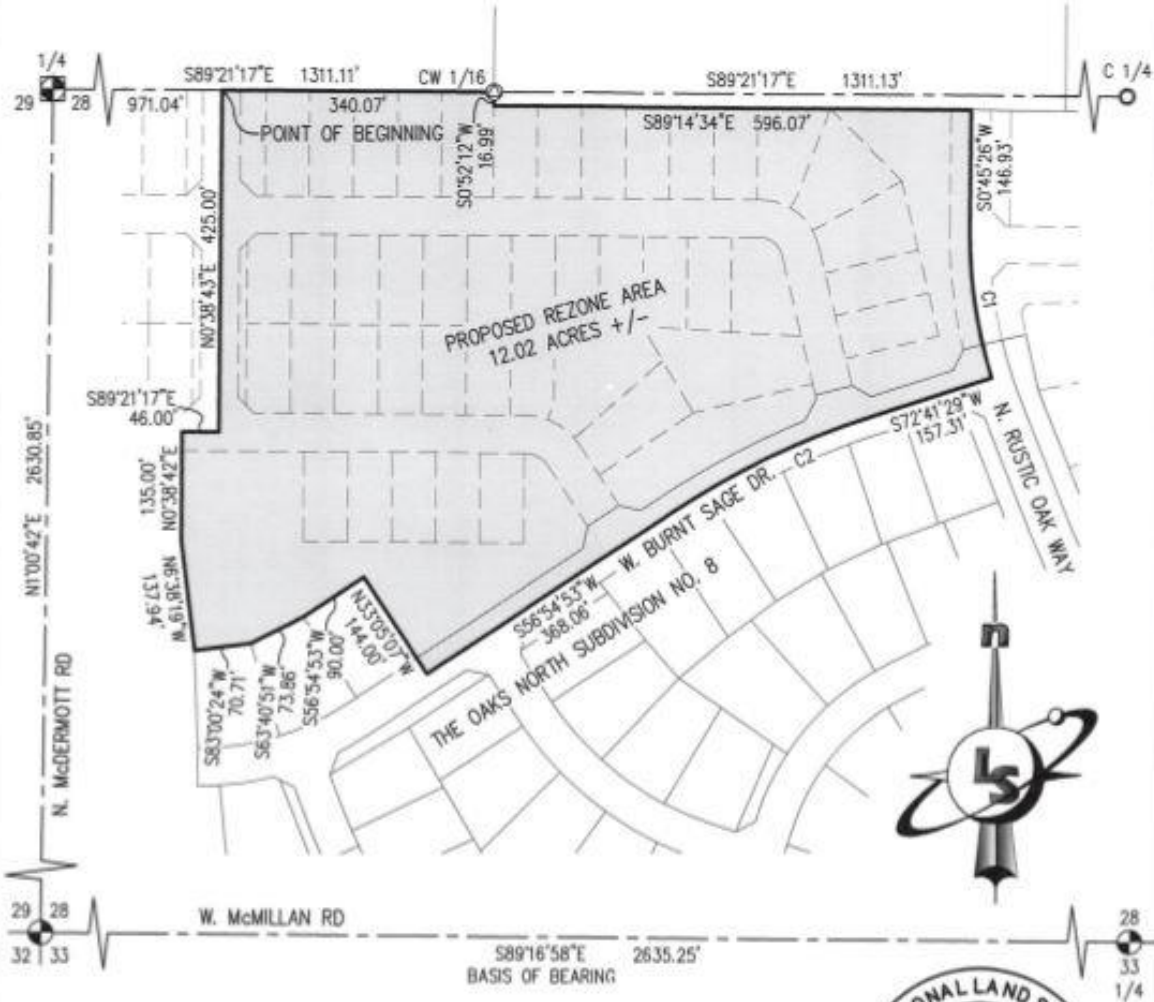


THE OAKS NORTH SUBDIVISION

PROPOSED CITY OF MERIDIAN REZONE

LOCATED IN THE N 1/2 OF THE SW 1/4 OF SECTION 28, T.4N., R.1W., B.M.

CITY OF MERIDIAN, ADA COUNTY, IDAHO



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	189.18'	600.00'	18°03'57"	S8°16'32"E	188.40'
C2	275.35'	1000.00'	15°46'36"	S64°48'11"W	274.49'

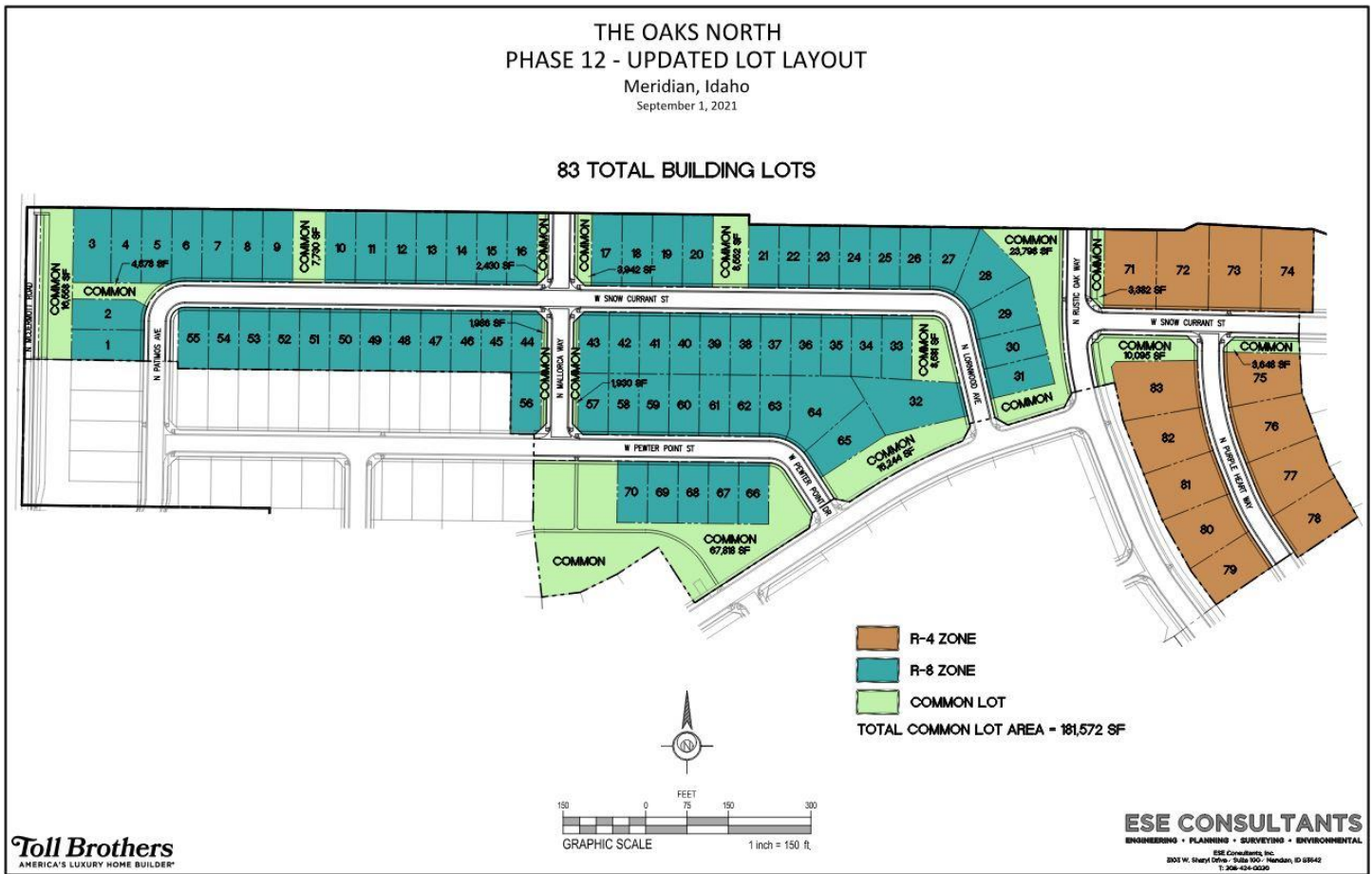


LandSolutions
Land Surveying and Consulting

231 E. 5TH ST., STE. A
MERIDIAN, ID 83642
(208) 288-2040 (208) 288-2557 fax
www.landsolutions322

JOB NO. 15-30

B. New Concept Plan for applicable area (Illustrative Purposes Only)



VIII. CITY/AGENCY COMMENTS

A. PLANNING DIVISION

1. Comply with all previous conditions of approval associated with the site (RZ-13-008; PP-13-013 (DA Inst. #114030972).
2. With the final plat application associated with this phase, the Applicant should provide a minimum of 15% qualified common open space and amenities as proposed on the hearing date of May 3, 2022 to include a splash pad.
3. The final plat must comply with the dimensional standards for the R-8 zoning district as outlined in UDC Table 11-2A-6.

B. PUBLIC WORKS

General Comments

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.

8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
10. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
11. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
19. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=256297&dbid=0&repo=MeridianCity>

D. MERIDIAN POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255100&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Annexation and/or Rezone (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

Council finds the proposed zoning map amendment to rezone the property with the R-8 zoning district and site design is consistent with the Comprehensive Plan and previous approvals.

2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;

Council finds the proposed zoning map amendment and the requested development complies with the regulations outlined in the requested R-8 zoning district and is consistent with the purpose statement of the requested zone.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare, especially if all conditions of approval are met.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

5. The annexation (as applicable) is in the best interest of city.

N/A. Property is already annexed into the City and subject to an existing development agreement.