

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



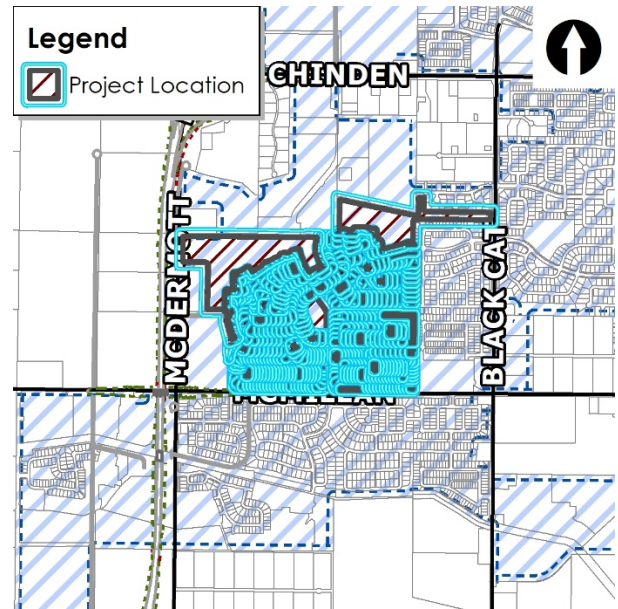
HEARING 10/5/2021
DATE:

TO: Mayor & City Council

FROAM: Joseph Dodson, Associate Planner
208-884-5533

SUBJECT: H-2021-0058
Oaks North & Oakmore DA
Modification

LOCATION: The site is located on over 200 acres on
the north side of W. McMillan Road,
between N. Black Cat Road and N.
McDermott Road, in the S ½ and NE ¼
of Section 28, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (Inst. #114030972) to remove the Oakmore Subdivision (H-2018-0118) area and create a new Development Agreement for this area consistent with the approved plat.

NOTE: When this application was submitted, the applicant intended to amend the original development agreement for the purpose of modifying the overall concept plan, adding new provisions and removing provisions that have been satisfied through the development process. After further discussions with the applicant and the City Attorney's office, staff concluded that a new DA was the preferred path forward. The staff report has been updated to reflect these discussions, including new exhibits and DA provisions that narrowed the focus of the application from an area that encompasses approximately 220 acres to 7 acres. The Oaks North project will remain subject to the terms of the original 2014 agreement.

II. SUMMARY OF REPORT

A. Applicant:

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

B. Owner:

Toll Brothers, LLC – 3103 W. Sheryl Drive, Suite 100, Meridian, ID 83642

EXHIBIT A

C. Representative:

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

III. STAFF ANALYSIS

The Applicant proposes to amend the existing Development Agreement (DA) from 2014 for the approved Oaks North Subdivision (Inst. #114030972) to remove the approximate 7 acre area known as Oakmore Subdivision (H-2018-0118) from the original DA and create a new DA consistent with the approved preliminary plat. With this request, Staff is recommending that the existing DA for Oaks North and Oaks South remain.

See Section V for Staff's recommended DA provisions.

History: The Oakmore Subdivision was approved on August 6, 2019 (findings approved) and modified a portion of the original Oaks North preliminary plat in the northeast segment of the overall project that has frontage on Black Cat Road and encompassed approximately 7.4 acres of land; this application removed a multi-family component of the project to include more single-family residential and included a rezone that changed the zoning of the property from the R-15 zoning district to the R-4 zoning district. In addition, at the time of the Oakmore preliminary plat and rezone, the Applicant also received approval of a DA Modification for the Oaks North and Oaks South project area (H-2018-0117) to do what this DA Modification aims to do, update the concept plan by creating a new DA for the Oakmore Subdivision 7.4 acres. However, the modified DA from this application was never executed and is no longer valid or applicable. In short, the Applicant was required to submit this DA modification prior to the plat expiring on August 6, 2021 to keep the Oakmore preliminary plat valid and to move forward with a new DA for the subject 7.4 acres.

In summary, Staff recommends approval of the Development Agreement Modification to create a new DA for the Oakmore Subdivision.

IV. DECISION

A. Staff:

Staff recommends approval of the modification to the DA of Oaks North Subdivision (Inst. #114030972) for the purpose of entering into a new DA for the 7.4 acres of land in the R-4 zoning district as recommended by Staff's analysis above and with the specific provisions noted below.

B. The Meridian City Council heard these items on October 5, 2021. At the public hearing, the Council moved to approve the subject Development Agreement Modification request.

1. Summary of the City Council public hearing:

- a. In favor: Jeff Bowers, Applicant Legal Representative
- b. In opposition: None
- c. Commenting: Jeff Bowers
- d. Written testimony: 1 piece – opposing any changes to the zoning that would increase density of Oaks North project.
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

3. Key issue(s) of discussion by City Council:

- a. History of why previous DA was never signed;
- b. Context of request being entirely administrative in order to formalize the approved Oakmore Plat and is not changing any other component of the existing Oaks North DA.

EXHIBIT A

4. City Council change(s) to Staff recommendation:

a. None

V. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning:

1. The Applicant shall enter into a new DA subject to provisions below and the updated conceptual development plan for the subject area outlined in the attached legal description (see Exhibit V.B). The subject area will no longer be bound by the existing DA (Inst. # 114030972). The agreement shall be signed by the Developer and returned to the City & Planning Division within six (6) months of the City Council the granting modification.

The Developer shall develop the property in accordance with the following provisions:

- a. **Future development of the Property shall be generally consistent with the submitted preliminary plat, site plan, landscape plan, open space exhibit, and conceptual building elevations included in Section VII of the Oakmore Subdivision (H-2018-0117) and Exhibit V.D of this report.**
- b. **For phasing purposes, the Oakmore plat shall be considered a phase of the Oaks North Subdivision and shall remain valid as successive phases receive City Engineer's signature. As long as the submittal and recordation of a final plat is completed in the timeline outlined in UDC 11-6B-7, both projects remain valid and do not expire.**
- c. **The Developer shall comply with all City ordinances in effect at the time of final plat submittal for each phase of development.**

EXHIBIT A

B. DA Legal Description and Exhibit Map of the Area Subject to the New DA (dated: August 7, 2019):

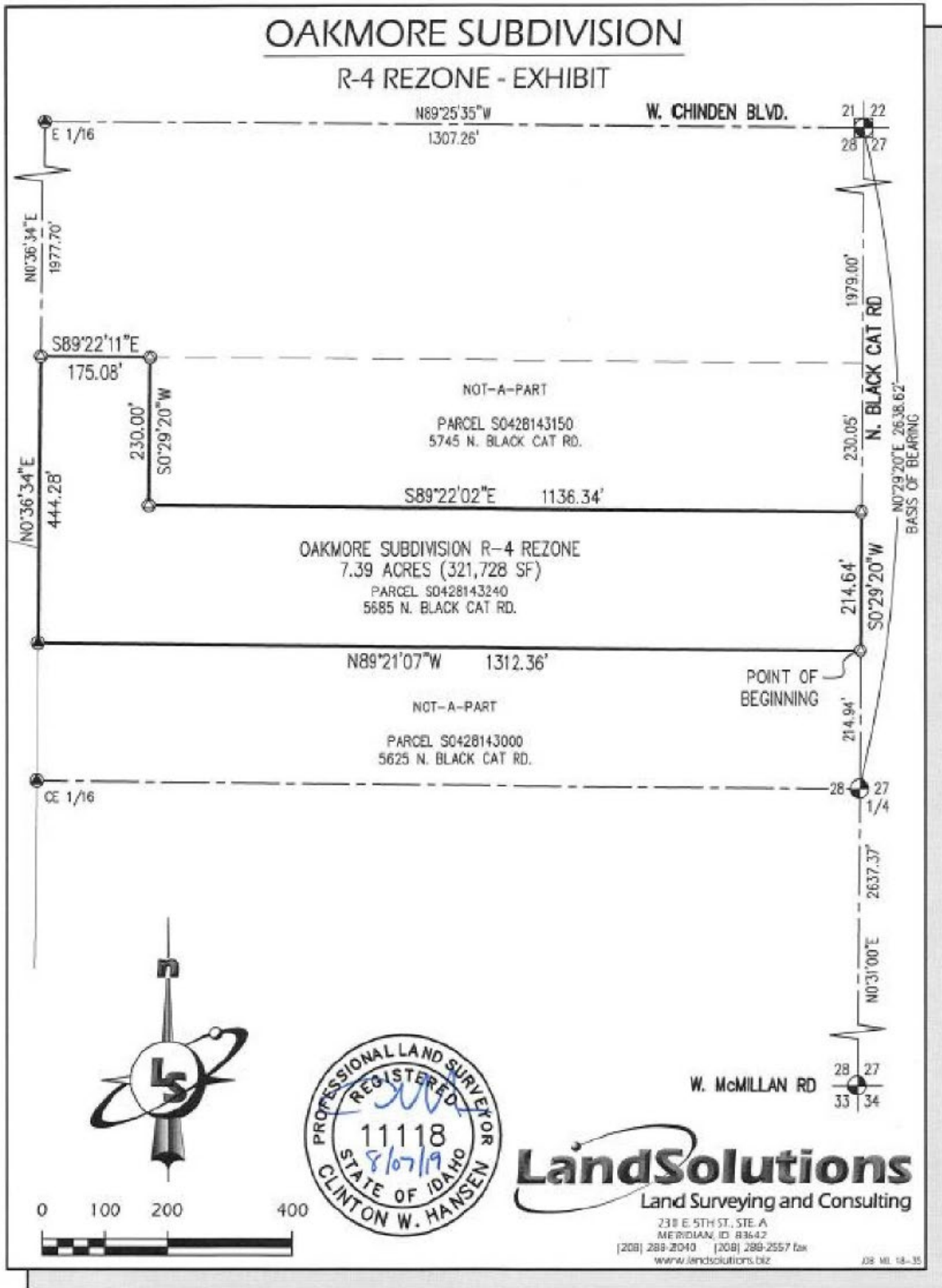


EXHIBIT A

LEGAL DESCRIPTION OAKMORE SUBDIVISION REZONE – R-4

A parcel of land located in the NE ¼ of Section 28, T. 4N., R. 1W., B.M., Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the southeast corner of said NE ¼, from which an aluminum cap marking the northeast corner of said NE ¼ bears N 0°29'20" E a distance of 2638.62 feet;

Thence N 0°29'20" E along the easterly boundary of said NE ¼ a distance of 214.94 feet to the **POINT OF BEGINNING**;

Thence leaving said easterly boundary North 89°21'07" West a distance of 1312.36 feet;

Thence N 0°36'34" E a distance of 444.28 feet;

Thence S 89°22'11" E a distance of 175.08 feet;

Thence S 0°29'20" W a distance of 230.00 feet;

Thence S 89°22'02" E a distance of 1136.34 feet to a point on said easterly boundary of the said Section 28;

Thence S 0°29'20" W along said easterly boundary a distance of 214.64 feet to the **POINT OF BEGINNING**.

This parcel contains 7.39 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
Revised: August 7, 2019



EXHIBIT A

C. Existing DA Concept Plan



Area in question

THE OAKS NORTH SUBDIVISION

MERIDIAN, IDAHO

PRELIMINARY PLAT LANDSCAPE PLAN

PLANNER/CONTACT
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SOLUTIONS
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North Arrow
August 30, 2013
SCALE 1" = 10'

EXHIBIT A

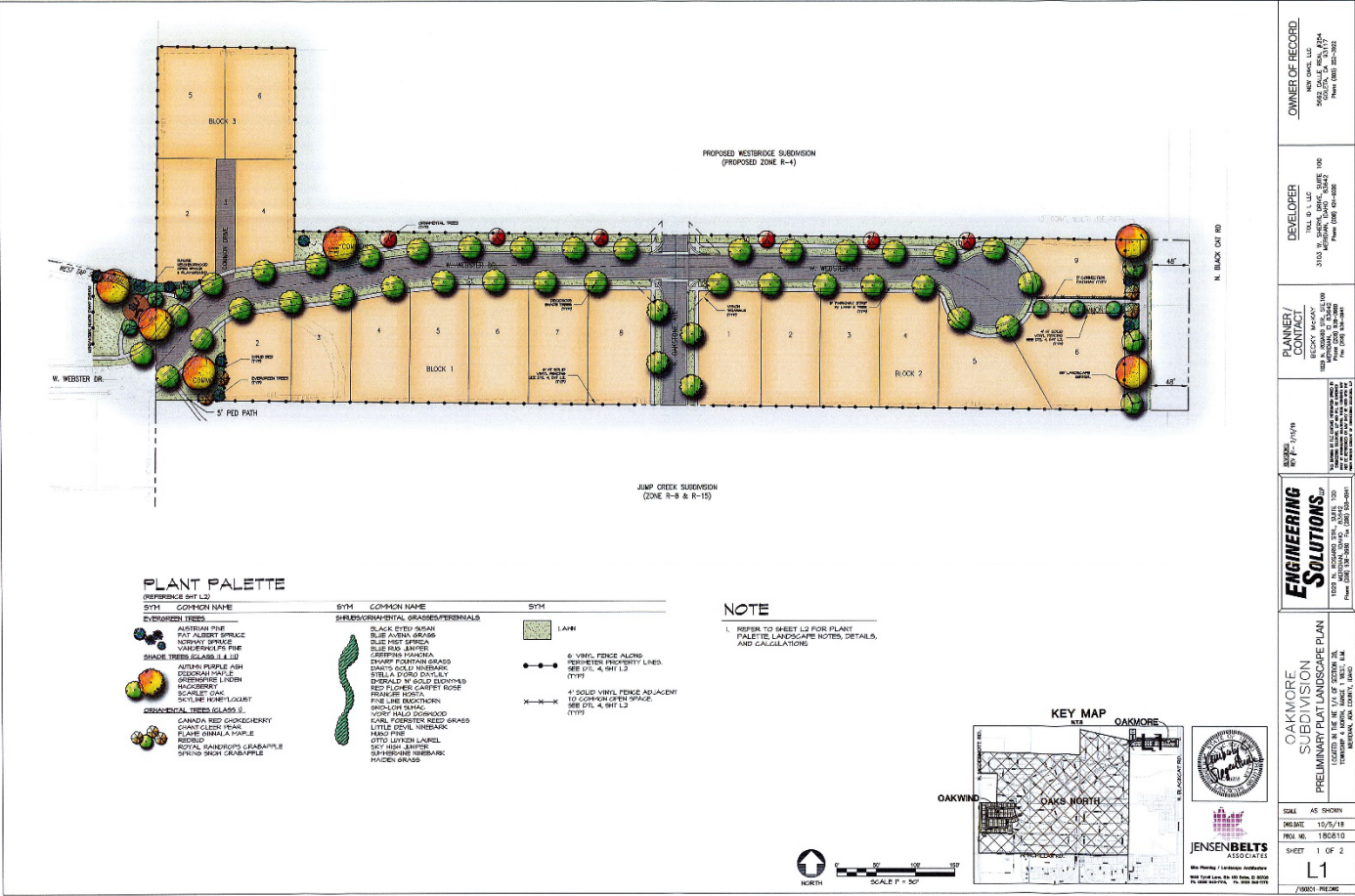


EXHIBIT A

The Andrew



The Barrett



The Chapman



The Emerson



The Gilbert



EXHIBIT A

The Harrington



The Jamison



The Kirkham



The Mallory



The Mathison



EXHIBIT A

The Richland



The Walden

