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October 25, 2021

Via email: cityclerk@meridiancity.org
Mayor Simison and Meridian City Council
c/o City Clerk
33 East Broadway Avenue
Meridian, Idaho 83642

RE: Request for Reconsideration in Case No. H-2021-0024, Wells Assisted Living and Andorra Subdivision

Dear Mayor Simison and City Councilmembers:

This firm represents the applicant, Iterra Homes (“**Iterra**”), in Case No. H-2021-0024, a request for annexation, zoning and preliminary plat approval for Wells Assisted Living and Andorra Subdivision. For the reasons described in this letter, we respectfully request that you reconsider your denial and approve the application. This request for reconsideration is submitted pursuant to UDC § 1-7-10 and Idaho Code § 67-6535.

Iterra applied for annexation of 17.5 acres of land with TN-R zoning; a preliminary plat with 61 residential lots on the northern portion (11.79 acres); and a 91 unit nursing and residential care facility and commercial building on the southern portion (collectively, the “**Development**”). Staff recommended approval of the Development and, on June 15, 2021, the Meridian Planning and Zoning Commission unanimously recommended approval. City Council reviewed the Development on August 17, 2021. At the conclusion of that meeting, Council moved to continue the hearing for one month for Iterra to consider certain feedback from Council. After the second hearing on September 14, 2021, Council denied the application.

In its Findings of Fact and Conclusions of Law (the “**Findings**”), adopted on October 12, 2021, Council found that the proposed development 1) was incompatible with the surrounding neighborhood, 2) would result in additional traffic that would be detrimental to the surrounding neighborhood, 3) would result in additional on-street parking that will be detrimental to the surrounding neighborhood, and 4) was not in the best interest of the City. We respectfully assert

that these Findings do not reflect the submitted facts and applicable standards and ask you to reconsider this decision.

1. The Development Is Compatible With The Surrounding Neighborhood.

This infill residential and mixed use development provides an ideal transition between the more intense commercial and office uses to the east and south, and the larger single family residences to the north and west. The north portion of the property is designated Medium Density Residential on the Future Land Use Map (FLUM), which recommends 3-8 units per acre. Iterra has proposed 4.7 units per acre, which is on the low end of the density the City has planned for this location.

As discussed by Mayor Simison in his final remarks, this development provides for the orderly development of Meridian, and the Development's "integration is spot on accurate." Residential abuts residential; commercial abuts commercial. The Development achieves the City's comprehensive planning goals by prioritizing infill development (2.02.02, 3.03.01E) in an area where public services are readily available (3.03.03) in a safe, attractive and well-maintained neighborhood that has ample open space and generous amenities (2.02.01).

The Development is also designed to seamlessly fit into the neighborhood and to minimize its impact on the Woodbridge neighborhood to the west. Iterra proposes 5 foot side setbacks between the homes (for a total of 10 feet between homes), although only 3 feet is required in the TN-R zone. These side yard setbacks more closely match those of the Woodbridge neighborhood to the west where side yard setbacks are 5-6 feet for a total of 10-12 feet between homes. In addition, as requested by Council, Iterra increased the rear yard setback of the homes abutting Woodbridge to 17 feet. Iterra also staggered this rear setback between 17 and 27 feet to avoid the appearance of a solid wall of homes to the neighborhood to the west.

2. Additional Traffic And Parking Impacts Are Minimized on Surrounding Neighborhoods.

Any development on the property will generate increased traffic to the neighborhood. The traffic generated by this project is less than other more intense residential or commercial uses contemplated by the comprehensive plan for this location.

At the request of Council, Iterra moved access to the Development to S. Wells Street, which encourages traffic to turn away from the Woodbridge neighborhood and lessens the traffic impacts within that neighborhood.

Iterra initially asked for and received alternative compliance from the Director to provide 32 of the required 244 parking spaces for the homes (4 per residence) on internal private street bulb-outs. After receiving Council feedback at the first meeting, Iterra deepened the length of the lots so that every home has a 2-car garage plus room for two cars to park in the driveway, and alternative compliance was no longer necessary. With these changes, the proposed development

meets the parking requirements in City Code and also provides 21 spaces of overflow parking on internal private streets.

Iterra also requested approval from ACHD to install “no parking” signs on E. Magic View Drive and S. Wells Street, the two public streets fronting the Development, but this request was denied.

Iterra has taken every step necessary to minimize traffic and parking concerns while still developing a quality residential neighborhood, consistent with the City’s comprehensive plan. Iterra incorporated all parking and traffic recommendations from Council and, as demonstrated in the steps they have taken, parking and traffic impacts to the surrounding neighborhoods from this infill development are minimized.

3. Annexation Is In The Best Interest of Meridian.

The Development (i) complies with Meridian’s comprehensive plan; (ii) complies with the regulations for the proposed TN-R zone; (iii) is not materially detrimental to public health, safety and welfare and, rather, adds a much needed memory care facility and residences to the area; (iv) does not result in an adverse impact upon the delivery of services – police and fire have confirmed that the Development is within their response times; and (v) is in the best interest of the City.

During the first public hearing, Council provided feedback to Iterra to consider in order to gain approval. The feedback was memorialized in a letter dated September 7, 2021 (the “**Feedback Letter**”) and included the following:

1. Committing to a 55+ age-restricted community by reducing the footprint of the homes, deed restricting the homes, and/or limiting the houses to one story;
2. Providing larger rear setbacks to the existing properties in the Snorting Bull Subdivision (Woodbridge) to the west;
3. Removing the access from E. Magic View Drive by providing another access to South Wells Street; and
4. Moving the pool to a location further away from the homes.

Based on the Feedback Letter and as mentioned above, Iterra increased the rear setback abutting development to the west; moved the access from E. Magic View Drive to S. Wells Street; and moved the pool to a location further away from the homes. To lessen the impact on the Woodbridge neighborhood, Iterra eliminated second floors on the back portion of the houses by agreeing that no second floor would be closer than 27 feet to the rear property line, and by staggering the rear setback of the homes between 17 and 27 feet.

As noted by the City Attorney, it is not legal to require a property to be age restricted. Nonetheless, Iterra will market the homes as a 55-plus community. This Development will be

marketed to a more affluent demographic who prefer the larger home sizes and extra bedrooms on the second floor where they can be used as hobby and guest rooms. Given the gated community, the smaller yards, and the types of amenities offered within the Development, Iterra's experience in other communities is that these homes will be most desirable to an older demographic. Iterra also welcomes families to the community, should they choose it.

Iterra agrees with those Councilmembers at the public hearings who voiced their opposition to deed restrictions - in 20 to 30 years or more this housing type may be most desirable to families. A deed restriction will limit the accessibility of homes to any future changing demographics within Meridian.

Iterra is proposing a quality residential development in an area designated Medium Density Residential on the FLUM, and a medical facility and office building in an area designated Mixed-Use on the FLUM. This small infill project transitions the larger single family residential development on the north and west with the more intense commercial uses on the south and east. To the extent possible, all traffic and parking impacts are minimized and are less than could be developed in this location consistent with the FLUM. The Development's impact on the Woodbridge neighborhood is also minimized with increased home setbacks and relocated access.

For these reasons, the Development is in the best interests of Meridian and we respectfully ask you to reconsider the denial. Specifically, upon reconsideration, Iterra requests the Council to:

- (1) Approve the annexation and zoning as recommended by City Planning Staff and the Planning and Zoning Commission; and
- (2) Approve the preliminary plat as recommended by City Planning Staff and the Meridian Planning and Zoning Commission; and
- (3) Approve the conditional use permit for the assisted living and memory care facility, as recommended the Planning and Zoning Commission.

In the alternative, Iterra requests the Council to provide specific feedback for changes to this Development in order to gain approval.

Thank you for your consideration of this request.

October 25, 2021
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Sincerely,

A handwritten signature in blue ink that reads "Deborah E. Nelson". The signature is fluid and cursive.

Deborah E. Nelson

A handwritten signature in blue ink that reads "Elizabeth A. Koeckeritz". The signature is fluid and cursive.

Elizabeth A. Koeckeritz

cc. Bill Nary, City Attorney's Office at bnary@meridiancity.org
Community Development Department at planning@meridiancity.org