

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



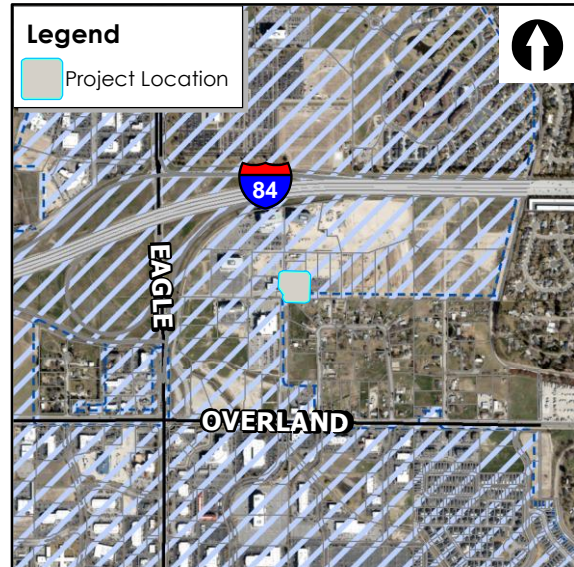
HEARING DATE: 7/18/2024

TO: Planning & Zoning Commission

FROM: Linda Ritter, Associate Planner
 208-884-5533

SUBJECT: H-2024-0013
 The Bruery - CUP

LOCATION: 1184 S. Silverstone Way



I. PROJECT DESCRIPTION

The applicant has applied for a conditional use permit (CUP) to allow a drinking establishment occupying 1,829 square feet within an existing 11,000 square foot shell building in the Eagle View Retail East Building with 5,287 square feet of fenced in outdoor patio area.

II. SUMMARY OF REPORT

A. Project Summary

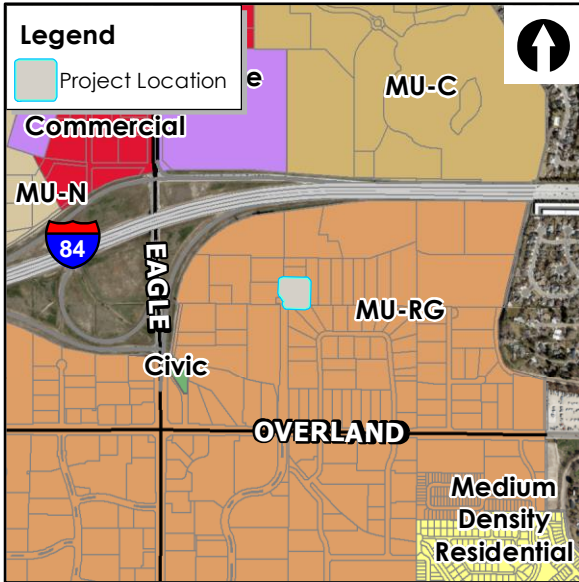
Description	Details	Page
Acreage	1.06 acres	
Future Land Use Designation	Mixed Use Regional (MU-RG)	
Existing Land Use(s)	Existing commercial building	
Proposed Land Use(s)	Drinking Establishment	
Neighborhood meeting date; # of attendees:	April 22, 2024 – No attendees	
History (previous approvals)	Ordinance # 719 (Annexation); H-2018-0126 (Preliminary Plat; DA Inst. # 2019-037825); H-2019-0005 FP-2019-0128; H-2019-0081 (MDA DA Inst. # 2019-088365); A-2019-0389 (CZC/DES)	

B. Community Metrics

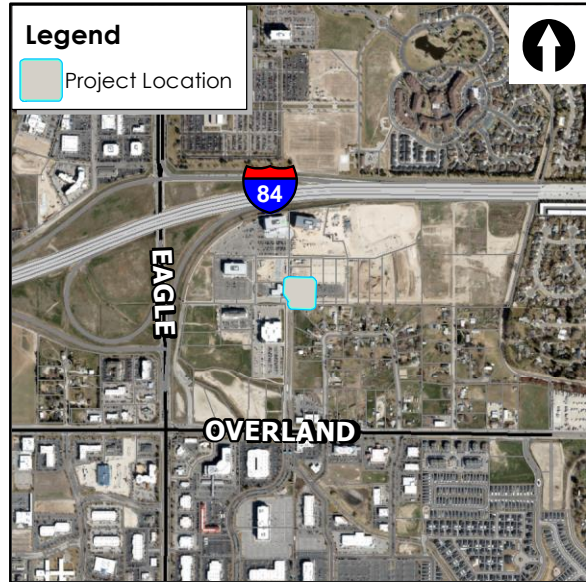
Description	Details	Page
Ada County Highway District	See Staff Report	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed) Existing Road Network	Access will occur from S. Silverstone Way a commercial collector. Yes	
Fire Service	No comments submitted	
Police Service	No comments submitted	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 	Existing sewer service	
<ul style="list-style-type: none"> Sewer Shed 	Five Mile Trunkshed	
<ul style="list-style-type: none"> WRRF Declining Balance 	13.68	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes	
<ul style="list-style-type: none"> Comments 	<ul style="list-style-type: none"> Flow is committed No proposed changes to public sewer infrastructure within record. Any changes shall be reviewed and approved by Public Works. 	
Water		
<ul style="list-style-type: none"> Distance to Water Services 	Existing water service	
<ul style="list-style-type: none"> Pressure Zone 	4	
<ul style="list-style-type: none"> Water Quality 	No	
<ul style="list-style-type: none"> Project Consistent with Water Master Plan 	Yes	
<ul style="list-style-type: none"> Impacts/Concerns 	<ul style="list-style-type: none"> No changes to public water infrastructure proposed 	

C. Project Area Maps

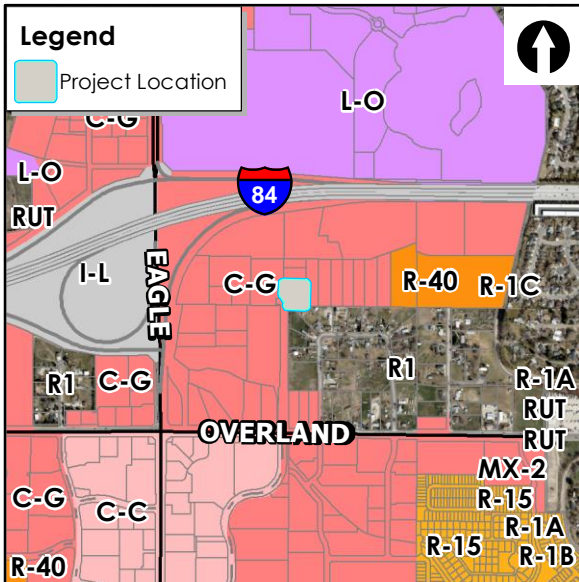
Future Land Use Map



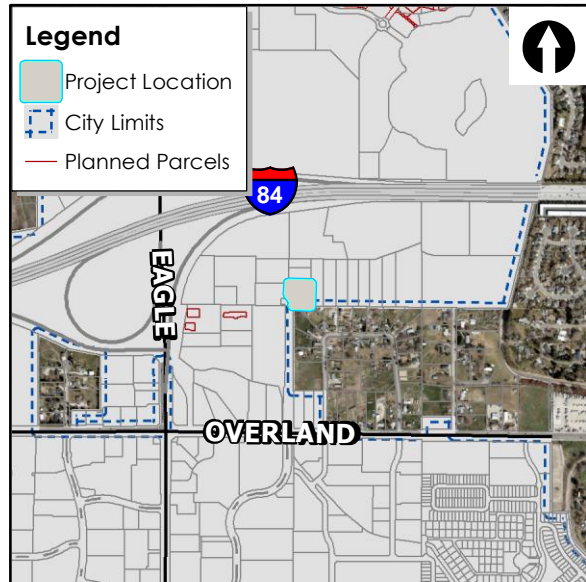
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Elizabeth Allen – Ball Ventures Ahlquist, 1144 S. Silverstone Way, Suite 510, Meridian ID 83642

B. Owner:

BVABC Eagle View Retail East Building, LLC – 1144 S Silverstone Way Ste 500, Meridian ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	7/2/2024	
Radius notification mailed to properties within 300 feet	6/25/2024	
Site Posting Date	6/20/2024	
NextDoor posting	6/25/2024	

V. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPPLAN](https://www.meridiancity.org/compplan)):

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

Mixed Use Regional - The purpose of this designation is to provide a mix of employment, retail, residential dwellings, and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Sample zoning includes: R-15, R-40, TN-C, C-G, and M-E

The subject site is already zoned General Retail and Service Commercial District (C-G). The proposed use will be leasing approximately 1,829 sf within a 11,000-sf building in which the certificate of zoning compliance and design review was reviewed and approved (A-2019-0385 as part of the Eagle View Retail Landing Complex. This complex was developed with office, medical, hotel, retail, outdoor recreational facilities, residential and now the proposed drinking establishment. The drinking establishment within the larger commercial complex is exactly the type of local neighborhood serving use envisioned by the Comprehensive Plan. Pathways connect this complex to the adjacent neighborhood for better integration. The proposed drinking establishment is a use determined to be appropriate in this zoning district, subject to the specific use standards listed in UDC 11-4-3-10 (discussed in specific use standards below).

B. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in italics):

- Create positive, vibrant, and accessible commercial activity centers within the community. (2.09.00)

The proposed drinking establishment will be located within an existing building that is surrounded by commercial buildings and residential units. Pathways and sidewalks connect the drinking establishment to the adjacent businesses and neighborhoods.

- Preserve private property rights and values by enforcing regulations that will prevent and mitigate against incompatible and detrimental neighboring uses. (3.05.01C)

The conditional use is a process to ensure any impacts associated with a particular use are mitigated. Based on the applicant's narrative, staff is recommending the operating hours of the establishment be limited to Monday through Thursday from 12PM to 9PM, Friday and Saturday from 12PM to 10PM and Sunday from 12PM to 8PM. To further reduce impacts on adjacent residential properties staff recommends a condition of approval that all outdoor seating and events associated with this use be limited to the 5,287 square feet fenced area.

- Plan for an appropriate mix of land uses, connectivity, livability, and economic vitality. (3.06.02)

As mentioned above, the applicant is proposing the hours of operations for the drinking establishment to be Monday through Thursday from 12PM to 9PM, Friday and Saturday from 12PM to 10PM and Sunday from 12PM to 8PM. Staff has no objection to the proposed hours as UDC 11-2B-3B allows businesses in the C-G zoning district to operate from 6AM to 11PM. This will be a condition of the CUP permit. The building and site design have already been approved through Certificate of Zoning Compliance (CZC) and Design Review (DES) A-2019-0389 and no additional outdoor improvements are proposed with this project other than fencing the outdoor seating area.

- Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability. (3.06.02B)

The subject site is located within Eagle View Landing Complex, a 73-acre mixed-use development that includes office, hospitality, medical, commercial, and residential uses. Some of the specific uses in the development include Top Golf, Hyatt Place, Houston Hot Chicken, Kiln, ICCU headquarters, and RockBox Fitness. The proposed use will enhance the area by providing additional service to support the live, shop, dine, play, and work. The proposed use includes a tasting room with indoor and outdoor seating, creating an enjoyable space to socialize within the existing mixed-use development. The proposed use is within walking distance of residential, hospitality, and office uses, which will reduce vehicle trips and enhance the overall livability and sustainability of the area. The retail component of the use includes bottles to-go and merchandise for purchase.

- Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods. (5.01.02D)

The Bruery will be operated within an existing retail building that has received CZC and DES approval (A-2019-0389) for its building design, parking lot improvements, and landscaping. A new CZC and DES were submitted and reviewed for the outdoor patio area. Staff has reviewed and will approve the CZC with the approval of the requested CUP. No changes to the existing building design or landscaping elements are proposed.

VI. STAFF ANALYSIS

A. Existing Structures/Site Improvements:

The proposed business will be a tenant within the existing Eagle View Landing Retail Building and will occupy Suite 1. This building was approved in 2019 through CZC and DES A-2019-0389.

B. Proposed Use Analysis:

The proposed use will be a drinking establishment with a leasing area of 1,829 square feet within an existing commercial building. The leasing area will consist of a tasting area, a private tasting area with barrel racks, a merchandise wall for retail, cold storage, dry storage/janitor, a men's restroom, and a women's restroom. Fencing is proposed along the northern side of the building that circles around the outdoor space. The fenced outdoor uncovered space is approximately 5,287 square feet in size.

The drinking establishment will operate Monday through Thursday from 12PM to 9PM, Friday and Saturday from 12PM to 10PM and Sunday from 12PM to 8PM. The proposed use complies with the zoning for the site but is subject to specific use standards as listed in 11-4-3-10.

C. Specific Use Standards (UDC 11-4-3):

UDC 11-4-3-10 allows drinking establishments with several limitations.

- A. The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.*
- B. If a drinking establishment or expansion of such use is located within three hundred (300) feet of a property used for a church or any other place of worship, or any public or private education institution, it may be allowed with the approval of the decision-making body set forth in Chapter 5 of this title.*
 - Not within three hundred (300) feet of a property used for a church or any other place of worship, or any public or private education institution.*
- C. A drinking establishment shall not be located within one thousand (1,000) feet of an adult entertainment establishment, as defined in Chapter 1, Article A, "definitions," of this title.*
 - Not located within one thousand (1,000) feet of an adult entertainment establishment*
- D. For properties abutting a residential district, no outside activity or event shall be allowed on the site, except in accord with Chapter 3, Article E, "temporary use requirements", of this title.*
 - Property does not abut a residential district.*
- E. At a minimum, one (1) parking space shall be provided for every two hundred fifty (250) square feet of gross floor area. Upon any change of use for an existing building or tenant*

space, a detailed parking plan shall be submitted that identifies the available parking for the overall site that complies with the requirements of this title.

- *There is sufficient parking for the proposed drinking establishment.*

D. Dimensional Standards (UDC 11-2):

This use will occupy a tenant space within an existing commercial building. The development was found to adhere to dimensional standards during the review of Certificate of Zoning Compliance and Design Review which was issued in 2019 (CZC, DES A-2019-0389).

E. Access (UDC 11-3A-3, 11-3H-4):

Access to this development is via S. Silverstone Way which was approved with the Rackham Subdivision (FP-2019-0128).

F. Parking (UDC 11-3C):

UDC 11-3C-5B requires one space for two hundred and fifty (250) square feet of gross floor area. This amounts to seven (7) parking spaces for the 1,829 square feet tenant space and twenty-one (21) spaces for 5,287 square feet of outdoor seating area for a total of twenty-eight (28) parking spaces. One hundred and forty-eight (148) parking spaces for the entire building has already been approved per the Eagle View East Retail Building CZC. The UDC requires 2 bicycle parking spaces for the development; bicycle parking was approved with the CZC and constructed with the development.

G. Sidewalks (UDC 11-3A-17)

Detached sidewalks already exist along E. Flatiron Lane and adjacent to the building on S. Silverstone Way. There are sidewalks and pathways that connect to the nearby residential and commercial developments in the area.

Parkways

No parkways are proposed with this project.

H. Landscaping (UDC 11-3B):

There is an existing landscaping buffer along S. Silverstone Way and E. Flatiron Lane, which was installed with the development of the building and complex. Landscape islands have been installed for approved parking lot and installed for the outdoor plaza area.

I. Fencing (UDC 11-3A-6, 11-3A-7):

The applicant is proposing to install a four (4) foot iron rod fence for the enclosed outdoor seating area.

J. Utilities

All utilities for the proposed development are already in place. No additional services are needed.

K. Building Elevations

The building elevations were approved as part of the CZC, DES A-2019-0389 review in 2019. No exterior work other than installing the fence around the outdoor seating area is being proposed. The fence is being reviewed with CZC A-2024-0048.

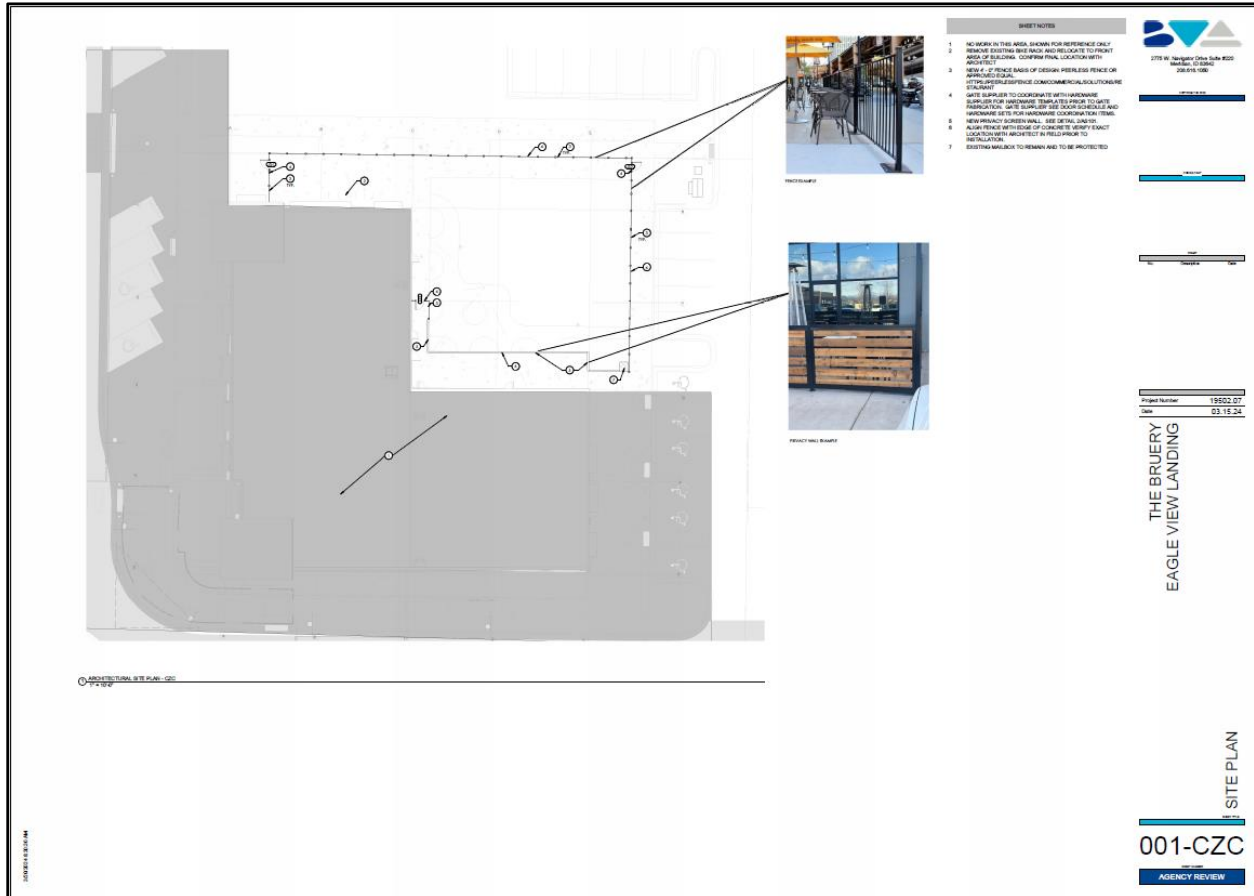
VII. DECISION

A. Staff:

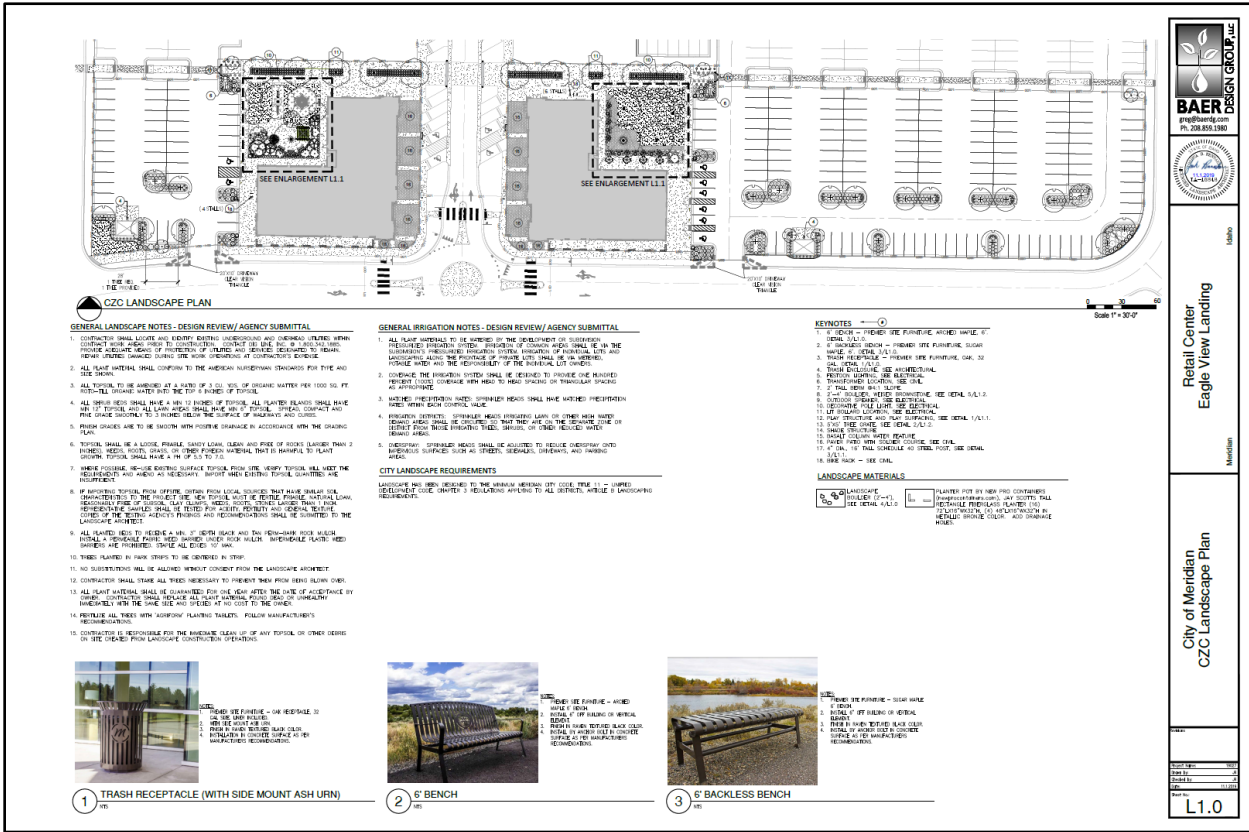
Staff recommends approval of the proposed conditional use permit with the conditions in Section VIII per the Findings in Section IX.

VIII. EXHIBITS

A. Site Plan (3/15/24)



B. Approved Landscape Plan (CZC, DES A-2019-0389 11/1/19)



C. Approved Elevations (CZC, DES 2019-0389, 10/31/19)

**EAGLE VIEW LANDING
SOUTH EAST RETAIL**

1 WEST ELEVATION
Scale: 1/16\"

2 SOUTH ELEVATION
Scale: 1/16\"

3 EAST ELEVATION
Scale: 1/16\"

4 NORTH ELEVATION
Scale: 1/16\"

A	COR RIB 'CHARCOAL GRAY'
B	ALUMABOARD 'HONEY CHERRY'
C	BASALITE 'GROUND #350'
D	BASALITE 'GROUND #600'
E	E.I.F.S. 'STORM GRAY'
F	E.I.F.S. 'MOUNTAIN FOG'
G	E.I.F.S. 'SW 7757'
H	STOREFRONT 'DARK BRONZE'
I	PAINTED STEEL 'SW 7660'
J	VINYL GRAPHIC

CTA
 CLIENT: DEVELOPMENT
 MERIDIAN, IDAHO
 ISSUE: 11/2019
 PROJECT: EAGLE VIEW LANDING
 REPAIR SE & SW
 DRAWN BY: EXTERIOR CZC
 ELEVATIONS
A
01

D. Floor Plan (3/15/24)

275 W. Maryland Street Suite 800
Madison, WI 53703
JOB NO. 19502-07

LEVEL 1 FLOOR PLAN
03/15/24

POINT ENTRY PERSPECTIVE

THE BRUERY
EAGLE VIEW LANDING

FLOOR PLAN AND PERSPECTIVES

002-CZC
AGENCY REVIEW

19502-07
03.15.24

E. Site Photos (3/15/24)



Aerial of the Site for the Proposed Drinking Establishment



Overall View of the Area for the Drinking Establishment



Exterior of the Building for the Tenant Space



Outdoor Area for Patio Seating



Parking Lot for the Building in which the Proposed Drinking Establishment will be Located



Overview of the Eagle View Retail Parking Lot

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning

1. A Certificate of Zoning Compliance (A-2024-0048) for the installation of the proposed fence for the outdoor seating area has been reviewed and approved.
2. Applicant shall comply with all previous conditions associated with development of this site including Ordinance # 719 (Annexation); H-2018-0126 (Preliminary Plat; DA Inst. # 2019-037825); H-2019-0005 FP-2019-0128; H-2019-0081 (MDA DA Inst. # 2019-088365); A-2019-0389 (CZC/DES).
3. Outdoor seating and events associated with the use shall be restricted to the 5,287 square foot fenced area shown on the site plan in section VII. Exhibit, Exhibit A.
4. As set forth in UDC 11-2B-3B, hours of operation shall be restricted to 6:00 a.m. to 11:00 p.m.
5. Parking requirements associated with the drinking establishment shall comply with the commercial parking standards: 1 per 250 square feet of gross floor area.
6. The Applicant shall comply with the outdoor service and equipment area standards as set forth in UDC 11-3A-12.

7. The Applicant shall comply with the structure and site design standards as set forth in UDC 11-3A-19.
8. Applicant shall comply with all specific use standards required for a drinking establishment, UDC 11-4-3-10.
9. Protect the existing landscaping on the site during construction, per UDC 11-3B-10.
10. Outdoor lighting shall comply with the standards listed in UDC 11-3A-11.
11. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.

B. Public Works

Site Specific Conditions of Approval

1. Owner has signed an agreement that allows removable fence inside the City Utility easement.

General Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department.
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). Sewer/water easement varies depending on sewer depth. Sewer 0-20 ft deep require a 30 ft easement, 20-25 ft a 40 ft easement, and 25-30 ft a 45 ft easement. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. 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 (UDC 11-3B-6). 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 performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. 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.
20. 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. Ada County Highway District (ACHD)

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) requirements. The applicant's engineer should provide documentation of compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 208-387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 208-387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

D. New York Irrigation District

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=349866&dbid=0&repo=MeridianCity>

E. Kuna Schools

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=349956&dbid=0&repo=MeridianCity>

F. Department of Environmental Quality (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=352868&dbid=0&repo=MeridianCity>

G. Nampa & Meridian Irrigation District (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=353878&dbid=0&repo=MeridianCity>

X. FINDINGS

A. Conditional Use Permit

The Commission shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

The use will be located within the Suite 1 tenant space of an existing 11,000 square-foot shell building that has received Certificate of Zoning Compliance (CZC) and Administrative Design Review (DES) approval (A-2019-0389). The approved configuration with parking, landscaping, and multi-tenant building site has been completed and meets all City requirements. 148 parking spaces have been provided to accommodate all uses of the building, exceeding the requirement of one (1) space for every five hundred (500) square feet of gross floor area for commercial uses and one (1) space for every two hundred fifty (250) square feet of gross floor area for a drinking establishment use. The site meets all dimensional and development regulations in the C-G zoning district. The site is already developed with adequate landscape buffers, setbacks, and parking. Staff finds the site is large enough to accommodate the proposed use.

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this title.

The Comprehensive Plan identifies this area for Mixed Use Regional. Providing a mix of employment, retail, residential dwellings, and public uses near major arterial intersections. Integrating a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. A drinking establishment within the commercial development with outdoor seating is the type of commercial use envisioned by the Plan.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

The design of the Eagle View Landing Retail Center was approved in 2019 by CZC and DES A-2019-0389 and the proposed use is one of the tenants proposing to lease within the center. Hours will be limited to 12PM to and 9PM Monday through Thursday, 12PM to and 10PM Friday and Saturday, and Sunday 12PM to and 8PM on Sunday. The use will not adversely change the essential character of the area.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

As mentioned, conditions to reduce impacts include limiting the hours of operation and the amount of area outdoor activities can occur. The proposed use will not adversely affect other property in the vicinity. It will be located within an existing building with indoor and outdoor patio seating on the north side. The north side is buffered from the residential to the south by a road and the southern portion of the building. The outdoor patio seating will be fenced.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

The proposed use will be served adequately by all public facilities and services as the use is within an existing building.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

Staff finds the proposed use should not create any additional costs for public facilities and services as it is within an existing building. The proposed use will not be detrimental to the economic welfare of the community.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

This proposed drinking establishment will share tenant space within an existing commercial building. Hours of operation will be limited and staff recommends that any outdoor activities be restricted to the fenced area. The proposed use will be located in an area intended to integrate a variety of uses together, including residential, and to avoid predominantly single use developments. The use is appropriate in this location.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

Staff is unaware of any natural, scenic, or historic features on this site; thus, staff finds the proposed use will not result in damage of any such features.