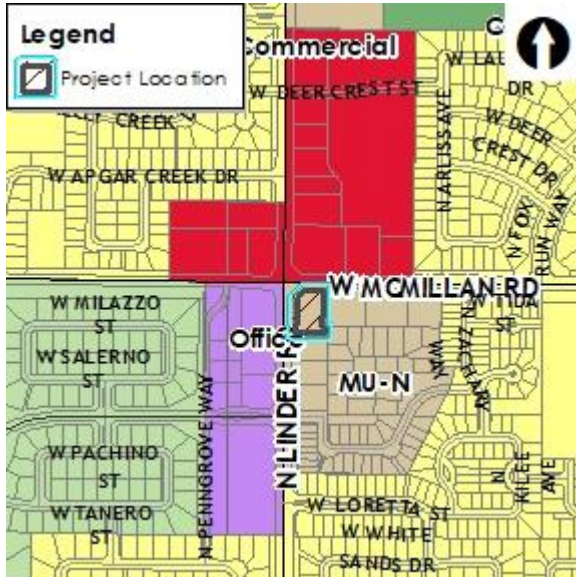




### A. Project Area Maps

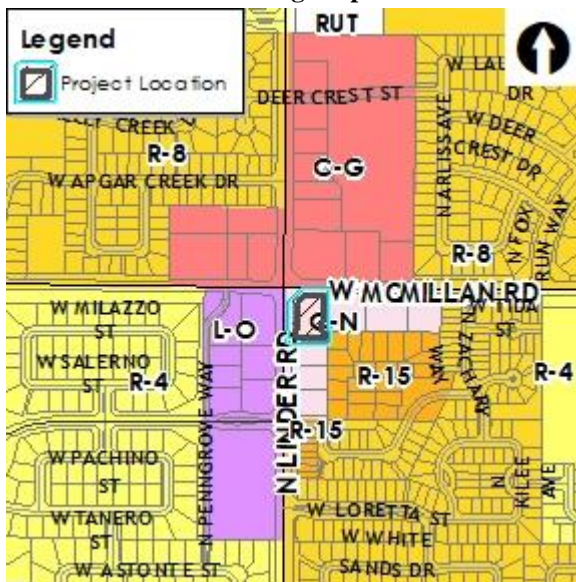
## Future Land Use Map



## Aerial Map



## Zoning Map



## Planned Development Map



### III. APPLICANT INFORMATION

A. Applicant:

Greg Toolson, JGT Architecture – 1212 12<sup>th</sup> Ave. South, Nampa, ID 83651

B. Owner:

Mary Murphy, Grand Peak, LLC – 3030 Boulder Creek Pl., Meridian, ID 83646

- C. Representative:  
Same as Applicant

#### IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	5/3/2022
Radius notification mailed to properties within 300 feet	4/27/2022
Site Posting Date	5/9/2022
Next Door posting	4/27/2022

#### V. STAFF ANALYSIS

The Applicant proposes to construct a 4,846 square foot (s.f.) building with three (3) tenant spaces and a drive-through on the westerly 2,200 s.f. tenant space for a restaurant on a 0.93-acre property in the C-N zoning district. The proposed tenant intends for the drive-through to be more of a pick-up location where customers would order ahead through a mobile app rather than ordering from a speaker or window; no speaker or menu board is proposed at this time.

A restaurant is listed as a principal permitted use in the C-N zoning district per UDC [Table 11-2B-2](#), subject to the specific use standards listed in UDC [11-4-3-49](#). A drive-through requires approval of a conditional use permit when it's within 300-feet of another drive-through facility, an existing residence or a residential district per [11-4-3-11A.1](#). In this case, all three apply; a drive-through exists on the adjacent property to the south and residential uses exist kitty corner to this site to the southeast in the R-15 zoning district.

The proposed use and development plan is in substantial conformance with the provisions in the existing Development Agreement (Inst. #[114020372](#)).

##### Specific Use Standards:

**Drive-Through Establishment:** The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. All establishments providing drive-through service are required to identify the stacking lane, menu and speaker location (if applicable), and window location on the site plan. The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum, the plan is required to demonstrate compliance with the following standards: *Staff's analysis is in italics.*

**1) Stacking lanes have sufficient capacity to prevent obstruction of driveways, drive aisles and the public right-of-way by patrons;**

*The stacking lane will accommodate approximately five (5) vehicles, which the Applicant believes will be sufficient for their use/business model. Staff is concerned if the stacking lane backs up, the drive-aisle on the north side of the building may obstruct vehicles trying to enter or exit the parking spaces in that area. Also, while the proposed stacking lane may*



*accommodate the proposed user, it may not be able to accommodate future users that may be more intense without obstructing the drive aisle and parking on the north side of the building.*

2) The stacking lane shall be a separate lane from the circulation lanes needed for access and parking, except stacking lanes may provide access to designated employee parking.

*The stacking lane is a separate lane from the circulation lanes needed for access and parking on the west side of the building; however, if stacking backs up around the north side of the building it could obstruct parking in that area.*

3) The stacking lane shall not be located within ten (10) feet of any residential district or existing residence;

*The stacking lane is not located within 10' of any residential district or residence.*

4) Any stacking lane greater than one hundred (100) feet in length shall provide for an escape lane; and

*The stacking lane exceeds 100' in length and an escape lane is proposed.*

5) The site should be designed so that the drive-through is visible from a public street for surveillance purposes.

*The drive-through is visible from N. Linder Rd. and W. McMillan Rd., public streets along the west and north boundaries of the site, for surveillance purposes.*

**Based on the above analysis, Staff deems the proposed drive-through in general compliance with the specific use standards as required. If the Commission doesn't feel there is adequate stacking area to accommodate vehicles in the drive-through without obstructing the drive aisle needed for circulation and parking on the north side of the building, revisions may be required to the site design.**

**Restaurant:** The proposed use is also subject to the specific use standards listed in UDC [11-4-3-49](#) Restaurant, which requires at a minimum, one (1) parking space to be provided for every 250 square feet of gross floor area.

**Hours of Operation:** The hours of operation are restricted to 6:00 am to 10:00 pm in the C-N zoning district per UDC [11-2B-3B](#).

**Dimensional Standards:** Future development should be consistent with the dimensional standards listed in UDC Table [11-2B-3](#) for the C-N zoning district.

**Access:** Access is proposed via internal drive aisles in McLinder Subdivision from existing off-site accesses on Linder and McMillan Roads. Direct lot access via N. Linder Rd. and W. McMillan Rd. is not proposed and is prohibited.

**Parking:** As noted above, UDC 11-4-3-49 includes specific parking standards for restaurants of which the site plan demonstrates compliance. A minimum of 19 off-street parking spaces would be required if the entire structure were to be used as a restaurant; a total of 33 spaces are proposed, which exceeds the minimum standard.

A minimum of one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). A bicycle rack is proposed on the north side of the building which can accommodate two (2) bicycles and complies with these standards.

**Pedestrian Walkways:** Where pathways cross vehicular driving surfaces, they're required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#). The site/landscape plan submitted with the

**Certificate of Zoning Compliance application should reflect compliance with this standard – the proposed striping of the crosswalk is not allowed and should be revised to comply with this standard.**

**Landscaping:** Street buffer landscaping was installed within the street buffers along N. Linder Rd. and W. McMillan Rd. with the subdivision improvements.

Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. The plan reflects compliance with these standards.

**Sidewalks:** Sidewalks exist along N. Linder Rd. and W. McMillan Rd. on this site. An attached sidewalk exists along Linder and a detached sidewalk exists along McMillan. The UDC requires detached sidewalks to be constructed along all arterial streets; however, because the sidewalk along Linder was constructed with ACHD's road widening project and is in good condition, Staff does not recommend it's removed and reconstructed as a detached sidewalk.

**Waterways:** The Lemp Canal runs along the northern boundary of this site along W. McMillan Rd. and was piped with the subdivision improvements (Inst. #2015-010111). The building is proposed to be located outside of the easement.

**Easements:** There are several existing easements on this lot; see the subdivision plat for more information (i.e. McLinder Subdivision No. 2). **The site/landscape plan should be revised to depict all easements that exist on the.** Any encroachments within existing easements should be permitted through the easement holder.

**Mechanical Equipment:** All mechanical equipment on the back of the building and outdoor service and equipment should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).

**Building Elevations:** Conceptual building elevations were submitted as shown in Section VII.C that incorporate a mix of materials consisting of horizontal hardboard siding, stone veneer and glazing. The final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).

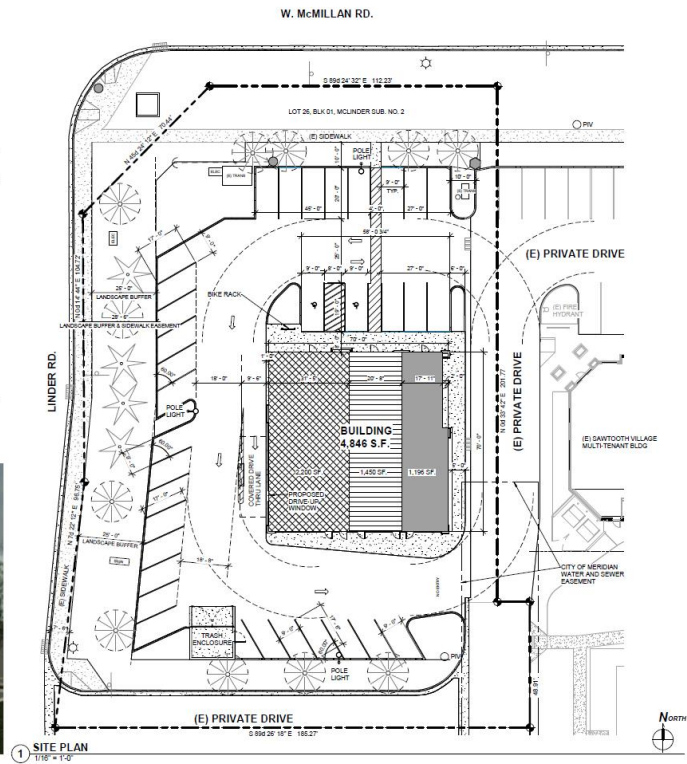
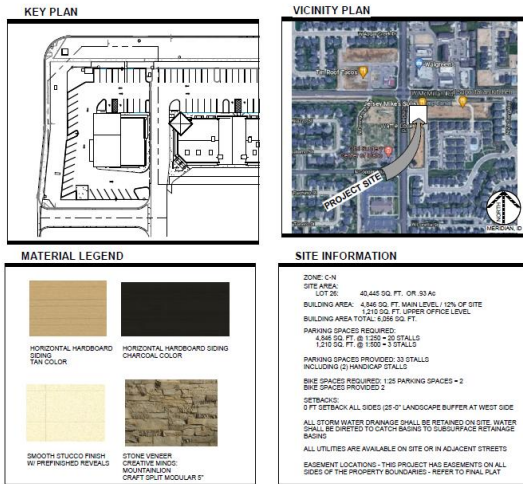
**Certificate of Zoning Compliance & Design Review:** A Certificate of Zoning Compliance and Design Review application is required to be submitted for the proposed use prior to submittal of a building permit application to ensure consistency with the conditions in Section VIII, UDC standards and design standards.

## **VI. DECISION**

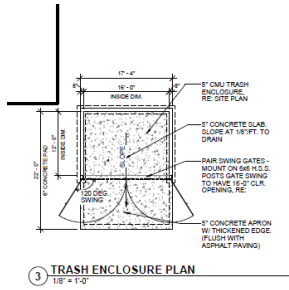
### **A. Staff:**

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

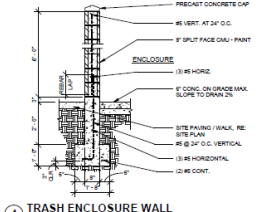
A. Proposed Site Plan (dated: 4/12/2022)



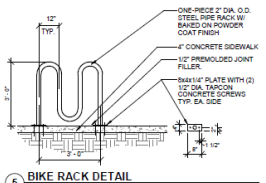
## B. Proposed Landscape Plan (dated: 4/12/2022)



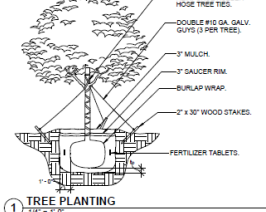
3 TRASH ENCLOSURE PLAN  
1/8" = 1'-0"



4 TRASH ENCLOSURE WALL  
1/2" = 1'-0"



5 BIKE RACK DETAIL  
1/2" = 1'-0"



1 TREE PLANTING  
1/4" = 1'-0"

### LANDSCAPE CALCULATIONS TABLE

- STREET BUFFER:
  - McMILLAN RD. - ARTERIAL - 25 FT BUFFER REQ.
  - 45' - 2' BUFFER PROVIDED
  - 112 LINEAL FEET OF FRONTAGE
  - 3 STREET TREES REQUIRED; 5 STREET TREES EXISTING
  - UNDER RD. - ARTERIAL - 25 FT BUFFER REQ.
  - 25' - 17' BUFFER PROVIDED
  - 270 LINEAL FEET OF FRONTAGE
  - 5 STREET TREES REQUIRED; 5 STREET TREES EXISTING
  - STREET BUFFER LANDSCAPING IS ALREADY EXISTING. TREES AND TURF GRASS IS PROVIDED AND SPACED ACROSS THE DEVELOPMENT LOT PER FINAL PLANT APPROVAL.
  - SEE: 6.4.4.5 S.F. OR 34 SQUARE FEET
  - LANDSCAPE AREA: 14,522 S.F. (11,520 S.F. EXISTING) / 36% OF SITE
  - PAVED AREA: 14,142 S.F. (NEW) + 5,084 S.F. EXISTING (INCLUDES EXISTING PAVED DRIVE WITH PROPERTY LINE) / 49% OF SITE
  - SEEDING AREA: 1,598 S.F. (NEW AROUND BUILDING)
- SITE SIZE AND OPEN SPACE (PER 11-30-2 OPEN SPACE REQUIREMENTS ARE APPLICABLE TO ONLY RESIDENTIAL DEVELOPMENTS):
  - SEE: 6.4.4.5 S.F. OR 34 SQUARE FEET
  - LANDSCAPE AREA: 14,522 S.F. (11,520 S.F. EXISTING) / 36% OF SITE
  - PAVED AREA: 14,142 S.F. (NEW) + 5,084 S.F. EXISTING (INCLUDES EXISTING PAVED DRIVE WITH PROPERTY LINE) / 49% OF SITE
  - SEEDING AREA: 1,598 S.F. (NEW AROUND BUILDING)

### LANDSCAPE LEGEND

QTY	COMMON NAME	SCIENTIFIC NAME	SYM	SIZE AT PLANTING	CLASS
	EXISTING TREE				
	EXISTING TREE				
5	SHADE MASTER	<i>Gleditsia triacanthos</i>		2" CALIP. B and B	CLASS II
7	COLUMNAR SERPENT	<i>P. sargentii 'columnaris'</i>		2" CALIP. B and B	CLASS II
12	PYRAMIDAL ARBORVITAE	<i>Thuja occidentalis 'pyramidalis'</i>		5 GAL.	CONIFER
7	VICARY GOLDEN PRIVET	<i>Ligustrum x vicaryi</i>		5 GAL.	SHRUB
20	BLUE RUG JUNCUS	<i>Juncus horizontalis</i>		2 GAL.	SHRUB
13	BURNING BUSH	<i>Elaeagnus sp.</i>		2 GAL.	SHRUB
19	CRIMSON PYRAMID	<i>Betula 'crispata'</i>		2 GAL.	SHRUB
25	KARL FORTISER GRASS	<i>Calamagrostis acutiflora</i>		1 GAL.	SHRUB

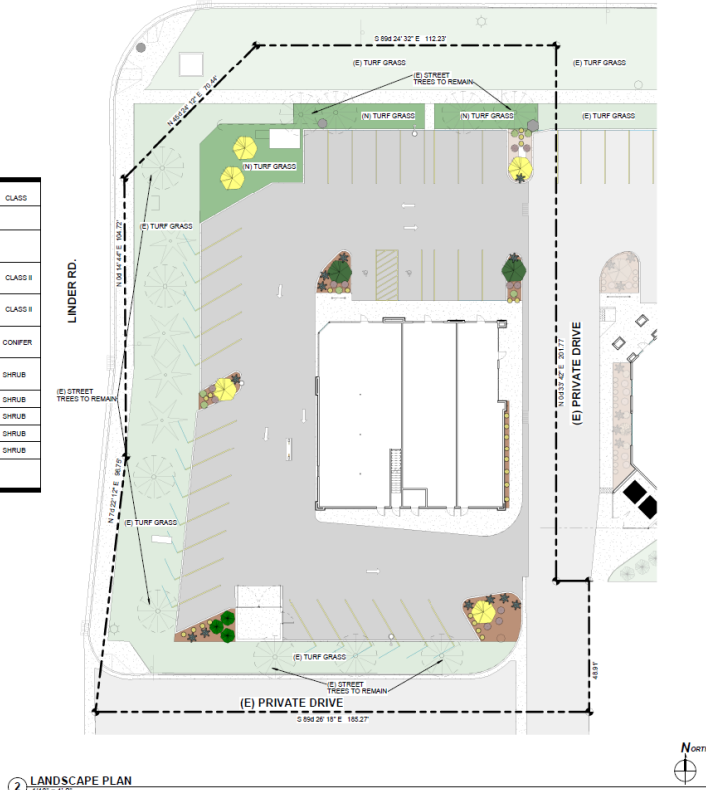
NOTES: ALL LANDSCAPE AREAS TO RECEIVE WOOD OR ROCK MULCH OVER LANDSCAPE FABRIC. IRRIGATION TO BE DESIGNED BY LANDSCAPE CONTRACTOR

### TYPICAL TREE AND SHRUB PLANTING NOTES

- ALL TREES TO BE BALLED AND BURLAPPED. SEE DETAIL THIS SHEET TREE STAKING.
- 2" MINIMUM OF REGULAR GROUND SOIL TO BE PLACED ON SHRUB PLANTING AREAS.
- PROVIDE AND INSTALL 1/2" x 2" STAKES DRILLING GRAPED AT EACH TREE. TIE ALL STAKES WITH COTTON WEBSING OR OTHER APPROVED METHOD.
- PROVIDE AND INSTALL SHOCKFILL MIX FOR ALL PLANTS. USE 10% APPROVED PLANTING MIX AND 1% EXISTING SOIL REMOVED FROM PLANTING PITS. DIG ALL PLANT PITS THREE TIMES THE SIZE OF ROOT BALL.
- EXISTING SOIL REMOVED FROM PLANTING PITS. DIG ALL PLANT PITS TWICE THE SIZE OF ROOT BALL.
- FRESH GRASS TOP SOIL TO A UNIFORM AND SMOOTH SURFACE. REMOVE ALL ROCKS AND FOREIGN MATERIAL 1" AND LARGER PRIOR TO LAYING SOIL.
- PROVIDE AND INSTALL ONE APPLICATION OF APPROVED PLANTING TABLETS FOR ALL PLANTS. PROVIDE AND INSTALL ONE INITIAL APPLICATION OF STARTER FERTILIZER FOR SOIL AREAS. ALL FERTILIZERS TO BE APPROVED BY THE OWNER PRIOR TO APPLICATION AND APPLIED AT MANUFACTURER'S RECOMMENDED RATE.
- ALL PLANTS AND LAWN SHALL BE GUARANTEED FOR ONE COMPLETE GROWING SEASON AFTER COMPLETION OF CONTRACT AND FINAL ACCEPTANCE.
- NEW LANDSCAPE AREAS TO BE PROVIDED WITH FULLY AUTOMATIC SPRINKLER SYSTEMS.

NOTE: ALL EXISTING TREES TO SHALL BE PROVIDED WITH TEMPORARY FENCING AROUND DRIP LINE FOR PROTECTION DURING CONSTRUCTION

W. McMILLAN RD.



2 LANDSCAPE PLAN  
1/16" = 1'-0"

REVISIONS

NO.	DATE	DESCRIPTION

igt architecture

1000 N. 10TH AVE. SUITE 100  
DENVER, CO 80202 • TEL: (303) 733-8000  
email: info@igt-architecture.com

37' 0"

NOT FOR CONSTRUCTION

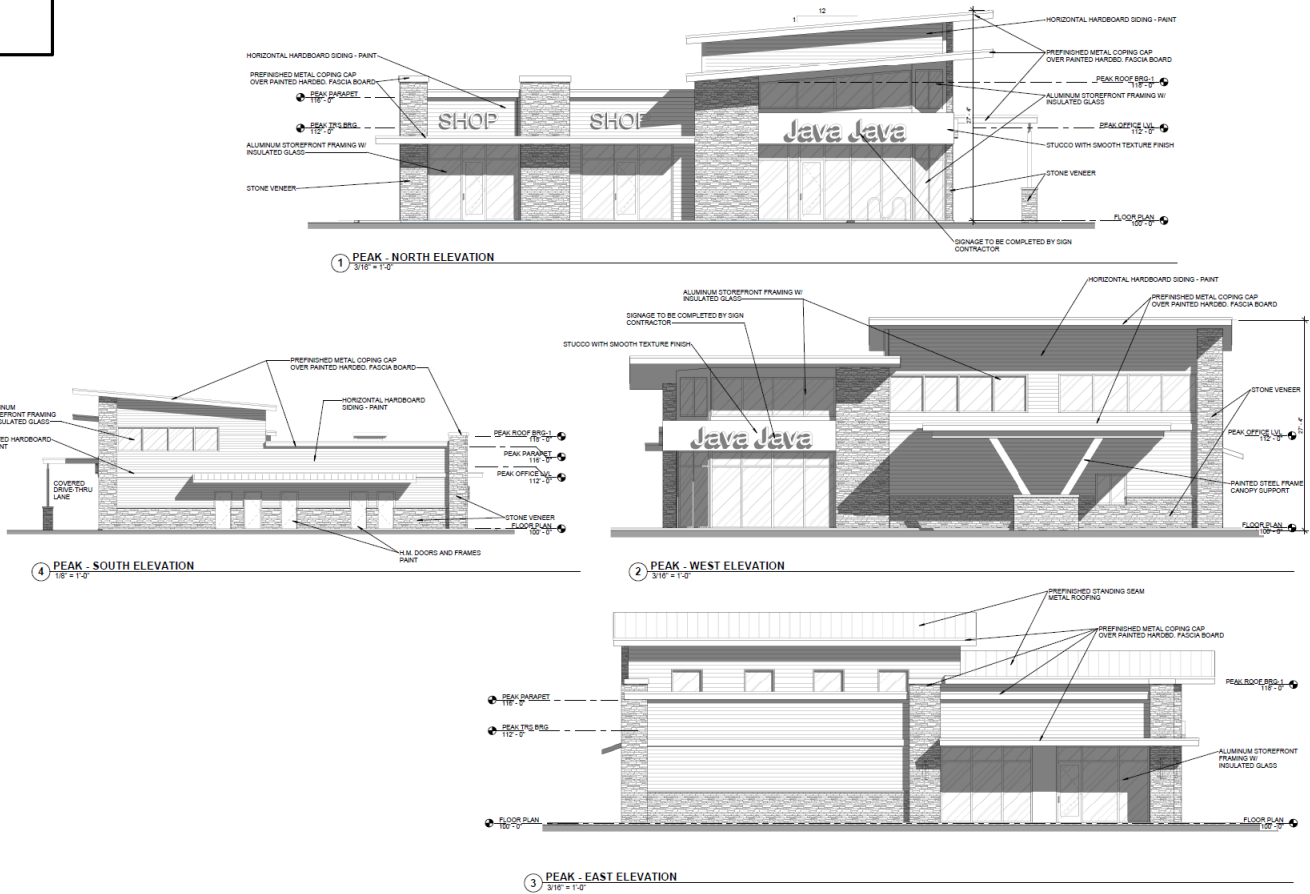
PEAK AT SAWTOOTH VILLAGE  
FOR  
GRAND PEAK, LLC  
McMILLAN AND LINDER - MERIDIAN, ID

DRAWN BY: DATE: 4/12/22  
CHECKED: 4/12/22  
201 200

LANDSCAPE PLAN

DR-2  
SHEET 2 OF 3

## C. Building Elevations (dated: 4/12/22)



REVISIONS	
<b>igt architecture</b> 1212 12TH AVENUE SOUTH - MERIDIAN, IDAHO 83601 PHONE: 208.260.1234 EMAIL: info@igtarchitecture.com	
PEAK AT SAWTOOTH VILLAGE FOR GRAND PEAK, LLC MCILLAN AND UNDER - MERIDIAN, ID	
DRAWN BY DATE: JST 4/12/22 CHECKED: JST 4/12/22	
EXTERIOR ELEVATIONS	
DR-3	
SHEET 2 OF 3	



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement and the conditions contained herein [AZ-13-010; PP-13-022; CUP-13-010 (McLinder Sub./Sawtooth Village – Development Agreement Inst. #[114020372](#)); FP-15-001].
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
  - a. The stacking lane, menu and speaker location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
  - b. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
  - c. The pathway from the perimeter sidewalk along W. McMillan Rd. to the main building entrance shall be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4b.
  - d. Depict all easements that exist on the subject lot per the recorded plat (McLinder Subdivision No. 2). Any encroachments within existing easements should be permitted through the easement holder.
  - e. Depict signage at the southern driveway access on the east side of the site prohibiting entry in that location due to it being a one-way drive aisle and paint an arrow signifying one-way traffic on the drive-aisle.
3. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment and [11-4-3-49](#) – Restaurant is required.
4. Direct access via N. Linder Rd. and W. McMillan Rd. is prohibited.
5. The business hours of operation are restricted to 6:00 am to 10:00 pm in the C-N zoning district per UDC 11-2B-3B.
6. Install signage on the east side of the site at the entrance to the southern driveway prohibiting access at that location due to it being a one-way drive aisle.
7. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#); the design standards listed in the *Architectural Standards Manual* and with the Development Agreement.
8. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

**B. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259328&dbid=0&repo=MeridianCity>

**C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=260475&dbid=0&repo=MeridianCity>

**IX. FINDINGS**

Conditional Use (UDC 11-5B-6)

Findings: 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.

*Staff finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-N zoning district.*

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

*Staff finds the proposed restaurant with a drive-through will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII of this report.*

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.

*Staff finds the design, construction, operation and maintenance of the proposed use will be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and 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.

*Staff finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section VIII of this report.*

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.

*Staff finds the proposed use will be served by essential public facilities and services as required.*

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 will not create additional costs for public facilities and services and 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.

*Staff finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.*

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 finds the proposed use will not result in the destruction, loss or damage of any such features.*

9. Additional findings for the alteration or extension of a nonconforming use:

- a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and,

*This finding is not applicable.*

- b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.

*This finding is not applicable.*