

**CITY OF MERIDIAN  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND  
DECISION & ORDER**



**In the Matter of the Request for Conditional Use Permit for a Drive-Through Establishment within 300-Feet of another Drive-Through Facility, an Existing Residence and Residential District in the C-N Zoning District, Located at 4752 N. Linder Rd., by JGT Architecture.**

**Case No(s). H-2022-0026**

**For the Planning & Zoning Commission Hearing Date of: May 19, 2022 (Findings on June 2, 2022)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 19, 2022, incorporated by reference)

**B. Conclusions of Law**

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this decision, which shall be signed by the Chairman of the Commission and City Clerk and then a copy served by the Clerk upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of May 19, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the Planning & Zoning Commission's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of May 19, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Two (2) Year Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City in accord with UDC 11-5B-6F.1. 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. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period in accord with UDC 11-5B-6F.2.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.F.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the Commission may be granted. With all extensions, the Director or Commission may require the conditional use comply with the current provisions of Meridian City Code Title 11.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of May 19, 2022

By action of the Planning & Zoning Commission at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER NICK GROVE, VICE CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER NATE WHEELER VOTED\_\_\_\_\_

COMMISSIONER STEVEN YEARSLEY VOTED\_\_\_\_\_

COMMISSIONER PATRICK GRACE VOTED\_\_\_\_\_

COMMISSIONER MARIA LORCHER VOTED\_\_\_\_\_

COMMISSIONER MANDI STODDARD VOTED\_\_\_\_\_

\_\_\_\_\_  
Andrew Seal, Chairman

Attest:

\_\_\_\_\_  
Chris Johnson, City Clerk

Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

# EXHIBIT A



## STAFF REPORT

### COMMUNITY DEVELOPMENT DEPARTMENT

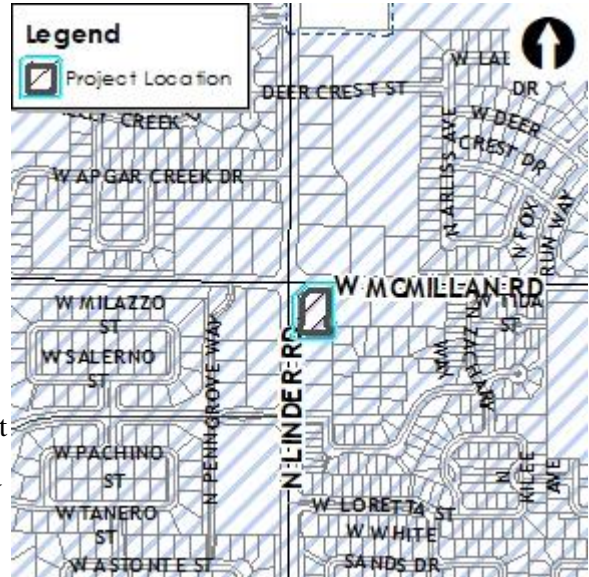
**HEARING DATE:** 5/19/2022

**TO:** Planning & Zoning Commission

**FROM:** Sonya Allen, Associate Planner  
208-884-5533

**SUBJECT:** H-2022-0026  
Peak at Sawtooth Village – CUP

**LOCATION:** Generally located at the southeast corner of N. Linder Rd. and W. McMillan Rd. at 4752 N. Linder Rd. (Lot 26, Block 1, McLinder Subdivision No. 2), in the NW 1/4 of Section 36, T.4N., R.1W.



## I. PROJECT DESCRIPTION

Conditional Use Permit (CUP) for a drive-through establishment within 300 feet of another drive-through facility, a residential district and existing residences on 0.93-acre of land in the C-N zoning district.

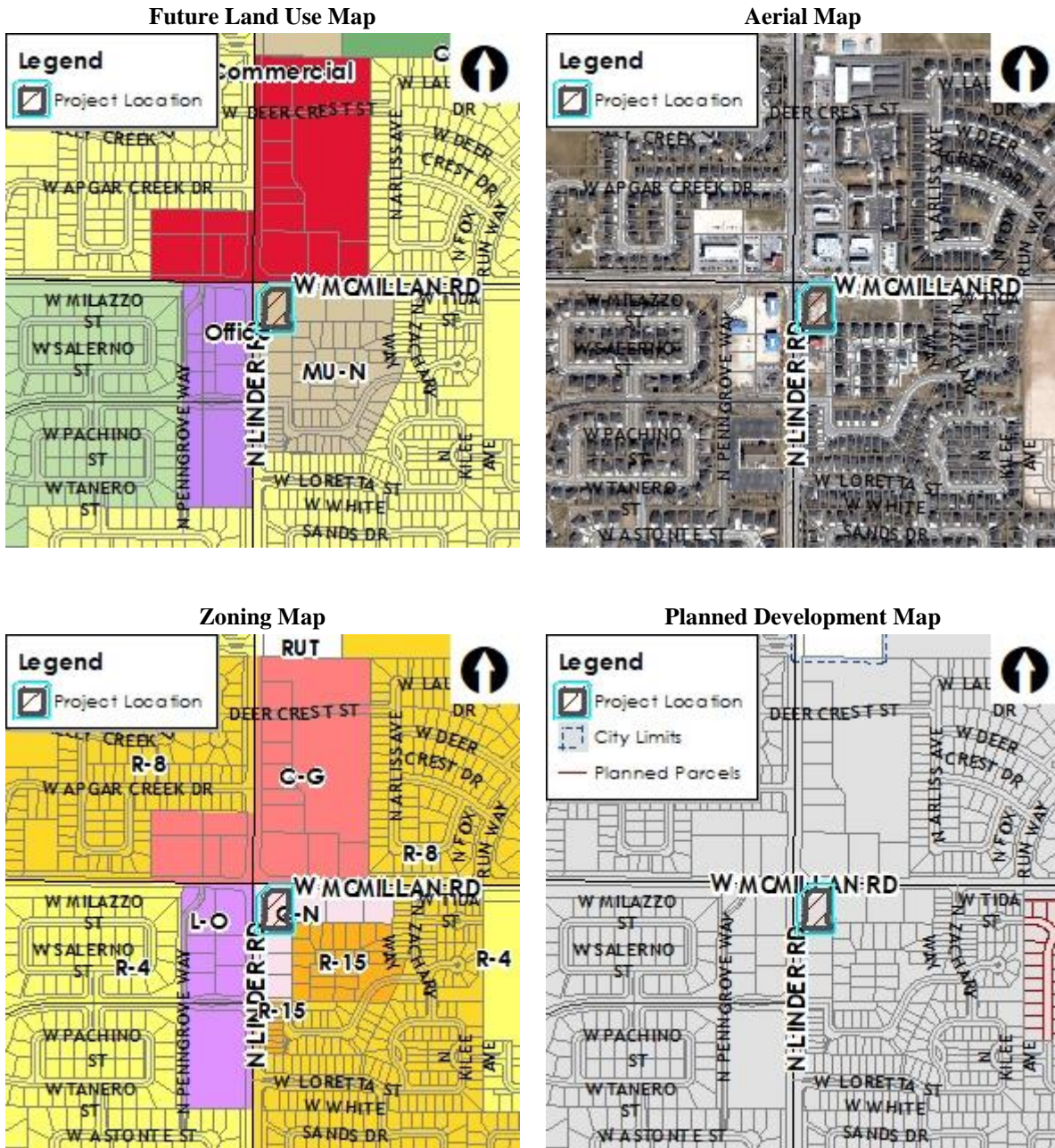
## II. SUMMARY OF REPORT

### A. Project Summary

| Description   | Details   | Page |
|---|---|------|
| Acreage   | 0.93-acre   |      |
| Future Land Use Designation                                   | Mixed Use – Neighborhood (MU-N)   |      |
| Existing Land Use   | Vacant/undeveloped land   |      |
| Proposed Land Use(s)  | Restaurant with a drive-through   |      |
| Current Zoning  | Neighborhood Business District (C-N)  |      |
| Physical Features (waterways, hazards, flood plain, hillside) | The Lemp Canal runs along the northern boundary of this site.   |      |
| Neighborhood meeting date; # of attendees:                    | 4/11/22   |      |
| History (previous approvals)                                  | AZ-13-010; PP-13-022; CUP-13-010 (McLinder Sub./Sawtooth Village – Development Agreement Inst. #114020372); FP-15-001 |      |

# EXHIBIT A

## A. Project Area Maps



### 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

# EXHIBIT A

C. Representative:  
Same as Applicant

## IV. NOTICING

|  | Planning & Zoning<br>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*

# EXHIBIT A

*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

# EXHIBIT A

**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 site.** 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.

### B. The Meridian Planning & Zoning Commission heard this item on May 19, 2022. At the public hearing, the Commission moved to approve the subject CUP request.

#### 1. Summary of the Commission public hearing:

a. In favor: Tom Bevan, Applicant

b. In opposition: None

c. Commenting: None

d. Written testimony: Mary Murphy, Applicant (in agreement with staff report conditions)

e. Staff presenting application: Sonya Allen

f. Other Staff commenting on application: None



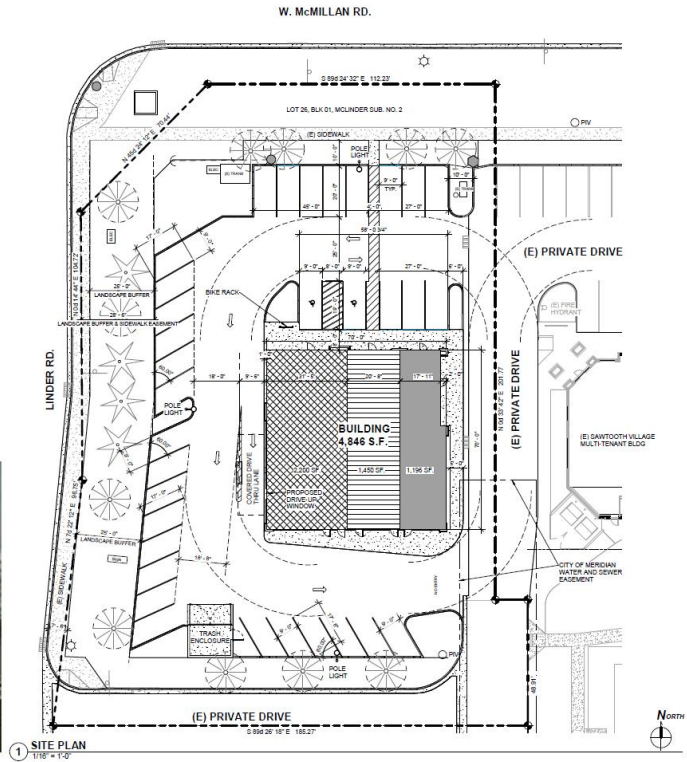
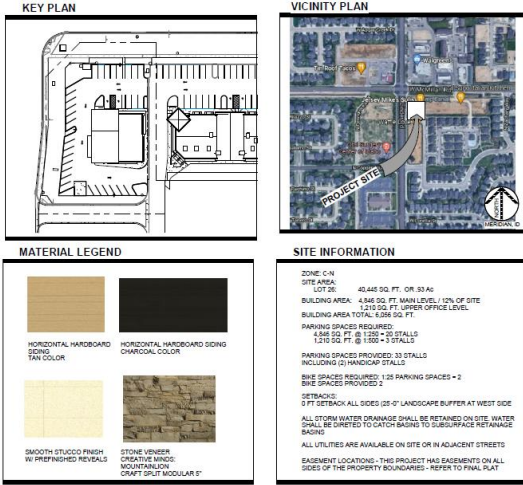
## EXHIBIT A

2. Key issue(s) of public testimony:
  - a. None
3. Key issue(s) of discussion by Commission:
  - a. The nature of the proposed use and business model and the adequacy of the stacking lane for the drive-through for this business as well as future businesses in this location.
4. Commission change(s) to Staff recommendation:
  - a. Include a condition that restricts the site from having a menu board and speaker, in an effort to keep traffic in the drive-through to a minimum, without approval from the City through a modification to the CUP..

# EXHIBIT A

## VII. EXHIBITS

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



igot architecture  
 1322 E. DUBLIN ROAD SUITE 100  
 DUBLIN, IN 46015  
 TEL: 765.286.8000  
 FAX: 765.286.8001  
 www.igotarch.com  
 email: igot@igotarch.com

NOT FOR CONSTRUCTION

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

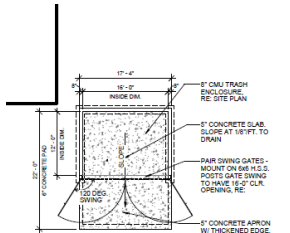
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 JST 4/12/22

SITE PLAN

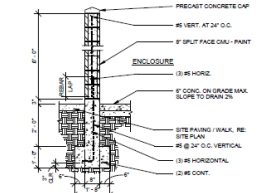
DR-1  
 SHEET  
 1 OF 1

# EXHIBIT A

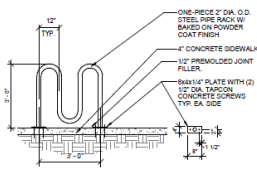
## B. Proposed Landscape Plan (dated: 4/12/2022)



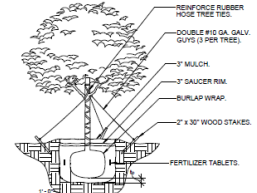
3 TRASH ENCLOSURE PLAN  
1/8" = 1'-0"



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



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



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

### LANDSCAPE CALCULATIONS TABLE

- STREET BUFFER
  - McMILLAN RD. - ARTERIAL - 25 FT BUFFER REQ.
  - 48'-0" BUFFER PROVIDED
  - 12 LINEAL FEET OF FRONTAGE
  - 3 STREET TREES REQUIRED; 5 STREET TREES EXISTING
  - UNDER RD. - ARTERIAL - 25 FT BUFFER REQ.
  - 25'-0" BUFFER PROVIDED
  - 250 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 PLAT APPROVAL.
- SITE SIZE AND OPEN SPACE (PER 11-30-2 OPEN SPACE REQUIREMENTS AND APPLICABLE TO ONLY RESIDENTIAL DEVELOPMENTS)
  - SIZE: 63,446 S.F. OR 1.46 ACRES
  - LANDSCAPE AREA: 14,522 S.F. (EXISTING) / 36% OF SITE
  - PAVED AREA: 14,142 S.F. (NEW) + 5,084 S.F. (EXISTING) INCLUDES EXISTING PAVED DRIVES WITHIN PROPERTY LINE / 49% OF SITE
  - SIDEWALK 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 HONEYLOCUST | <i>Gleditsia tricanthos</i>             |     | 2" CALIP. B 30 B | CLASS II |
| 7   | COLUMNAR SERGENT CHERRY  | <i>P. sargentii 'columnaris'</i>        |     | 2" CALIP. B 30 B | CLASS II |
| 12  | PYRAMIDAL ARBORVITAE     | <i>Thuja occidentalis 'pyramidalis'</i> |     | 5 GAL.           | CONIFER  |
| 7   | VICARY GOLDEN PRIVET     | <i>Ligustrum viciary</i>                |     | 5 GAL.           | SHRUB    |
| 20  | BLUE RUD JUMPER          | <i>Juriparus horizontalis</i>           |     | 2 GAL.           | SHRUB    |
| 13  | BURNING BUSH             | <i>Elyonima staba</i>                   |     | 2 GAL.           | SHRUB    |
| 19  | CRIMSON PYRAM BARBERY    | <i>Berberis thunbergii</i>              |     | 2 GAL.           | SHRUB    |
| 25  | KARL FOSTER GRASS        | <i>Calamagrostis acutiflora</i>         |     | 1 GAL.           | SHRUB    |

NOTES: ALL LANDSCAPE AREAS TO RECEIVE WOOD OR ROCK MULCH OVER LANDSCAPE FABRIC. IRRIGATION TO BE DESIGN BUILT 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 (BENK) GRADED AT EACH TREE. TIE ALL STAKES WITH COTTON WEBSING OR OTHER APPROVED METHOD.
- PROVIDE AND INSTALL SHOVEL MIX FOR ALL PLANTS. USE 1/2" APPROVED PLANTING MIX AND 1/2" EXISTING SOIL REMOVED FROM PLANTING PITS. DIG ALL PLANT PITS TWICE THE SIZE OF ROOT BALL.
- EXISTING SOIL REMOVED FROM PLANTING PITS. DIG ALL PLANT PITS TWICE THE SIZE OF ROOT BALL.
- FINISH GRADE 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 RETAIL APPLICATION OF STARTER FERTILIZER FOR SOIL AREAS. ALL FERTILIZERS TO BE APPROVED BY THE OWNER PRIOR TO APPLICATION AND APPLIED AT MANUFACTURERS 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



2 LANDSCAPE PLAN  
1/8" = 1'-0"

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |

igt architecture  
1000 W. WASHINGTON ST. SUITE 100  
DENVER, CO 80202 | TEL: (303) 462-8200 | FAX: (303) 462-8209  
EMAIL: info@igtarchitecture.com

NOT FOR CONSTRUCTION

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

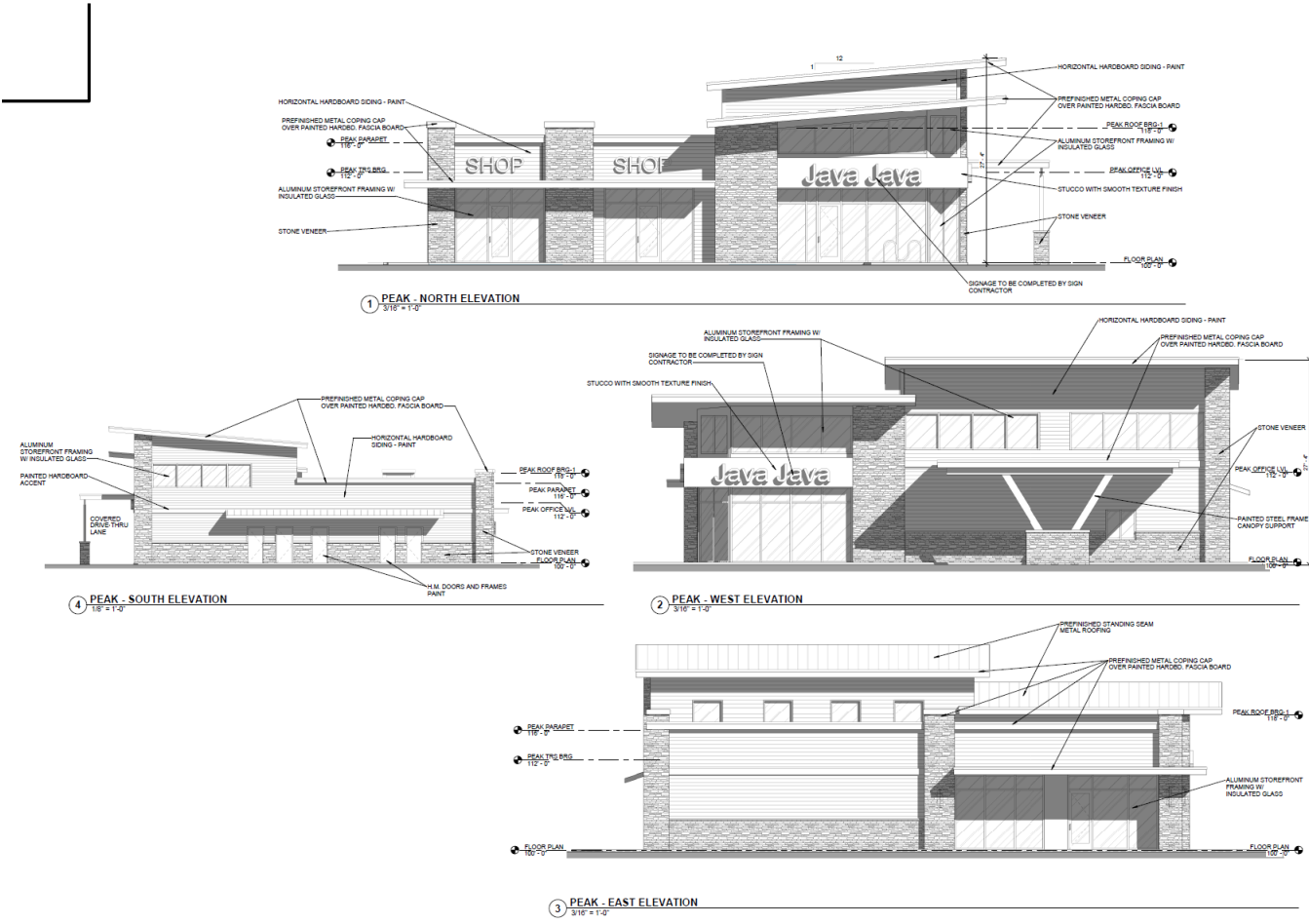
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APP'D BY: DATE: 4/12/22

LANDSCAPE PLAN

DR-2  
SHEET 2 OF 3

# EXHIBIT A

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



| REVISIONS |  |
|-----------|--|
|           |  |
|           |  |

**igt architecture**  
1122 20TH AVENUE SOUTH - MERIDIAN, MISSISSIPPI 39301  
PHONE: 601.478.8800  
FAX: 601.478.8801  
EMAIL: info@igtarchitecture.com

**NOT FOR CONSTRUCTION**

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

|                     |  |
|---------------------|--|
| DRAWN BY DATE:      |  |
|                     |  |
| CHECKED JOB NO.:    |  |
|                     |  |
| EXTERIOR ELEVATIONS |  |
| DR-3                |  |
| SHEET 3 OF 3        |  |

# EXHIBIT A

## 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.
9. A menu board and/or speaker shall not be installed on this site due to the limited capacity of the drive-through lane without prior approval from the City through a modification to the Conditional Use Permit (H-2022-0026).

# EXHIBIT A

## 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.

*The Commission 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.

*The Commission 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.

*The Commission 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.

*The Commission 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.

*The Commission 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.

*The Commission 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.*

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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.

*The Commission 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)

*The Commission 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.*