

**Public Hearing for Building Height and Drive-through Text  
Amendment (ZOA-2025-0003) by City of Meridian Planning Division**

- A. Request: UDC Text Amendment to define residential building height measurements, clarify building height standards in the Residential and Traditional neighborhood districts and update the approval process for tiered drive-throughs.

Lorcher: The next item on the agenda is ZOA-2025-0003 for building height and drive-through text amendments from the City of Meridian Planning Division. Bill had some handouts. Hopefully everybody got one to follow along for his presentation.

Parsons: It looks like the room is clearing out. Good evening, Madam Chair, Members of the Commission. Thank you for your patience as I transition to the next item on the agenda this evening. So, I am here tonight to talk about some code changes with you. One -- two topics in particular. One being building heights and the other being drive-through processes. If the Commission recalls I was in front of you in June presenting some revised drive-through standards that we wanted to take forward. The goal at that time was to get more express drive-through establishment standards, so that we could approve drive-throughs administratively and try to eliminate the need for the applicant to come before this body to do that conditional use process. We felt like we had it nailed down pretty well. Went through a round of changes with the UDC focus group. Ultimately we got to City Council and Council said, well, we wanted to expand the process on how we want to look at drive-throughs. So, that's kind of step one of tonight's code changes and the other is discussion of building heights, which you kind of touched on this evening, is how do we apply -- or measure building heights. So, currently the way the code is structured anytime -- when we measure a building height -- and in the zoning code there are maximum height limits for each zoning district. It's pretty typical throughout the nation. In our code most of the R zones are 35 feet. You saw tonight R-15 is 40 feet. Even R-40 goes up to 65 feet. So, some of those zones they do allow taller buildings, but where we have some flexibility in the code are things like elevator shafts or chimneys. Those can project even taller than the maximum height limitations and so recently Council -- staff -- city staff went before City Council and had a discussion with them and decided how would we change -- or how did the Council want us to measure residential heights moving forward. Currently the way it's structured it defers to the building code and these lists of exceptions that we currently have in code and Council said, no, we want to be very -- we want to be more restrictive than the residential code and come up with our own standards. So, the zoning code can be more restrictive than a building code. So, in this particular instance on the screen this evening you can see that first item is how we are getting to that point. We are defining how we are going to measure residential structures moving forward. So, technically anyone comes into the City of Meridian, applies for a residential building permit, Planning will verify kind of that they are from their property line to the top of the building they will have to demonstrate that the home does not exceed the maximum height limit of that residential district. So, again, if it's an R-2, R-4, R-8 you are looking at maximum height for 35 feet. So, anything under that -- any of those projections or taller roofs will not be allowed to go forward. It's going to be measured to

the peak and -- and that's been historically different than what the building code does currently. So, it's going to be pretty expressed standards moving forward. The next item on this -- and kind of sticking with that theme of definitions, as -- as you recall we changed our definitions for drive-throughs. We came up with that tiered approach where we had tier one, tier two and tier three and, basically, that referenced the intensity of drive-through uses. So, we have that in our specific use standards, but we never married that up to the definitions in our code. So, that's what the next item does as well and, then, touching back on building heights again -- I know it's a little disjointed. When I put these tables together I tried to stick them in order of how they fall in the code. So, going back to our maximum building heights here, again, this goes back and reinforces that definition that I just shared with you. So, had changed some items in chapter two of the code. So, basically, it's very explicit. Number one there says how we are going to measure it based on that measurement that I just described to you and, then, items -- the exceptions that are currently in code, we have made that more explicit to say those only apply to nonresidential structures and mixed use buildings. So, again, residential, you are from the front of the property line to the very top of the roof -- the peak of the roof, the flat point of the roof, whatever it may be. If it's a flat roof it's to the parapet. If it's a peaked roof it's going right to the peak of the roof. Again for nonresidential or mixed use structures there is some latitude there. And, then, going back to -- bouncing back to our drive-through standards, as you are aware currently the way it worked in code all drive-throughs are -- come to you as a body and so in order to follow through on what the Council's directive was I had to go and amend some of the tables in our code. So, I had to go back to our commercial zones, remove the term drive-through now, because now that we have a term -- drive-through tiered approach we went ahead and added tier one, tier two and tier three based on the definitions that I shared with you. Based on the direction from City Council they were comfortable with tiered one drive-throughs being approved administratively. Tier two they wanted the Planning and Zoning Commission to continue to review all of those regardless if there was a residential district or not next to it and, then, Council also wanted tier threes to bypass the Planning and Zoning Commission and go directly to them. So, that's why in these -- these tables that I have created here you can see where -- where you see an A or C -- so conceivably a tiered one drive-through can be approved by the director. However, if a tiered one is next -- within 300 feet of a residential use or district it's coming before this body still. So, that was not changed by City Council. Tier two. Again, all tier twos will come to you. And, then, tier threes currently as drafted will go to City Council. And, again, these tables are married up to do just that based on the Council's direction. I also mentioned to you -- I don't know if the Council wants to take -- or provide comment to City Council or not, but some staff members and some certain council members also were concerned about allowing drive-through uses in Old Town. They felt in downtown it should be more walkable and not more garage -- or auto oriented. We do have one drive-through in Old Town currently and that is the Human Bean on Fairview and -- or Cherry, however you look at it. Cherry and Meridian Road. And, believe it or not, that's the reason why we changed the code back in 2015 to allow drive-throughs in Old Town because of that one business. So, I don't anticipate us getting a lot of tier two or tier three drive-throughs in downtown, but that -- the potential is there, so that's certainly -- I think I anticipate some conversation with City Council as we transition there, but certainly if the Commission wants to weigh in on that topic as well I'm happy to

share those comments with Council as I -- as I present to them. So, again, based on some of the commentary that I have given you here this last code change here on -- in front of you is basically the table that we use to enforce how we process applications or what bodies act on applications. So, you can see here we have added the tier one where, again, it may be the director, maybe -- like we don't need anybody, but director, no recommending body, because the director can act on it or he may become the recommending body, because they are next to a residential use and, then, same thing with tier two. We are -- the director is the recommended body. You guys are the decision-making body and, of course, tier three -- director is, again, the recommending body and City Council will become the decision-making body. I know certainly how -- as you -- as the Commission is aware certain applications, for example, like annexations and preliminary plats, typically you guys are a recommending body on those site types of application, then, you forward on a recommendation to City Council. Certainly if that's the prerogative of the Planning and Zoning Commission tonight, if you feel like you also want to act on or review tier three drive-throughs that's certainly within your purview this evening to say, you know, maybe Planning and Zoning can be a recommending body to the City Council on tier three drive-throughs as well and that's, again, something that I'm more than happy to take before City Council as this transitions to them. Looking at the public record I did not see any testimony on this item and I will go ahead and conclude my presentation, open it up to you for questions.

Lorcher: Quick question. Do we have any active banks still downtown?

Parsons: I know a few of them have. I don't know if this one is still active --

Lorcher: Is First Interstate there? Is there --

Parsons: -- this one might be -- this one across -- north of us may be active still, but I know the one on Idaho has -- has vacated.

Lorcher: Right. So, that has a drive-through.

Parsons: Yeah. Different process. That was approved under a different code. I'm not sure what the -- how -- what the requirements were at that time.

Lorcher: I think there is another coffee shop next to Paul's, too. Is that considered Old Town? Franklin and King -- Main Street and King?

Parsons: Main Street and King --

Lorcher: Right there by --

Parsons: Oh. Yes. That's, again, another grandfathered drive-through. That's -- that's part of an old process. Correct.

Lorcher: Got you. Okay. Do we have anybody signed up -- nobody's here to sign up. So, did you have -- were you going to comment tonight? Okay. Does anybody else have questions for Bill?

Sandoval: Madam Chair.

Lorcher: Commissioner Sandoval.

Sandoval: How are you defining property line? Are you saying the front of the structure by the foundation? Are you saying the actual property line? So, if you are on a hill and you have a 20 foot house, but it's 35 feet -- or it's 36 feet, you can't build it to that height?

Parsons: So, Commissioner Sandoval, if I can get to your question here. So, basically, what I would hope is -- like any plan that we get in -- Meridian doesn't have a grading ordinance, so we don't require grading -- grading plans or a grading permit. So, basically, when someone submits a site plan to us they -- they depict their -- their property lines. If there is topography like you said -- a lot of times -- sometimes in -- I think in south Meridian -- I haven't seen where the property -- the front property line is taller than the -- it's usually taller than the rear, because it kind of slopes a little -- away, but sometimes it could be the reverse. But in this case, again, if -- if there was a -- an instance where the front property was higher than the back of the property we would still measure the height from -- from that. So, the developer or the home builder would have to provide us that and, then, demonstrate -- give us a side profile of how that would work, so we could verify that. So, technically -- conceivably the back of the house could be taller than the front of the house, because we are measuring from the front rather than the back.

Sandoval: Thanks for clarifying. I was curious. Thank you.

Parsons: Yeah. We did talk about that quite a bit with the UDC focus group and everyone kind of -- you know, typically your road is your baseline for kind of the elevation of your subdivision. So, we felt if we just had a standard requirement from just one property line, but there are instances where conceivably you could take the average of the entire property and determine that height. But I didn't want to over complicate the code, because we don't really have a lot of topography at Meridian. There are certain pockets of it, but generally it's -- it's pretty flat here.

Lorcher: Any other questions before we close the public hearing?

Stoll: Madam Chair, questions for Bill.

Lorcher: Commissioner Stoll.

Stoll: Folks that know me know that I'm big on processes when I'm kind of trying to figure it out. So, in tier one director makes decision. Tier two the director makes a recommendation to the Commission. All of the processes we have the Commission makes a recommendation to City Council, but in this case you are talking about the

director makes the recommendation to the City Council. What's the reason for the difference?

Parsons: Madam Chair, Members of the Commission, that was the direction that when I presented the changes to City Council they said they wanted to act on all tier three drive-throughs, so -- and they didn't want to slow down the process. So, in our UDC there is certain -- the code is -- the way it's structured is that the Council has given the Commission the authority to act on conditional use permits. That's within your purview. That's why you -- you see the director to the Planning from us -- as a recommended body to you for -- currently all conditional use permits. But during my discussions with City Council they wanted to be mindful of the time it takes to get applications to them. So, again, it would be no different than a development agreement modification. Technically if someone -- there is certain applications that you don't even see, because they go directly to City Council. So, that was the rationale by the City Council. They said, well, we have other applications that don't require recommendation from Planning and Zoning Commission, so let's make tier threes come to us just like any -- a short plat or a development agreement modification. That's at least -- I don't think they wanted to cut you out of the process, they were just thinking of it that way. We have other things that -- that don't do it, so is there a way we can do that.

Stoll: But there are other applications that --

Parsons: Yeah. Yeah. There are other applications and processes that do it. Correct.

Lorcher: So, when it came to In-N-Out we were supposed to decide on the conditional use permit; right?

Parsons: And you did.

Lorcher: And we did. And they appealed it, which is why it went to City Council. So, what the Council is suggesting is that anything with a two -- two lanes, an escape lane, would go directly to Council. That's what they are -- that's what he is proposing.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Are we still in public testimony?

Lorcher: We are still in public testimony. Are we ready to close the public testimony? Any other questions for Bill? Bill? May I get a motion to close the public hearing?

Smith: So moved.

Rust: Second.

Lorcher: It's been moved and seconded to close the public hearing for ZOA-2025-0003. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Lorcher: My thoughts on this. We talked about this in our prep meeting a little bit. I -- I am not in favor of conditional use permits tier three to go directly to Council. I think they should still come to Planning and Zoning as -- to be vetted. If I am a chain that's going to be -- or whoever is going to open double drive-throughs with an escape lane, coming to Planning and Zoning gives them a chance to be able to work out some of the details of their application before they go to City Council, because when they go to City Council it's either yes or no. When they come to Planning and Zoning it's yes or no, but, then, they can appeal it and it still goes to City Council. So, I think it just -- there is not a developer here to say yes or no on it, but I just think it's not in their best interest, because it probably limits their -- it takes some time -- maybe take a week or two off their time, but it may change the whole outcome of their presentation, because there is many times where we will make recommendations saying before you go to Council, you know, do this. Or if you are going to appeal, you know, do this before you walk into Council and if they go straight to Council, then, that wouldn't do it and I hear time and time again from the Mayor and also Council Members is that they appreciate our feedback and so maybe still having Council be the deciding factor, but us being the recommending body for tier three would still be helpful. Tier two stays with us, which is one lane, one drive through and, then, anything that is close to proximity to residential will still come through us as well, including tier one if it abuts residential. But, otherwise, if it's a pharmacy that's a stand-alone or a bank that's a stand-alone that doesn't really affect those things, then, it could be administrative at tier one. Does that make sense? So, those are my thoughts. You know, I would like to see tier three still come through Planning and Zoning. We would be a recommending body to Council. Any other thoughts on this?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. I agree with you and, like you said, we talked about this in our prep meeting. I think the only instances where I could imagine there being significant delays for us having heard a tier three seems like it might be one where it's warranted where there is a continuance because of some issue or things like that. I guess, you know, if there is a lack of quorum or something, you know, there is -- there is -- I get the desire to speed things up and I'm not a developer, so I -- you know, I -- I'm not -- I don't have insight into the time value of money in their specific industry, but I don't know that this -- in my -- in my opinion slows things down and not like too much to justify it. At the end of the day if Council wants to just take it head on, you know, I trust our City Council. I think we have a really good Council, so I'm not losing sleep over it, but I think that's something that I think -- we -- we are here to help them and do some fact finding for them and some analysis for them -- and I think that's, frankly, DA mods I know it's more of a negotiation with -- with the city, so there is some more kind of executive function there, but, heck, I

would like to look at DA mods, too, you know. But that's a different conversation. Yeah. I think I'm in support of that. And, then, I also -- again, just to give my personal thoughts, I don't know if we want to open this can of worms, but with Old Town restricting drive-throughs I would be okay with that. Yeah. The whole point is to have a walkable space. I -- you know, again, it's not something that I particularly will lose sleep for, because I can't think of too many areas where someone's going to go slap in a big drive through, but you never know, so I think that I'm generally in favor of that, specifically just because it's Old Town, it's a unique district.

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: I don't have a strong opinion on this, but I would actually take the other side. If you think back to the In-N-Out application how many people did In-N-Out have here? That was a pretty big application and they are going to bring all those people back to Council and so I think there is a time element, but there is also a cost element for developers and these tier threes are going to generate a lot of public testimony. They are generally going to be more controversial. They are probably always going to end up at Council and I think the developers would generally rather get one shot, but know that it's an up or down, then, the uncertainty of having to bring all those experts to multiple meetings. They are going to have to do that if they -- if we bring tier threes in front of us and I think that that more than anything both adds cost and time. So, again, I'm not getting too worked up either way, but I -- I can see where Council is coming from and I actually agree with their take on it.

Lorcher: Yeah. I mean those applications are far and few between, although I did read today --

Rust: Dunkin Donuts.

Lorcher: -- Duncan's bringing 20 into the Treasure Valley. So, a lot -- my limited experience with Duncan it's just typically not two plus an escape. It's one and done.

Rust: But they are going to have a lot of fun.

Lorcher: Yeah. Well, I don't drink coffee, so you can bring as many as you want in there. But, yeah, I understand your point as well. But right now conditional use permits come before us anyway, so that procedure doesn't change too much. Commissioner Perreault.

Perreault: Thank you. I agree with Commissioner Rust. You know, when -- when Council has needed more information from an applicant on a drive-through they end up continuing it any way. So, you know, at some point you are doing three hearings and -- and so if Council -- typically when they can -- when Council continues that applicant is brought back faster than if we -- if they were to come to the Commission and, then, go to Council. So, if we are talking about time frames, if Council needs more information they will

continue it. It will be back in four weeks. It will still make for a faster process. So, I'm in agreement that -- I would be satisfied if it went direct -- directly to Council. It ends up there most of the time anyway.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I think after hearing that I think -- and chewing on it some more, I think I guess I'm a little bit on the fence now, because now I'm thinking about it --

Lorcher: That's okay. That's why we are talking about it.

Smith: You know, we are essentially saying, City Council, let us do the extra work for you and they are saying, hey, we are okay doing the extra work. In my mind part of it was like, well, we could take some of that load off of their -- off of their plate, but if they are content to, you know, take that on themselves that, then, I'm okay with -- look, it's -- I'm not, again, losing sleep over it and I wasn't in the first place, but maybe I'm seeing more and more of that kind of opposite view. So, realistically, I would be content either way. I think it's dealer's choice for me now.

Lorcher: Okay. That's fine. That's why we are talking about it.

Stoll: Madam Chair, if I may.

Lorcher: Commissioner Stoll.

Stoll: So, I wasn't -- I will play the newbie card still. I wasn't here for the In-N-One, so I don't know the process. Is there an aspect of the application that we are still going to get and have to review, so it's -- we are not going to see the application at all.

Lorcher: What should have happened with In-N-Out, it should have ended here. Right here. Because we approve conditional use permits. The only reason it went to Council is because we denied it and they appealed it. Right? Because, otherwise, conditional use permits, regardless of the number of drive-throughs, escape lanes, Raising Cane's, Chick-fil-A, the whole nine yards ends in Planning and Zoning. What the commit -- the Council is suggesting is that if it's a really big thing, then, maybe the one stop shop isn't Planning and Zoning, it's Council. Because if we end up denying it for whatever reason that's when it goes to Council because they will appeal it.

Stoll: So -- but -- but the trigger is it's got a drive-through with it. That's -- in this case that we are talking about. If it's a drive-through --

Lorcher: Yes.

Stoll: -- then it's going strict -- directly to the Council.

Lorcher: Right. We are looking at, you know, high volume, congestion, you know, in a - - in an area that's -- not contested, because -- I mean it could be a -- so, let's take Ten Mile Crossing, the new Ahlquist part on the west side. I forget what it's called. They are going to be developing -- say they decide to put an In-N-Out over there; right? So, what they are suggesting is that instead of presenting to Planning and Zoning it's -- even though it's just bare land right now they are going to have two lanes plus an escape lane that would automatically skip Planning and Zoning and just go to Council for their -- their presentation, because most likely there is going to be businesses 300 feet on either side of them. Does that makes sense?

Stoll: Yeah, it makes -- well, yes and no. So, not sure how I -- where I fall on that one. In terms of drive-throughs in Old Town, I lean towards not having them. If we can just to promote the walkability of the downtown area.

Lorcher: Yeah.

Sandoval: Madam Chair?

Sandoval: Commissioner Sandoval.

Sandoval: Yeah. I -- thinking about the community, everyone is going to give up some, some people are going to get some. I don't see any reasonable argument to not have something go through two small bodies with diverse populations to make a good decision for the community in the long run. So, my opinion is, yes, it should absolutely come here, let's talk about it, let's vet it, let's kick it up the line or deny it. If they want to appeal that's their decision. Not every single application is going to appeal; right? Yes, some highly contested ones maybe. We have been there. But I don't see any reasonable argument to say why wouldn't it be better for the community to have two groups to look at something from different perspectives, even if it may mean a two or three week delay for one stakeholder. It doesn't make sense to me. So, that's why I'm in favor of what you spoke to.

Lorcher: Right. And we are only talking about conditional use permits. I mean annexations, preliminary plats, you know, development agreements, all those still go to Council anyway. We are really talking about just businesses that are going to have a drive-through, double stacked, escape lane, within 300 feet. That's the only thing we are talking about. Correct; Bill?

Parsons: Yeah. Madam Chair, Members of the Commission, I also just want to reiterate that, you know, you could get a tier two and deny it or approve it and someone could still appeal that and go to City Council.

Lorcher: Right.

Parsons: That process is not changing. It's -- it's still in the code. So, it's just -- like I said, it's -- it's -- like you -- like I just said, it -- it's just going right to City Council. It's just

like another application. But, again, it's certainly within your purview to -- to modify that or change that. On the Old Town topic certainly if -- if the Commission feels comfortable with tier one you can certainly say we are good with tier one and maybe strike tier two or tier three from being an Old Town. So, I think -- everything's on the table tonight, but I agree with you, I don't see a tier three happening in downtown. I could see a tier one. I mean we have some up on the street -- they are not -- they are not Old Town, but they are commercial, but their land use designation is Old Town, so conceivably someone could rezone it to something else in the future. But, again, it's -- it's full gamut. I mean ultimately the -- the City Council will weigh in on your comments and I will share that with them as I go and transition and present to them. But, certainly, I don't profess to have one size fits all here tonight. I do appreciate everyone's position on it. It's just how you look at things and I do -- I like the discussion tonight. I like -- I like the perspective of Commissioner Rust, because I didn't think of it from that angle, but it's very logical and, then, I see Commissioner Sandoval's take on it, too. So, it's like -- it's -- it's all whatever we want it to be for the community. I think that's the key here is what is the best thing we want to do for the community and I -- I truly believe this body and the City Council has that -- we all do. We want to make sure we get it right. It -- it's it's citywide. It's code changes. It's important.

Lorcher: Right.

Parsons: But I do appreciate the discussion.

Lorcher: So, just to clarify Old Town is Fairview to Franklin, from Meridian to, what, 3rd or 2 ½? How far -- how far east does Old Town go? Just --

Parsons: Yeah.

Lorcher: But I mean it's --

Parsons: It goes to Franklin, 3rd and -- I don't know how far it -- it zig-zags. It's an odd designation.

Lorcher: Okay.

Parsons: It's a weird configuration. It's not just a perfect rectangle.

Lorcher: Got you.

Parsons: It jogs throughout downtown. But it's pretty substantial.

Lorcher: Right.

Parsons: Larger than what you think it is.

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: I apologize, this was probably explained and I just missed it, but what function are we serving here with these proposals that are before us? Like are we voting on these?

Lorcher: We are recommending to --

Rust: -- we are recommending --

Lorcher: Yeah.

Rust: Yeah. Okay. So, we are not -- we are not able to do anything, we are just making recommendations.

Lorcher: Correct. So, we can accept the way -- we would have a motion the way Bill has it framed or based on the discussion tonight we can adjust it.

Rust: And so if we were to -- let's just say we said we want a say on tier threes and, then, City Council could say we actually are going to go with our original intent. They wouldn't have to come back to us, they just decide.

Lorcher: Correct.

Rust: Thank you.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: Just to clarify, Bill, the recommendation to limit drive-throughs in Old Town that came from Council or where did that come from?

Parsons: Madam Chair, Members of the Commission, not necessarily. I know some council members were -- so, when I had presented that had come up as a topic and I presented this tiered approach or we were discussing the changes to the specific use standards and some council members said they didn't want it, but they were outvoted. So, I left it in here knowing that it would become another topic of discussion when I get in front of them. So, I know there is some council members that want to talk on that topic. So, that's why I'm curious -- I'm sharing it with you, because I'm curious how the Commission feels about it.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: Personally I would like to still see that done on a case by case basis. I mean I understand the concern about drive-throughs in Old Town. There are a few areas of Old Town that still could accommodate them and I mean Old Town -- we have spent a lot of time sort of loosening restrictions on Old Town in terms of height and uses and so it seems funny to me to, then, create a restriction when there has been a lot of effort to expand the options in Old Town. So, that's just my thought on it. I mean it's not a hill I'm going to die on, but --

Lorcher: Yeah. I feel the same way. I mean what happens, you know, five years from now and Old Town is built out in a different way and, you know, we are in a life situation where people aren't dining in restaurants and they need to drive-through, you know, and, then, all of a sudden the businesses that have established themselves, you know, cannot have that opportunity or won't move into that area for that very reason. I think I agree with Commissioner Perreault is that we should evaluate those on a case-by-case basis, because there is some very skinny parts of Old Town, but there are some wider spots, too, that could accommodate them and to blanket it across -- you might be taking an applicant and turning them away from developing commercial opportunity downtown because of that restriction. I can't imagine what it would be at this point in time, but if -- I would say no, but not having that crystal ball of what it looks like, you know, five years from now I hate to be in that position where we would have to say, no, you can't come here.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: If I could make -- you know I, guess a pitch -- if I -- if I were trying to die on this hill and this is -- this is not my -- I'm not playing devil's advocate quite, but this is an exaggeration of where I'm at. Is, you know, you look at places that are intended to -- built to be -- built to be, you know, pedestrian primary usage. You think post-COVID Main Street in Boise, for example, how that's built out to be really in that downtown core, there is very limited download that I have seen a car drive down that since those barriers went up in 2020. So, I think there are some areas where you can limit and if you can steer the design toward something that -- if we are trying to create a very walkable location in Meridian, that's the goal that we have, I think there is some value in not doing it case-by-case, but trying to establish some bright line or some -- some bound -- and I think if you are already trying to make a pretty walkable thing I think there is a case for simultaneously loosening height restrictions due to a lot more density per -- you know, per square foot or per square mile while imposing greater controls on automotive traffic specifically. So, yeah, I think I guess -- I guess I see the appeal looking also again at the size of a tier one or something like that. But, again, if I -- if I could wave my wand -- if I had a crystal ball that one of the people come in earlier was talking about, I think I would probably limit it tier one. I think I would like that. Again that doesn't fully restrict automotive uses, but kind of tries to steer the development toward what we are trying to do. I know there has been cases of, you know, alternate compliance or things like that and I think it just -- there are methods to I think get around that if you will, but it seems like that puts the default

into, you know, nothing -- you know, you could have a small drive-through, but don't get crazy. So, there is that. One other thing that I will say as for the -- the tier threes and that chain, on whether we see it as a recommending body, I find out the way -- but I really do want to actually comment. I do like that it is going to City Council by default. I think as the elected body if there is anything that's large enough and sufficient enough and impactful enough to serve -- to stir up that kind of a tendency that usually comes with tier threes, it should go to the elected body as the deciding vote, not some volunteers who have the honor of serving on a wonderful appointment, but there is -- there is an accountability structure there and I think sometimes I wonder if like on a CUP if we approve something that Council would have denied --

Lorcher: Right.

Smith: -- you know, especially something with the size of In-N-Out --

Lorcher: Yeah.

Smith: -- and maybe no one in the audience knows -- you know, thinks to try to appeal it from the other side, that kind of gives me some concern. So, I actually like that it is by default going to City Council. I will say that.

Lorcher: They can take the heat. That's fine. Anybody want to try a motion?

Rust: I will take a -- I will take a stab.

Lorcher: Yeah.

Rust: Yeah.

Lorcher: One more for the road.

Rust: One more -- two for the show.

Lorcher: Okay.

Rust: After hearing, staff and public testimony, I move that we recommend the changes to the -- is it the UDC? Is that what we are saying this is? I recommend that we approve -- recommend approval of the changes as laid out by the staff in this table with no modifications and no further comment on the potential drive-through modification to the downtown core.

Lorcher: Okay. Do have a second? Kurt, with no second that motion dies, is that what happens?

Starman: Madam Chair, since there was no second the motion dies. You can ask your fellow Commissioners for an alternate motion if you like.

Lorcher: Okay.

Stoll: So Madam Chair?

Lorcher: Commissioner Stoll.

Stoll: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of File No. ZOA-2025-0003 as presented in the staff report for the hearing date of January 15th, 2026, with the following modifications: Tier two applications for drive-throughs -- tier three. Sorry. Tier three applications for drive-throughs, recommending body would be the Planning and Zoning Commission. The deciding body would be the City Council and that's it.

Lorcher: Do I have a second?

Sandoval: Second.

Lorcher: It's been moved and seconded to approve File ZOA-2025-0003, with tier three going through Planning and Zoning for recommendation, with final decision going to City Council. All those in favor say aye. Any opposed?

Perreault: Nay.

Rust: Nay.

Lorcher: So, it's two to three and I will say aye as well. So, that's four and two. Motion passes.

MOTION CARRIED: FOUR AYES. TWO NAYS. ONE ABSENT.