

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



In the Matter of the Request for a Conditional Use Permit for a new approximately 2,426-square foot restaurant including a drive-through, and escape lane located within 300 feet of an existing drive-through facility on approximately 1.16 acres of land in the C-G zoning district, located at 445 S. Innovation Lane, by CDR.

Case No(s). H-2025-0022

For the Planning & Zoning Commission Hearing Date of: June 26, 2025 (Findings on July 10, 2025)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of June 26, 2025, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 26, 2025, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 26, 2025, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 26, 2025, 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 Division, 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 June 26, 2025, 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 a conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of June 26, 2025, 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-6F.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 June 26, 2025

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2025.

COMMISSIONER MARIA LORCHER, CHAIRMAN VOTED _____

COMMISSIONER JARED SMITH, VICE CHAIRMAN VOTED _____

COMMISSIONER BRIAN GARRETT VOTED _____

COMMISSIONER ANDREW SEAL VOTED _____

COMMISSIONER PATRICK GRACE VOTED _____

COMMISSIONER MATTHEW SANDOVAL VOTED _____

COMMISSIONER SAM RUST VOTED _____

Maria Lorcher, 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

COMMUNITY DEVELOPMENT DEPARTMENT REPORT

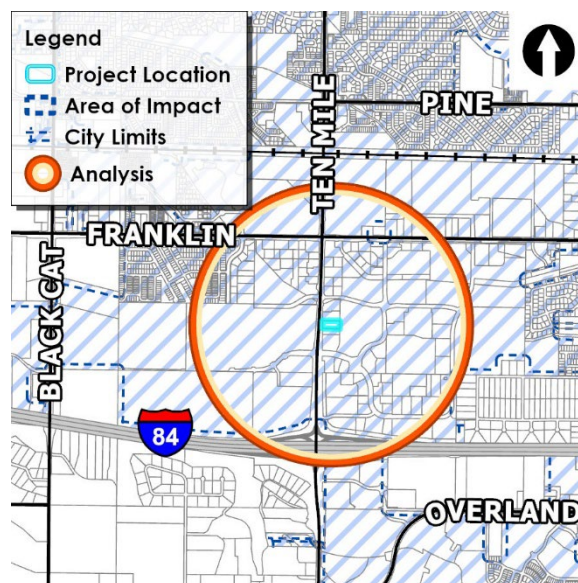


HEARING DATE: 6/26/2025
TO: Planning & Zoning Commission
FROM: Nick Napoli, Associate Planner
208-884-5533
nnapoli@meridiancity.org

APPLICANT: Alena Kriachko

SUBJECT: H-2025-0022
Habit Burger Ten Mile

LOCATION: Located at 445 S. Innovation Lane in the West ½ of the Northwest ¼ of Section 14, Township 3N., Range 1W.



I. PROJECT OVERVIEW

A. Summary

Conditional Use Permit request for a new approximate 2,426-square foot Habit Burger including a drive-through, and escape lane located within 300 feet of an existing drive-through facility on approximately 1.16 acres of land in the C-G zoning district.

B. Recommendation

Staff: Approval with the conditions in Section IV.

C. Decision

Commission: Approved

II. COMMUNITY METRICS

Table 1: Land Use

Description	Details	Map Ref.
Existing Land Use(s)	Vacant/Undeveloped	-
Proposed Land Use(s)	Commercial: Restaurant and Drive Through	-
Existing Zoning	C-G	VII.A.2
Adopted FLUM Designation	Commercial	VII.A.3

Table 2: Process Facts

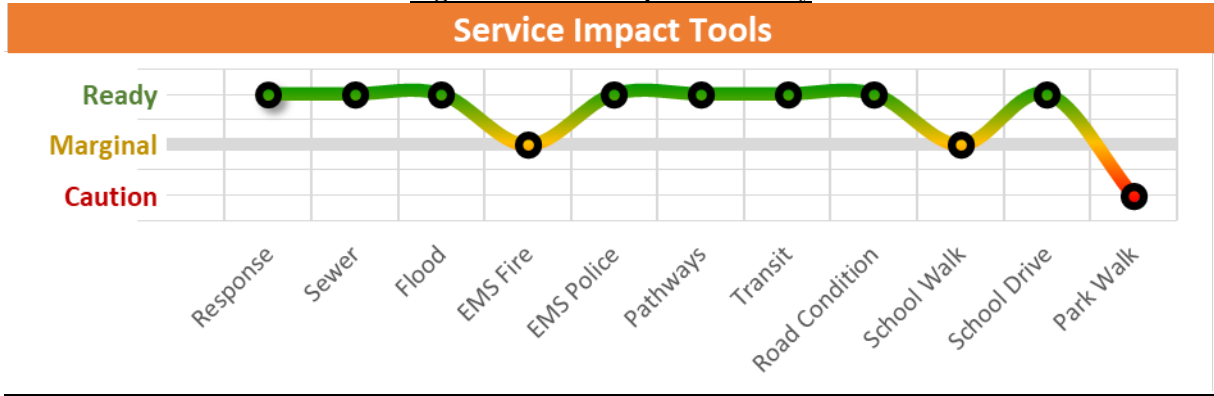
Description	Details
Preapplication Meeting date	2/11/2025
Neighborhood Meeting	3/6/2025
Site posting date	6/11/2025

Table 3: Community Metrics

Agency / Element	Description / Issue	Reference
Ada County Highway District		IV.K
• Comments Received	Yes	-
• Commission Action Required	No	-
• Access	Private Street (S. Innovation)	-
Meridian Public Works Wastewater		IV.B
• Distance to Mainline	Available at Site	
• Impacts or Concerns	See Public Works Site Specific Conditions	
Meridian Public Works Water		IV.B
• Distance to Mainline	Available at Site	
• Impacts or Concerns	None	

Note: See section IV. City/Agency Comments & Conditions for comments received, or see the public [record](#).

Figure 1: Service Impact Summary



Notes: See VIII. Additional Notes & Details for Staff Report Maps, Tables, and Charts.

III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

A. General Overview

This property is designated Commercial within the Ten Mile Interchange Specific Area Plan on the Future Land Use Map (FLUM).

The purpose of the Commercial designation is to provide a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses. Multi-family residential may be allowed in some cases, but should be careful to promote a high quality of life through thoughtful site design, connectivity, and amenities.

The subject site is one of the multiple commercially zoned and designated properties that surround the intersection of Ten Mile, Franklin, and the I-84 Interchange. There is a variety of commercial uses existing and under construction, with more available as this area continues its build-out. The proposed use of a restaurant with a drive-through is one of the desired uses outlined in the commercial designation of the comprehensive plan. While it was not envisioned that the majority of the frontage lots would develop as drive-throughs (Costa Vida, Chick-fil-A, Café Zupas, etc.), the market has driven them to develop largely as restaurants with drive-throughs. The proposed use, in conjunction with the already approved or constructed uses, satisfies the general Commercial future land use designation for this area. Staff find that the proposed project is generally consistent with the Comprehensive Plan.

- “Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing city code.” (5.01.01F)

Operation of the proposed use should comply with City ordinances pertaining to noise, lighting, and odor disturbances.

- “Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A).

A 10-foot wide pathway is proposed to be constructed within the buffer area along the entire frontage of S. Ten Mile Road, as part of the final plat site improvements approved for TM Center Subdivision No. 1. Additionally, the Applicant is proposing a 5-foot wide pedestrian walkway extending from this pathway along Ten Mile Road. Additionally, the applicant has provided a pedestrian connection to the east that will connect with the future sidewalk on the east side of Innovation Lane. The pedestrian facility provides a connection passing through the drive-through lanes to the front entrance of the building.

- “Permit new development only where urban services can be reasonably provided at the time of final approval and development is contiguous to the City.” (3.01.01F)

City water and sewer service stubs have been provided to this site with the development of the subdivision.

- “Plan for a variety of commercial and retail opportunities within the Area of City Impact.” (3.05.01J)

While the subject property and drive-through are surrounded by several other drive-throughs, the market for drive-throughs continues to be in demand within the city. While this is not the intended vision for the area, it is an allowed use based on the C-G zoning. The proposed drive-through restaurant will contribute to the variety of uses and fast-food options on the corner of Ten Mile and Franklin.

Table 4: Project Overview

Description	Details
History	H-2020-0074 MDA, PP, RZ (DA#2021-089157); FP-2022-0009; PS A-2022-0188
Physical Features	None
Acreage	1.16

B. History

In 2020, the subject property was part of a larger application for Ten Mile Crossing to rezone, plat, and modify the existing development agreement to allow for a mixed-use development consisting of a mix of commercial, employment, and residential. The subject property has sat vacant since the previous approval.

C. Site Development and Use Analysis

1. Proposed Use Analysis (UDC 11-2):

The proposed use aligns with the Commercial FLUM designation in the Comprehensive Plan. A restaurant is a principal permitted use in the C-G district, but a drive-through establishment requires approval of a conditional use permit (CUP) when the property is within 300 feet of another drive-through facility, a residential district, or an existing residence in accord with UDC Table 11-2B-3. In this case, the property is within 300 feet of another drive-through facility directly to the north (i.e. Café Zupas and Costa Vida).

2. Dimensional Standards (UDC 11-2):

Development of the site shall comply with the dimensional standards of the C-G zoning district in UDC Table 11-2B-3. *Staff has reviewed the proposed plans and building elevations and they comply with the required standards.*

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

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.

In order for the outside travel lane to function as an escape lane as required for drive-throughs that exceed 100 feet in length, Staff recommends that no stacking is allowed in this area. Signage should be installed notifying patrons not to block the escape lane.

The site plan is required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties.

A sidewalk is proposed along the east side of Innovation Lane to allow for safe pedestrian access to the east and west once it's been developed. Because a private street (Innovation Lane) runs along the eastern boundary of the site that provides access to adjacent properties, a cross-access easement/driveway is not required to be provided to adjacent properties to the north and south. The applicant depicts two (2) pedestrian connections, one from the ten (10) foot multi-use pathway along Ten Mile Road and one from S. Innovation Lane. However, the material for delineating it from the drive aisle was not specified. This shall be specified with the submittal of the certificate of zoning compliance and design review.

At a minimum, the plan is required to demonstrate compliance with the following standards:

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

The site plan accommodates queuing for a minimum of ten (10) vehicles before the pickup window. Based on data provided by the Habit Burger, this appears to be sufficient. According to the applicant, their other locations serve approximately 80 vehicles per day, typically maintaining a queue of around four vehicles, with occasional peaks of eight vehicles. In anticipation of heightened interest during the initial opening period, staff have discussed traffic management with the applicant and recommended implementing temporary traffic control measures to manage potential surges in demand.

- 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 separate from the escape lane and main drive aisles. If the drive-through stacks past the ten (10) car allotment, it will spill into the main drive aisle but will not impede entering or exiting from the property.

- 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 is greater than 100 feet from the point of entry to the drive-through window; therefore, the stacking lane exceeds 100' in length and an escape lane is required. An escape lane is depicted on the site plan.

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

The drive-through is located on the west side of the building and is visible from Ten Mile Road.

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. *See parking analysis below.*

D. Design Standards Analysis

1. Structure and Site Design Standards (*Comp Plan, UDC 11-3A-19*):

Extend or improve streets, drive aisles, cross access easements or similar vehicular and pedestrian connections provided from adjacent properties. *No cross-access easements are provided to the properties to the north and south. The subject property will be accessed from a private street on the eastern boundary of the property. Currently, along this eastern boundary there is not a sidewalk, however with future development, there will be a sidewalk on the east side of the private street that will connect with the businesses. The applicant revised their drawings to provide a pedestrian connection to the building from the ten (10) foot multi-use pathway along Ten Mile Road.*

For lots with frontage on a public street, a minimum of 30% of the buildable frontage of the property shall be occupied by building facades and/or public space. *The proposed site design meets this requirement along Ten Mile Road with only a drive-through lane between the building façade and the public street.*

Parking lots: For properties greater than two (2) acres in size, no more than 50% of the total off-street parking area for the site shall be located between building facades and abutting streets. *The proposed site design meets this requirement along Ten Mile Road.*

2. Landscaping (UDC 11-3B):

i. Landscape buffers along streets

A 35-foot wide street buffer is required along Ten Mile Road, an entry way corridor and arterial roadway. The Buffer shall be landscaped per the standards in UDC 11-3B-7C. *The proposed landscaping was installed with the final plat for Ten Mile Crossing. The combination of the existing and proposed landscaping exceeds the minimum requirements.*

ii. Parking lot landscaping

Landscaping is required to be provided along all parking areas per the standards listed in UDC 11-3B-8. *The proposed landscape plan does not meet the minimum requirements. The City's Public Works Department required the removal of 4 trees from planter islands due to easements. The applicant shall apply for alternative compliance with their certificate of zoning compliance application to relocate the trees on site. Additionally, the applicant shall provide vegetation coverage calculations with the submittal of the certificate of zoning compliance submittal.*

iii. Landscape buffers to adjoining uses

Landscaping is required to meet the standards of UDC 11-3B-9. *The landscape plan meets the minimum requirements.*

iv. Tree preservation

Mitigation shall be required for all existing trees four-inch caliper or greater that are removed from the site with equal replacement of the total calipers lost on site up to an amount of one hundred (100) percent replacement (Example: Two (2) ten-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five (5) four-inch caliper trees, or seven (7) three-inch caliper trees). Deciduous specimen trees four-inch caliper or greater may count double towards total calipers lost, when planted at entryways, within common open space, and when used as focal elements in landscape design.

The applicant shall preserve and protect the existing trees in the neighboring properties landscaping buffers. If trees are proposed to be removed, the applicant shall provide mitigation calculations with submittal of the certificate of zoning compliance application.

v. Storm integration

Storm drainage is required to comply with the standards listed in UDC 11-3A-18.

vi. Pathway landscaping

Landscaping is required to be provided along all pathways per the standards listed in UDC 11-3B-12C. *No pathways are proposed or required within the site.*

3. Parking (UDC 11-3C):

i. Nonresidential parking analysis

A minimum of one (1) off-street parking space is required per 250 square feet (s.f.) of gross floor area. Based on the 2,426-square-foot restaurant, a minimum of 10 parking spaces are required. A total of 57 parking spaces are proposed, exceeding UDC standards.

ii. Bicycle parking analysis

A minimum of one (1) bicycle parking space must 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](#). ***Bicycle parking is shown on the plans submitted with this application that meet the requirements. A***

detail of the bicycle racks shall be provided on the landscape plan submitted with the future Certificate of Zoning Compliance and Design Review Application.

4. Building Elevations (*Comp Plan, Architectural Standards Manual*):
Conceptual building elevations were submitted for the proposed structure as shown in Section VII.C. Building materials consist of stucco, brick, metal panels, metal awnings, and glazing.

The proposed conceptual elevations are *not* approved. The final design is required to comply with the adopted TM Crossing Design Guidelines.

E. Transportation Analysis

1. Access (*Comp Plan, UDC 11-3A-3, UDC 11-3H-4*):
The site plan includes two (2) access points from S. Innovation Lane, a private street located on the eastern side of the property. Vehicles accessing the site can do so from the northeast, or southeast and have the option to park in the lot in front of building or proceed northwest to drive-through lane. These lanes are equipped with menu boards for ordering and allow for exiting back to the drive aisle in the southeast direction. The second lane, farthest from the building, serves as an escape lane, leading to the drive aisle along the south side of the building.
2. Multiuse Pathways (*UDC 11-3A-5*):
An existing multi-use pathway exists along Ten Mile Road, this shall be preserved and protected during construction.
3. Sidewalks (*UDC 11-3A-17*):
The proposed plan was revised to include a pedestrian walkway from the Multi-use pathway along Ten Mile Road. Where pedestrian walkways 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 shall be revised to specify the material being used for the connection. If the connection crosses through the drive aisle, it shall be delineated from the driving surface through pavers, colored or scored concrete.*

F. Services Analysis

1. Pressurized Irrigation (*UDC 11-3A-15*):
An underground pressurized irrigation system is required to be installed to provide irrigation in accord with the standards listed in UDC 11-3A-15.
2. Storm Drainage (*UDC 11-3A-18*):
An adequate storm drainage system is required in all developments by the City's adopted standards, specifications, and ordinances. Design and construction shall follow best management practices as adopted by the City as outlined in UDC 11-3A-18. Storm drainage will be proposed with a future Certificate of Zoning Compliance application and shall be constructed to City and ACHD design criteria.
3. Utilities (*Comp Plan, UDC 11-3A-21*):
Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development. All utilities are available to the site. Water main, fire hydrant and water service require a twenty-foot (20) wide easement that extends ten (10) feet past the end of main, hydrant, or water meter. No permanent structures, including trees are allowed inside the easement.

Comprehensive Plan policy 3.03.03G require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.

IV. CITY/AGENCY COMMENTS & CONDITIONS

A. Meridian Planning Division

1. Future development of this site shall comply with the previous conditions of approval and terms of H-2020-0074 MDA, PP, RZ (DA#2021-089157); FP-2022-0009; PS A-2022-0188 and the conditions contained herein.
2. The site plan and/or landscape plan, as applicable, shall be revised with the certificate of zoning compliance application as follows:
 - i. No stacking is allowed in the outside travel lane that serves as an escape lane; depict signage notifying patrons not to block the escape lane.
 - ii. Signage shall be installed ahead of the western crossing, warning drivers to watch out for pedestrians.
 - iii. 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.
 - iv. Provide details for what material will be used to delineate the pedestrian connections from the drive aisle.
 - v. Apply for alternative compliance for the relocation of the trees that are in public works easements.
 - vi. Install curbing or boulders on the northern property boundary, where there are two existing curb cuts, to prevent the northern property from accessing your site.
3. Compliance with the specific use standards listed in UDC 11-4-3-49 and 11-4-3-11 is required.
4. Preserve and protect the existing landscaping on the north, south, and west buffers of the site during construction, per UDC 11-3B-10.
5. 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.
6. 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. Meridian Public Works

Wastewater	
• Distance to Sewer Services	Available at Site
• Sewer Shed	
• Estimated Project Sewer ERU's	See application
• WRRF Declining Balance	
• Project Consistent with WW Master Plan/Facility Plan	Yes
• Impacts/concerns	• See Public Works Site Specific Conditions
Water	
• Distance to Water Services	Water Available at Site
• Pressure Zone	
• Estimated Project Water ERU's	See application
• Water Quality	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	None -

NON-PLAT CONDITIONS

PUBLIC WORKS DEPARTMENT

Site Specific Conditions of Approval

1. No permanent structures can be within an easement or over a sewer main. This includes buildings, carports, trash enclosures, trees, deep rooting bushes, etc.
2. Any unused Water, Sewer main or services will be required to be abandoned per City of Meridian Standards.
3. Any existing well must be disconnected from any buildings that remain with verification of disconnect by Meridian Public Works Department. Wells that will not continue to be used must be properly abandoned; documentation of abandonment will be required to be submitted to the City. Contact Idaho Department of Water Resource for abandonment.
4. Ensure no sewer services pass through infiltration trenches.
5. Provide 20' Easements for mains, hydrant laterals and water services. Easements should extend up to the end of main/hydrant/water meter and 10' beyond it.

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)



Miranda Gold, President
Alexis Pickering, Vice-President
Kent Goldthorpe, Commissioner
Dave McKinney, Commissioner
Patricia Nilsson, Commissioner

May 15, 2025

To: Olena Kriachiko
CDR
695 Town Center Drive, Suite 110
Costa Mesa, CA 92626

Subject: MER25-0058/H-2025-0022
445 S Innovation Lane
Habit Burger

The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).

The applicant shall be required to:

1. Pay a traffic impact fee, if applicable. For any questions regarding the traffic impact fee please contact ACHD's Impact Fee Administrator at impactfees@achdidaho.org.
2. If applicable, a traffic impact fee shall be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process and it is the applicant's responsibility to submit plans directly to ACHD.
3. Payment can be accepted over the phone by calling (208) 387-6170 or can be sent/ delivered to the following address:
Ada County Highway District
Attn: Development Services
5800 N. Meeker Avenue
Boise, ID 83713
 - Reference the file number above when making the payment.
 - Please note:
 - Fees are subject to change if not paid prior to October 1st
 - All card payments are subject to a 3% processing fee
 - All e-check payments are subject to a \$1.50 processing fee
4. Submit a driveway approach request for any proposed driveways. Driveway approach permits can be found at:
<https://www.achdidaho.org/home/showpublisheddocument/988/638245965711600000>
5. Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way.
6. Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).

connecting you to more

Ada County Highway District • 5800 N Meeker Avenue • Boise, ID • 83713 • PH 208-387-6100 • FX 345-7650 • www.achdidaho.org

V. FINDINGS

A. Conditional Use (UDC 11-5B-6E)

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 use and meets all dimensional and development regulations of the recommended C-G 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 and drive through use will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section IV 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 should 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. The Habit Burger is not proposing to deviate from the neighboring businesses in hours of operation and is not adjacent to existing residential but will be neighboring a future residential use to the east.
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 IV 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.
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.
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:
This finding is not applicable.
10. 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.
11. 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.

VI. ACTION

A. Staff:

Staff recommends approval of the proposed CUP application and finds it in conformance with the Comprehensive Plan, UDC with the conditions included in Section IV. and Findings in V.

B. Commission:

The Meridian Planning & Zoning Commission heard this item on June 26, 2025. At the public hearing, the Commission voted to approve the subject conditional use permit request.

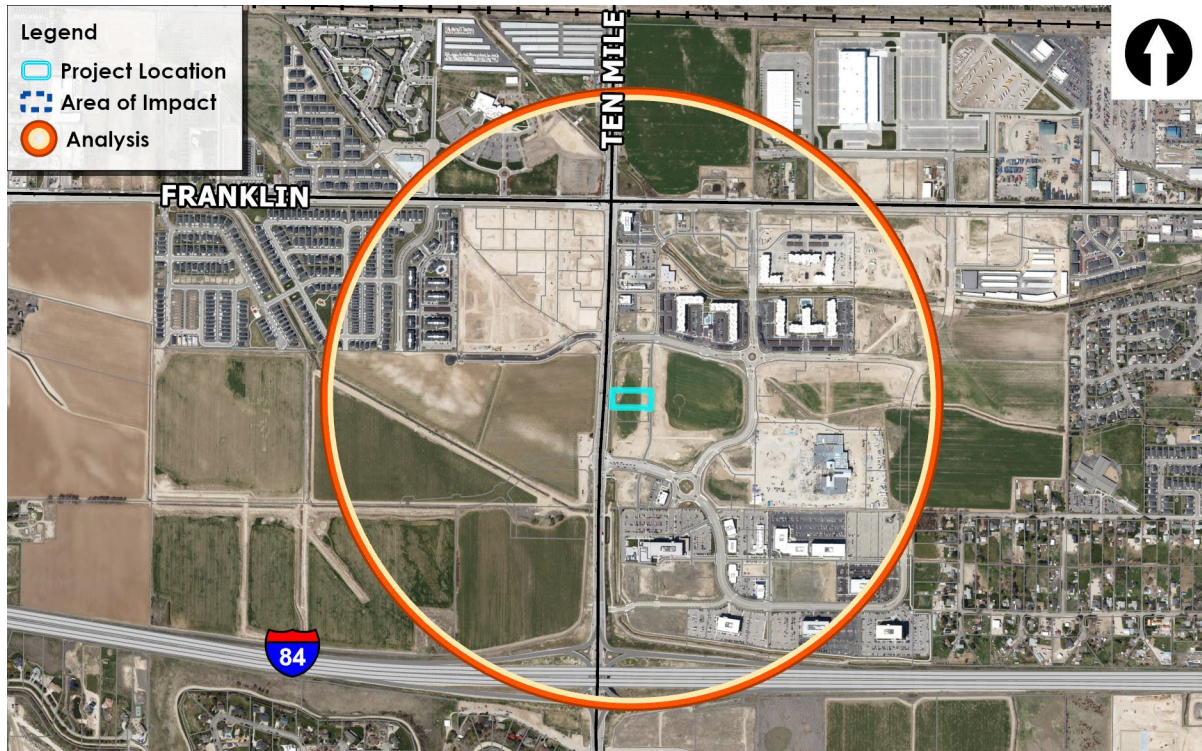
1. Summary of the Commission public hearing:
 - a. In favor: Tom Wong, Applicant Representative
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: None
 - e. Staff presenting application: Bill Parsons
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. None
3. Key issue(s) of discussion by Commission:
 - a. None
4. Commission change(s) to Staff recommendation:
 - a. None

VII. EXHIBITS

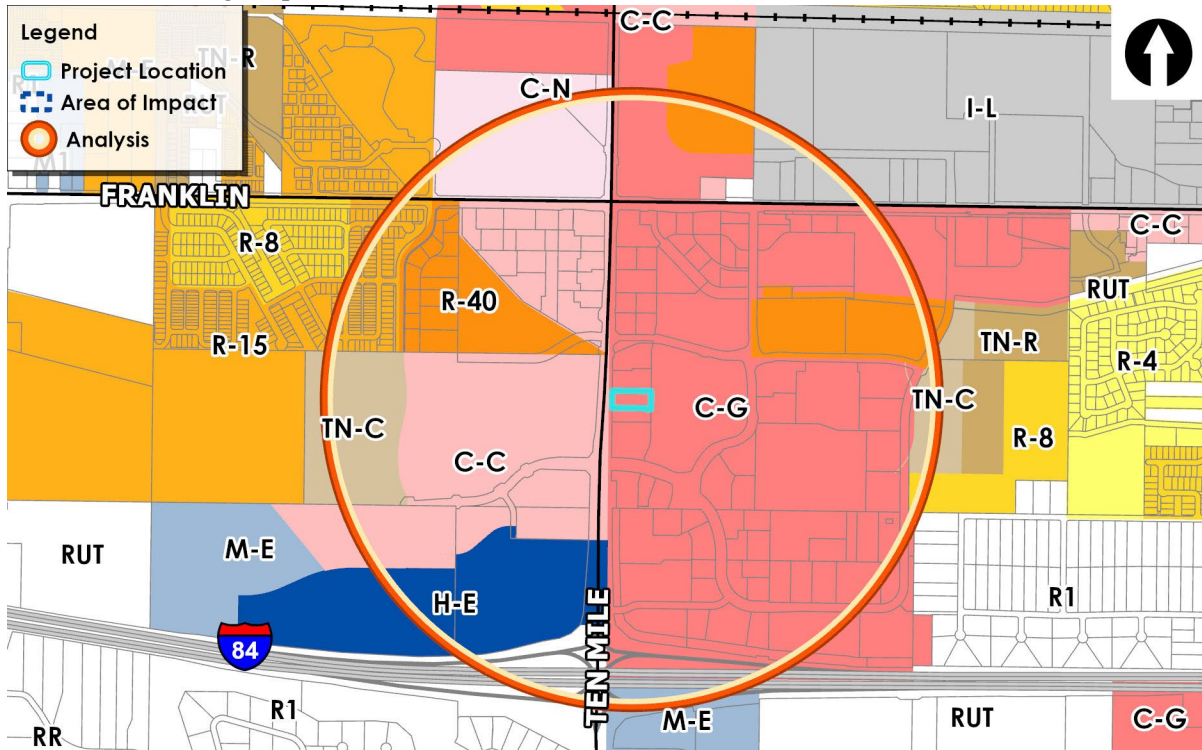
A. Project Area Maps

(link to [Project Overview](#))

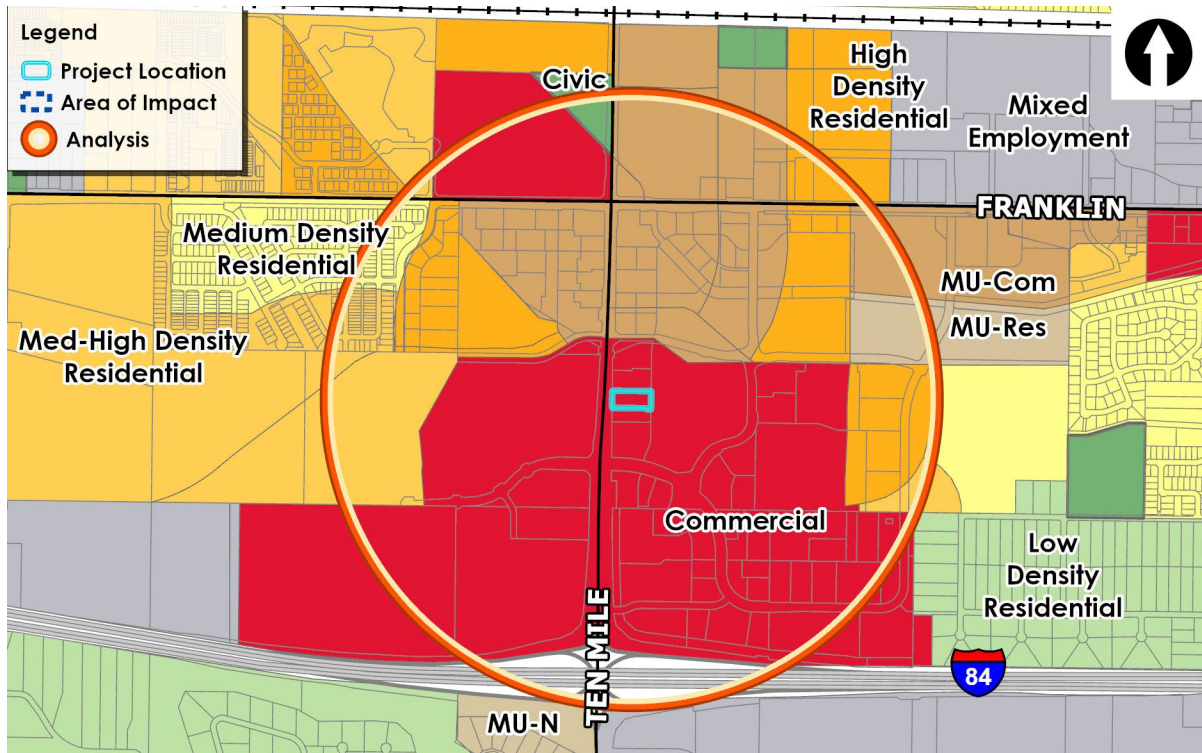
1. Aerial



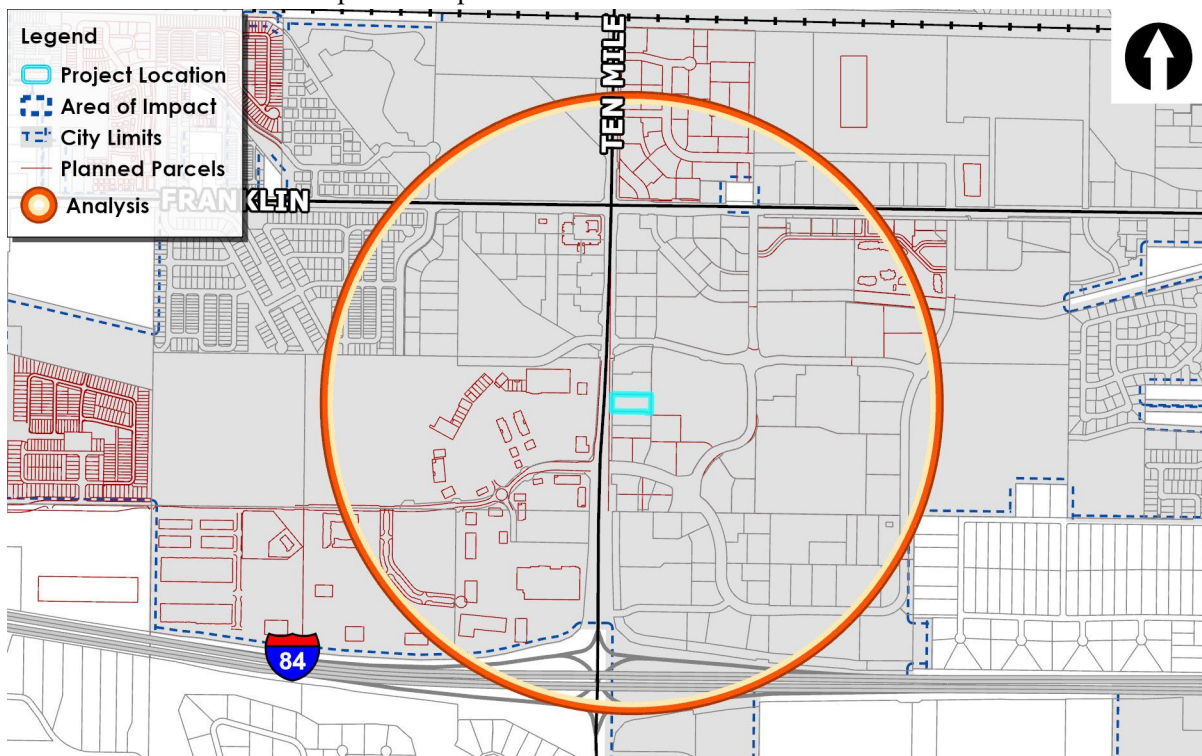
2. Zoning Map



3. Future Land Use



4. Planned Development Map

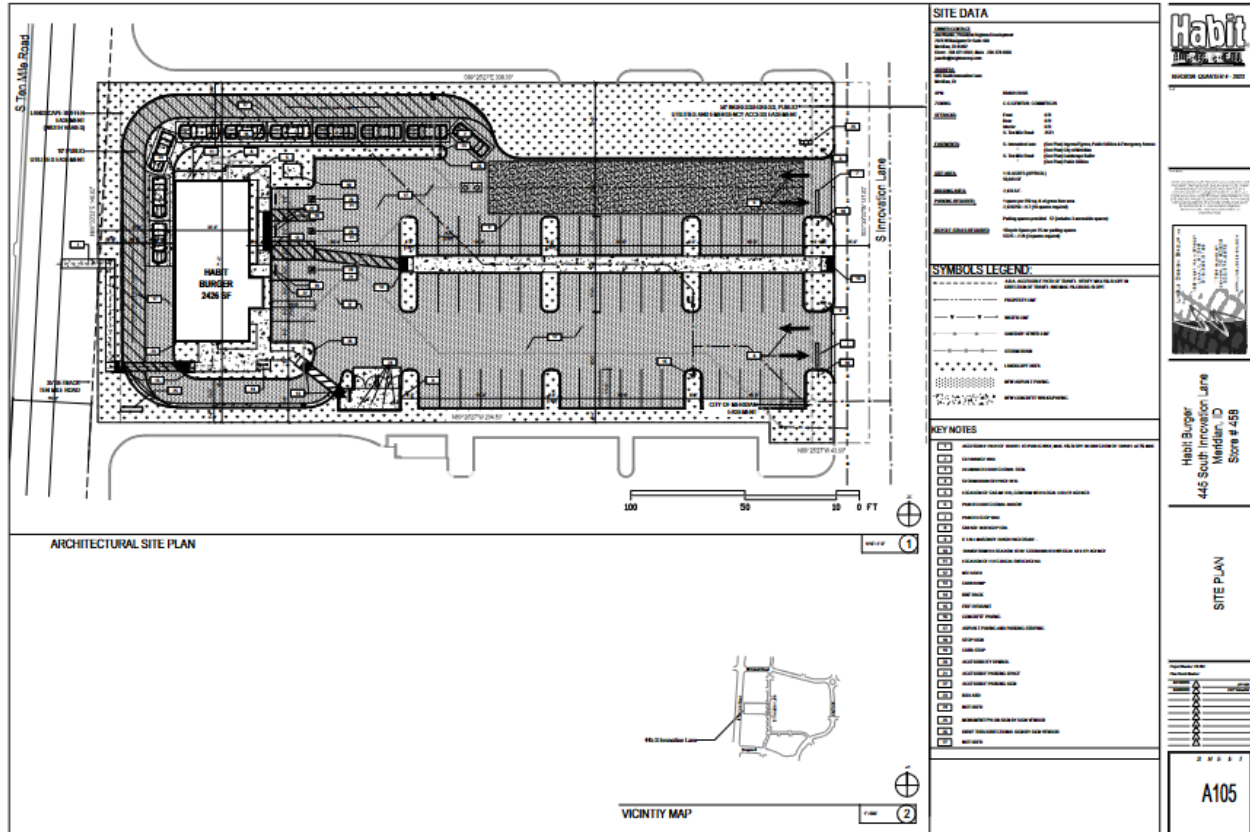


B. Service Accessibility Report

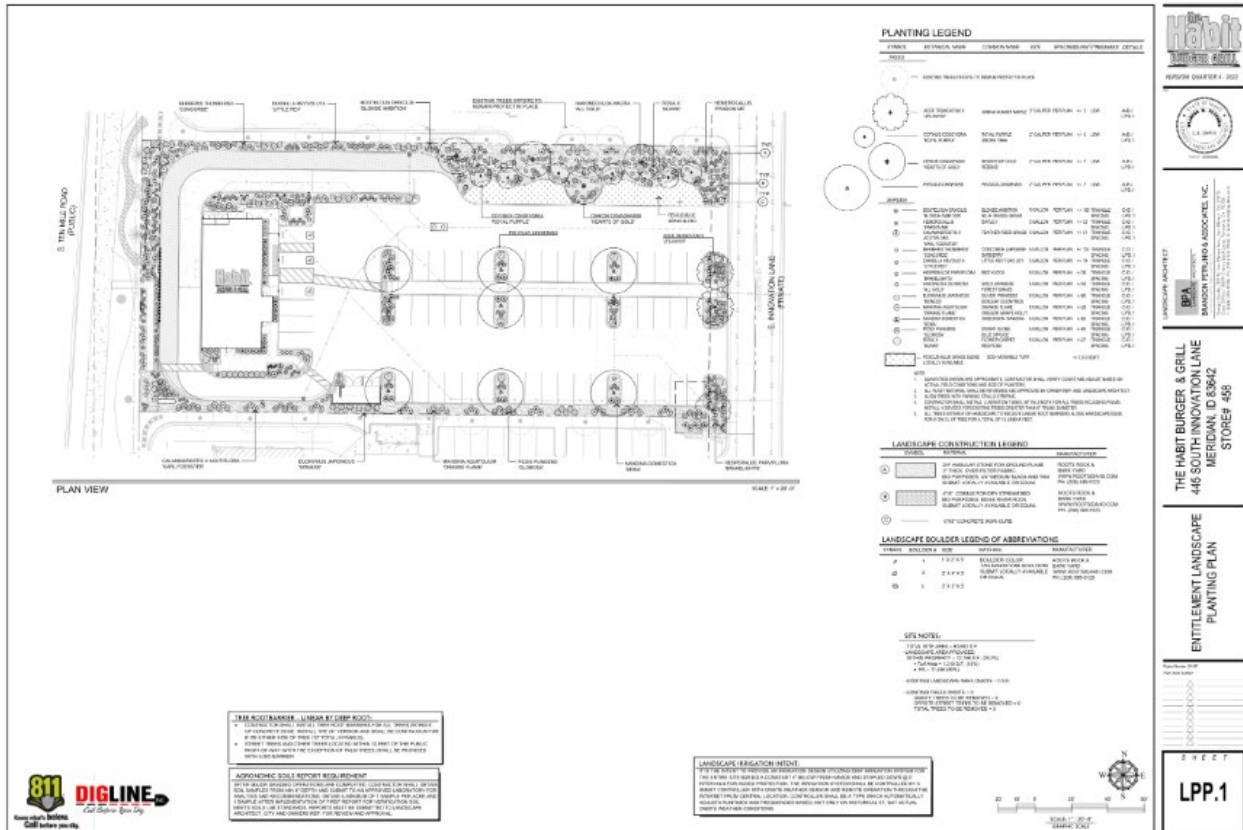
Overall Score: 31	38th Percentile
--------------------------	------------------------

Criteria	Description	Indicator
Location	In City Limits	GREEN
Extension Sewer	Trunkshed mains < 500 ft. from parcel	GREEN
Floodplain	Either not within the 100 yr floodplain or > 2 acres	GREEN
Emergency Services Fire	Response time 5-9 min.	YELLOW
Emergency Services Police	Meets response time goals most of the time	GREEN
Pathways	Within 1/4 mile of current pathways	GREEN
Transit	Within 1/4 mile of current transit route	GREEN
Arterial Road Buildout Status	Ultimate configuration (# of lanes in master streets plan) matches existing (# of lanes)	GREEN
School Walking Proximity	From 1/2 to 1 mile walking	YELLOW
School Drivability	Either a High School or College within 2 miles OR a Middle or Elementary School within 1 mile driving (existing or future)	GREEN
Park Walkability	No park within walking distance by park type	RED

C. Site Plan (date: 5/5/2025)



D. Landscape Plan (date: 5/5/2025)



E. Building Elevations (date: 5/5/2025)

