

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



In the Matter of the Request for Conditional Use Permit (CUP) and modification of the existing Development Agreement (MDA), by Aaron Zuzack, Browman Development Company, Inc.

Case No(s). H-2024-0007

For the City Council Hearing Date of: August 27, 2024 (Findings on September 10, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of August 27, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of August 27, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of August 27, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of August 27, 2024, 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 City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 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 Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of August 27, 2024, 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 City Council'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 CUP and MDA is hereby approved per the conditions of approval in the Staff Report for the hearing date of August 27, 2024, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of 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. 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.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.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 City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

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 August 27, 2024

By action of the City Council at its regular meeting held on the _____ day of _____, 2024.

COUNCIL PRESIDENT LUKE CAVENER VOTED _____

COUNCIL VICE PRESIDENT LIZ STRADER VOTED _____

COUNCIL MEMBER DOUG TAYLOR VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED _____

COUNCIL MEMBER BRIAN WHITLOCK VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert E. Simison

Attest:

Chris Johnson
City Clerk

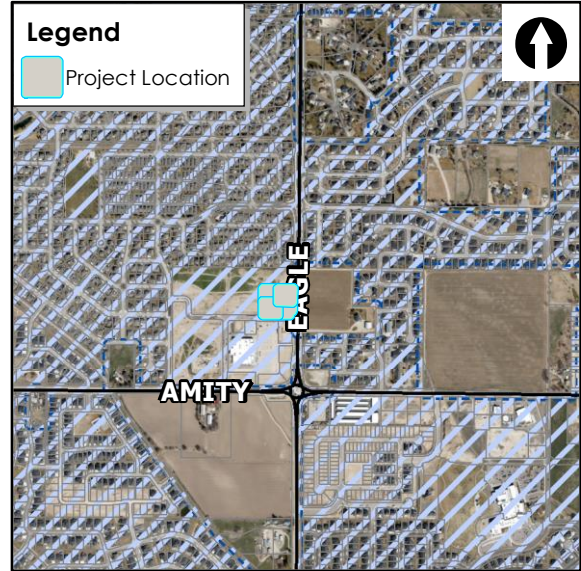
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: _____ Dated: _____
City Clerk's Office

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 8/27/2024
 TO: Mayor & City Council
 FROM: Linda Ritter, Associate Planner
 208-884-5533
 SUBJECT: H-2024-0007 Firenze Plaza – MDA, CUP
 LOCATION: 3182 E Mount Etna Drive in the SE ¼ of the SE ¼ Section 29, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (DA) (Inst. #2017-041827) to include new owners’ information and revised concept plans for the four (4) commercial lots north of E. Mount Etna Drive. A Conditional Use Permit is being requested for a 3,320 square foot bank with drive-through for an automatic teller machine (ATM).

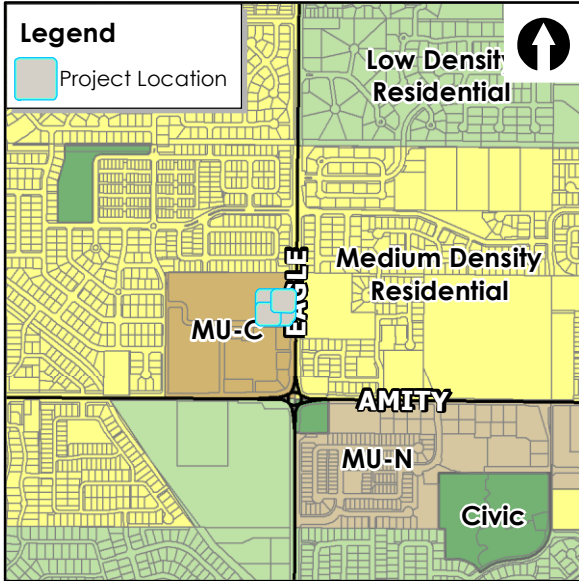
II. SUMMARY OF REPORT

A. Project Summary

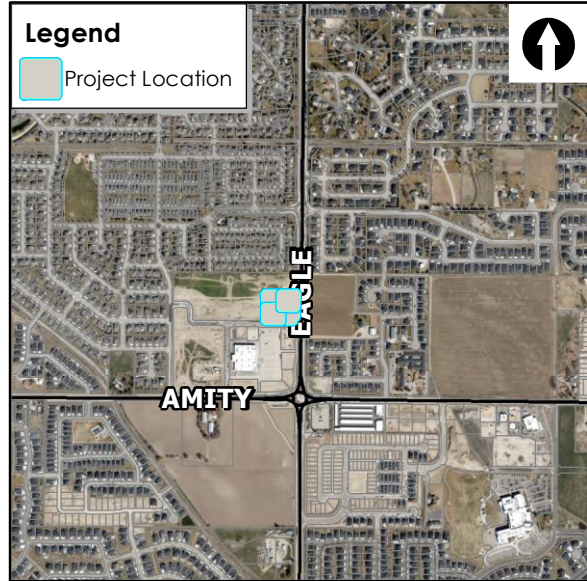
Description	Details
Acreage	1.933 acres
Future Land Use Designation	Mixed-Use Community (MU-C)
Existing Land Use	Commercial
Proposed Land Use(s)	Commercial
Current Zoning	Community Business District (C-C)
Physical Features (waterways, hazards, flood plain, hillside)	NA
Neighborhood meeting date; # of attendees:	12/12/2023
History (previous approvals)	AZ, CPAM, PP (H-2016-0102); DA Instr. #2017-041827; FP (2019-0067)

B. Project Maps

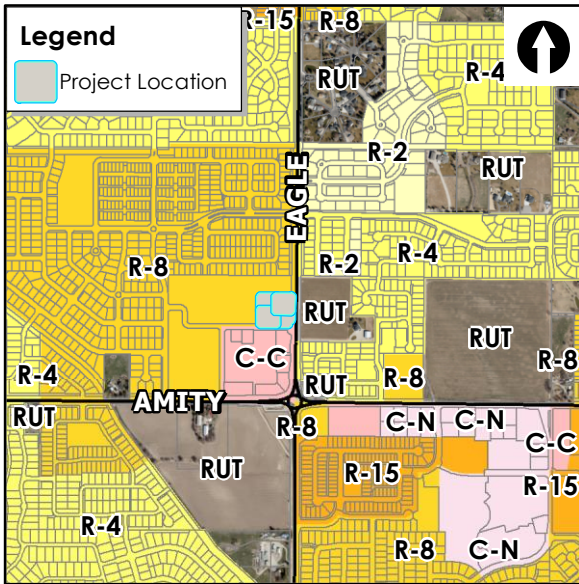
Future Land Use Map



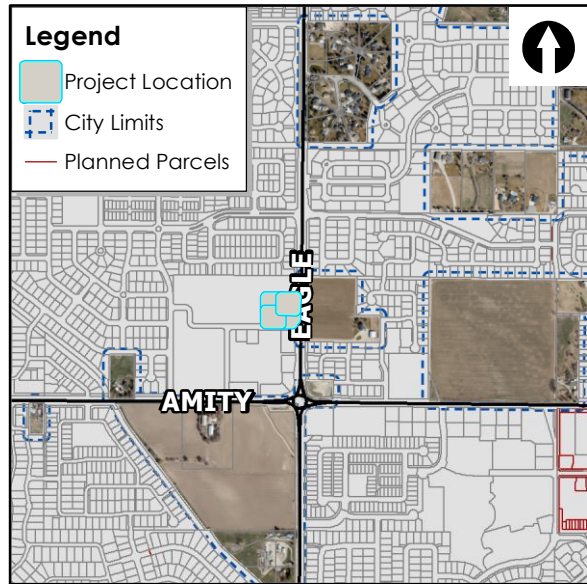
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Aaron Zuzack, Browman Development Company, Inc. – 1556 Parkside Drive, Walnut Creek, CA 94596

B. Owner:

Same as Applicant

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	07/02/2024	8/6/2024
Radius notification mailed to properties within 500 feet	6/25/2024	8/5/2024
Public hearing notice sign posted on site	7/8/2024	8/9/2024
Nextdoor posting	6/25/2024	8/6/2024

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

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

This property is designated Mixed Use Community on the Future Land Use Map (FLUM).

The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood areas, but not as large as in Mixed Use — Regional areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles). Employment opportunities for those living in and around the neighborhood are encouraged. Sample zoning include: R-15, R-40, TN-R, C-C and L-O.

No changes to the FLUM designation or zoning is proposed with this application.

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

Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

Existing city water and sewer service are available at this location.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

A bank with a automatic teller machine and retail building does not conflict with the existing land uses in the area.

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

With development a twenty-five (25) foot landscaped street buffer will be required along the northern property line to buffer the commercial property from the residential zoning district in accord with UDC 11-3B-9 standards. Staff is also requiring a six (6) foot privacy fence be placed along the northern boundary adjacent to the residential property.

- “Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.)” (3.07.01C)

A 25-foot wide landscape buffer and fence will be required to be provided with development along the property boundaries adjacent to the residential property. Landscaping along S. Eagle Road was installed with the development of the the plat. The developer will be required to protect the existing landscaping during development of the properties. Landscaping shall be installed per UDC Table 11-2B-3 and 11-3B-9.

- “Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity.” (6.01.02B)

Access to the property is via E. Mount Etna Drive, a local road. There is no direct access to S. Eagle Road from the property.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Curb, gutter and sidewalk was constructed with the development of the Firenze Plaza subdivision (FP-2019-0067). Hook-up to City water and sewer service was a requirement of the approved plat.

- “Support beautiful and high quality development that reinforces neighborhood character and sustainability.” (5.01.02)

The design of the building fits in with the surrounding area and neighborhood character. Staff reviewed and approved the design of the building proposed for Chase Bank to be located on the parcel addressed as 3182 N. Mount Etna Drive.

VI. STAFF ANALYSIS

The applicant is requesting a Conditional Use Permit and modification of the existing Development Agreement to reflect the change in ownership and change the layout of the parcels to include a bank with a drive through ATM and a retail tenant building with or without a drive through use. Instead of the property lay out with 4 buildings comprising of 20,000 square feet, the applicant is proposing two buildings (3,320 square foot bank with drive through ATM and a 4,900 square foot multi-tenant commercial building with a drive-through or a 7,600 square foot multi-tenant commercial building without a drive through). A maximum total of 11,000 square feet of retail/commercial uses which is a reduction of more than 9,000 square feet of allowable buildable area. A Conditional Use Permit is require

for the ATM drive through. All uses shall be required to meet the UDC standards for the C-C zoning district.

The proposed bank ATM drive through is subject to the following Specific Use Standards (UDC 11-4-3-11) – Drive-Through Establishment: (*Staff analysis in italics*)

- A. A drive-through establishment shall be an accessory use where the drive-through facility (including stacking lanes, speaker and/or order area, pick up windows, and exit lanes) is:
 - 1. Not within three hundred three hundred (300) feet of another drive-through facility, a residential district, or an existing residence: or
 - 2. Separated by an arterial street from any other drive-through facility, residential district or existing residence; or
 - 3. Not within the O-T zoning district.

Otherwise a conditional use permit is required.

- B. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the certificate of zoning compliance or the conditional use permit. Speakers are prohibited in the O-T zoning district.

The site plan shown in Exhibits B provide the location of the stacking lane for the proposed ATM. Speakers and menu boards are not being proposed.

- C. A site plan shall be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum the plan shall demonstrate compliance with the following standards:
 - 1. Stacking lanes shall have sufficient capacity to prevent obstruction of driveways, drive aisles, and the public right-of-way by patrons.
 - 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.
 - 3. The stacking lane shall not be located within ten (10) feet of any residential district or existing residence.
 - 4. Any stacking lane greater than one hundred 100 feet in length shall provide for an escape lane.
 - 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 S. Eagle Road.

- D. The applicant shall provide a six-foot sight obscuring fence where a stacking lane or window location adjoins a residential district or an existing residence.

Dimensional Standards (UDC [11-2](#)):

The proposal would meet the dimensional standards for setbacks, landscape buffers, parking and height requirements.

Staff finds the proposed bank with an ATM drive through if approved at this location would be compatible with the existing surroundings and integrate into the community.

Hours of Operations (UDC 11-2B-3B):

The UDC (11-2B-3B) limits business hours of operation in the C-C zoning district from 6:00 a.m. to 11:00 p.m. when the property abuts a residential use or district; extended hours may be

requested through a CUP. These restrictions apply to all business operations occurring outside an enclosed structure, including, but not limited to, customer or client visits, trash compacting, and deliveries. These restrictions do not apply to business operations occurring within an enclosed structure, including, but not limited to, cleaning, bookkeeping, and after hours work by a limited number of employees.

The bank hours are within the required operating hours; however, the drive-through and walk-up ATM will be available twenty-four (24) hours/seven (7) days a weeks.

Self-Service Uses (UDC 11-3A-16)

Any unattended, self-service uses, including, but not limited to, laundromats, automatic teller machines (ATMs), vehicle washing facilities, fuel sales facilities, and storage facilities, shall comply with the following requirements. The Meridian Police Chief or designee may approve alternative standards where it is determined that a similar or greater level of security is provided.

- A. Entrance or view of the self-service facility shall be open to the public street or to adjoining businesses and shall have low impact security lighting.
- B. Financial transaction areas shall be oriented to and visible from an area that receives a high volume of traffic, such as a collector or arterial street.
- C. Landscape shrubbery shall be limited to no more than three (3) feet in height between entrances and financial transaction areas and the public street.

Staff finds the proposed bank with an ATM drive through if approved at this location meets the above requirements.

Access (UDC [11-3A-3](#), [11-3H-4](#)):

Access to the site is from E. Mt. Etna Drive via S. Eagle Road. There is no direct access to the property from S. Eagle Road. The applicant is requesting to relocate the entrance to the property further west. ACHD has approved the applicant's request to relocate the existing entrance to the property. However; staff is not in support of this proposal as the improvements have been installed and it interferes with the cross access that was approved with the recorded plat. Utilities have already been installed and would need to be relocated. Staff recommends the concept plan be revised to keep the access in its current location.

Parking (UDC [11-3C](#)):

A minimum of one (1) off-street parking space is required for every 500 square feet (s.f.) of gross floor area of the office space. Based on 3,182 s.f., a minimum of six (6) parking spaces is required. A total of thirty-two (32) parking spaces are proposed, exceeding UDC the minimum standards.

A minimum of one (1) bicycle parking space is required for every 25 vehicle parking spaces per UDC 11-3C-6G. Based on thirty-two (32) vehicle parking spaces, a minimum of two (2) bicycle parking spaces is required. A bicycle rack has been depicted on the landscape plan.

Sidewalks (UDC [11-3A-17](#)):

Sidewalks were installed with the approved Firenze Plaza subdivision along Eagle Road and E. Mt. Etna Drive. The applicant is proposing to relocated the entrance further west on E. Mt. Etna Drive.

Landscaping (UDC [11-3B](#)):

There is an existing twenty-five (25) foot landscape buffer with a ten (10) foot detached sidewalk along N. Eagle Road an arterial street. The applicant is proposing a sixteen (16) foot landscape

buffer along E. Mt. Edna Drive with a five (5) foot detached sidewalk when they relocate the entrance to the property further to the west. The applicant is also proposing a twenty-five (25) foot landscape buffer along the west property line as a buffer to the residential uses with a seven (7) foot sidewalk. Landscaping shall be installed per the standards listed in UDC 11-3B-7, UDC 11-3B-8 and UDC 11-3B-9C. The applicant shall protect the existing landscaping during construction.

Fencing (UDC [11-3A-6](#), [11-3A-7](#)):

The applicant is proposing a privacy fence along the boundary to the west and north of the properties. The fence shall meet the requirements of UDC 11-3A-7.

Outdoor Lighting (UDC [11-3A-11](#))

All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C. Light fixtures that have a maximum output of 1,800 lumens or more are required to have an opaque top to prevent up-lighting; the bulb shall not be visible and shall have a full cutoff shield in accord with Figure 1 in UDC 11-3A-11C.

Utilities (UDC [11-3A-21](#)):

Water and sewer services were installed with the development of the Firenze Plaza subdivision. Any stubs not used should be abandoned per City requirements. Location of water meter should not be in a drive or walking path and should be in a landscaping area. The City requires twenty (20) feet easements for mains, hydrant laterals and water services. Easements should extend up to the end of main/hydrant/water meter and ten (10) feet beyond it. Current water stub easement does not meet City's current standards and should be updated. No trees or permeant structures are allowed in utility easements.

Structure and Design Standards (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

Building elevations were submitted for the proposed Chase Bank as shown in Section VIII(F). Building materials consist of smooth face CMU panels, glass, and fiber cement. Staff has reviewed the design which complies with the design standards in the [Architectural Standards Manual](#) (ASM). Upon approval of the Conditional Use Permit approval of the Design Review shall be issued.

Conceptual design was submitted for the retail building as part of the Development Agreement Modification. Final plans will be submitted for review and approval prior to building permit submittal.

DEVELOPMENT AGREEMENT MODIFICATION (MDA)

The Applicant is requesting a modification to the existing Development Agreement Inst. # 2017-041827 to update the owner's information and revise the concept plan, elevations, site and landscape plans north of Mt. Edna Drive to reduce the commercial square footage from 20,000 square feet to 11,000 square feet, a reduction of 9,000 square feet.

The applicant submitted two concept plans with the DA modification. The concurrent CUP is only approving the drive-through on the southern portion of the development for the proposed bank. Staff is not in support of another drive-through on the northern property and therefore does not support Concept Plan A.

The applicant has provide a legal description for the boundary of the new DA. Staff recommends the following DA provision be included in the new DA:

1. Revision of the concept plan to show the entrance to the property at its current location.
2. Eliminate the concept plan showing the drive through on the northern property.

EXISTING SITE PHOTOS





VII. DECISION

A. Staff:

Approval:

Staff recommends *approval* of the proposed modification to the Development Agreement and Conditional Use Permit per the DA provisions and conditions in Sections IX and the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on July 18, 2024. At the public hearing, the Commission moved to recommend approval of the subject Conditional Use Permit and Development Agreement Modification requests.

1. Summary of Commission public hearing:

- a. In favor: Aaron Zuzack, Tamara Thompson
- b. In opposition: Romeo Gervais, Andrea Covolo, Joy Livingston
- c. Commenting: Romeo Gervais
- d. Written testimony: Andrea Covolo, Joy Livingston
- e. Staff presenting application: Linda Ritter, Associate Planner
- f. Other Staff commenting on application: Bill Parson, Planning Supervisor

2. Key issue(s) of public testimony:

- a. Drive-through next to residential parcel, relocation of the existing access point

3. Key issue(s) of discussion by Commission:

- a. Entrance location and drive-through on the north property

4. Commission change(s) to Staff recommendation:

- a. Include Concept Plan A and remove the condition to leave the entrance in its current location.
- 5. Outstanding issue(s) for City Council:
 - a. None

- C. The Meridian City Council heard these items on August 27, 2024. At the public hearing, the Council moved to approve the subject Conditional Use Permit and Development Agreement Modification request.
 - 1. Summary of the City Council public hearing:
 - a. In favor: Applicant, Aaron Zuzack, Tamara Thompson
 - b. In opposition: None
 - c. Commenting: Romeo Gervais
 - d. Written testimony: None other than those written for the Planning and Zoning Commission public hearing.
 - e. Staff presenting application: Linda Ritter, Associate Planner
 - f. Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - a. Type of business being proposed for the property
 - 3. Key issue(s) of discussion by City Council:
 - a. Circulation, pedestrian focus, development and the proposed concept plan for the type of business being proposed
 - 4. City Council change(s) to Commission recommendation:
 - a. Council modified DA provision

D. New DA Legal Description



March 4, 2024
Project No.: 123143

LEGAL DESCRIPTION Exhibit "A"

DEVELOPMENT AGREEMENT MODIFICATION FIRST MERIDIAN LP

An area of land being Lots 1, 2, 3 & 4, Block 2 of Firenze Plaza Subdivision, as same is shown in the official plat thereon, recorded in Book 124, Page 19867, Ada County records, located in the Southeast one quarter of the Southeast one quarter of Section 29, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

COMMENCING at the South One Sixteenth corner of said Section 29, (from which point the Southeast corner of said Section 29, bears South 00° 37' 07" West, 1321.29 feet distant); thence North 89° 39' 52" West, 48.00 feet, to a point on the westerly right of way line of South Eagle Road; thence on said westerly right of way line, South 00° 37' 07" West, 230.27 feet, to a point common to the northeast corner of said Lot 4, Block 2 and the northeasterly corner of said Firenze Plaza Subdivision AND the **POINT OF BEGINNING**:

Thence continuing of said westerly right of way line, South 00° 37' 07" West, 7.76 feet;
Thence South 04° 22' 57" West, 144.71 feet;
Thence South 00° 37' 07" West, 81.76 feet;
Thence South 51° 56' 30" West, 34.58 feet;
Thence South 00° 37' 07" West, 19.09 feet;
Thence North 89° 22' 53" West, 6.00 feet;
Thence South 00° 37' 07" West, 1.00 feet, to a point common with the northerly right of way line of East Mount Etna Drive;
Thence on said northerly right of way line, North 89° 22' 53" West, 273.80 feet;
Thence leaving said northerly right of way line, North 00° 37' 07" East, 274.02 feet;
Thence South 89° 40' 14" East, 316.30 feet, to the **POINT OF BEGINNING**.

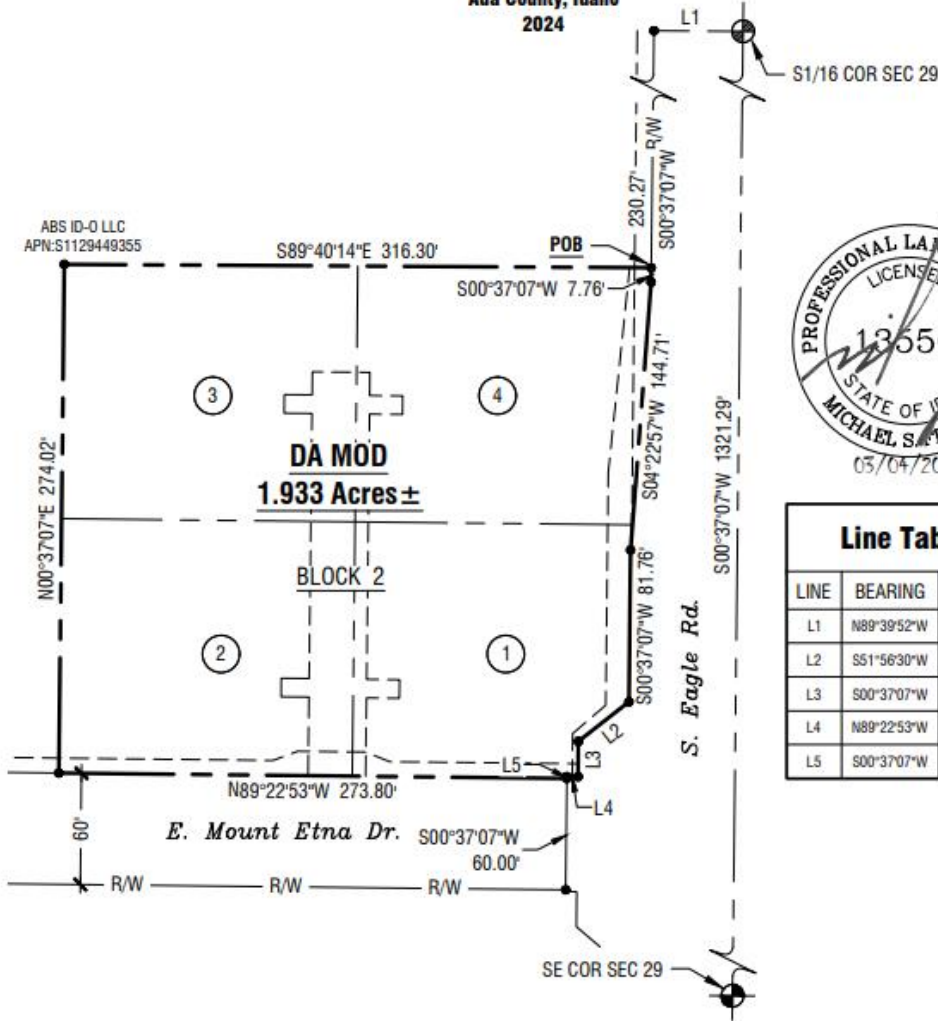
The above-described area of land contains 1.933 acres (84,225 Ft²), more or less.

PREPARED BY:
The Land Group, Inc.
Michael Femenia, PLS



D.A. Modification
for
First Meridian LP

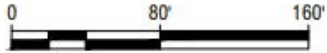
Situate in a portion of the SE 1/4 of the SE 1/4 of Section 29,
Township 3 North, Range 1 East, Boise Meridian, City of Meridian,
Ada County, Idaho
2024



Line Table		
LINE	BEARING	LENGTH
L1	N89°39'52"W	48.00'
L2	S51°56'30"W	34.58'
L3	S00°37'07"W	19.09'
L4	N89°22'53"W	6.00'
L5	S00°37'07"W	1.00'



Exhibit "B"
Horizontal Scale: 1"=80'



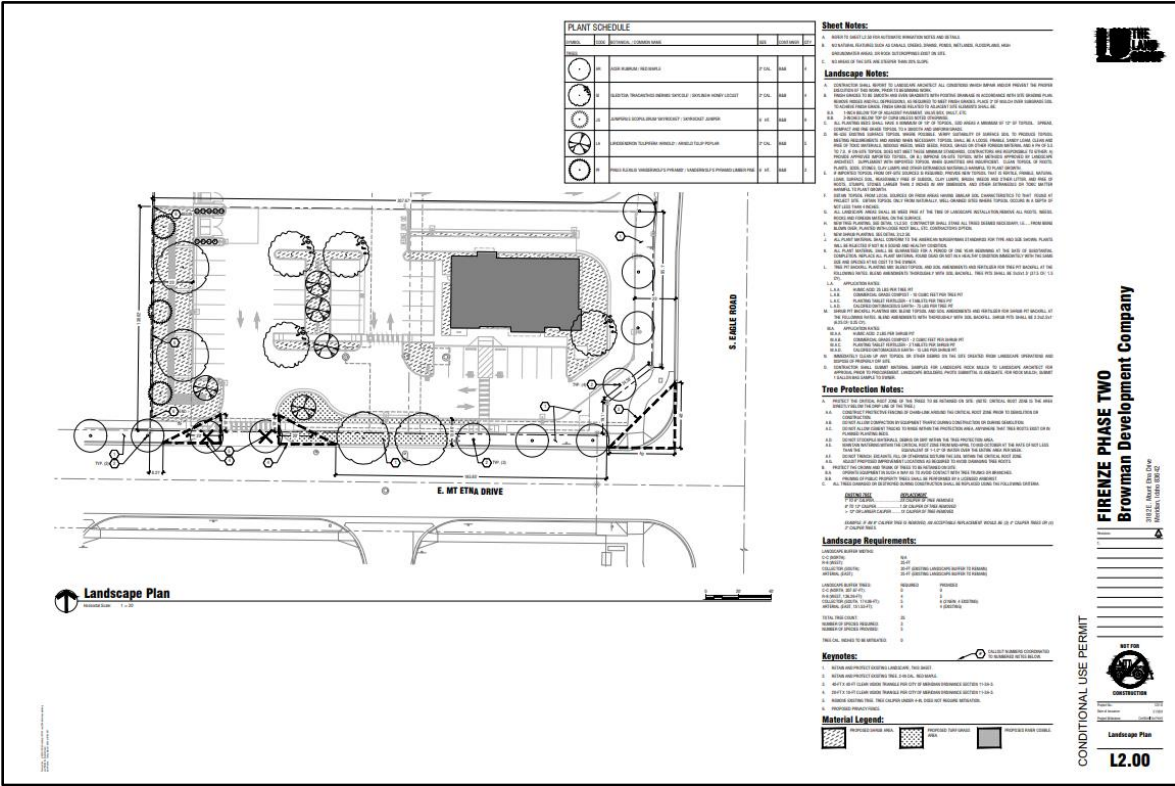
Project No.: 123143
Date of Issuance: March 4, 2024

File Location: D:\00591251\Survey\123143\123143.dwg
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 Date: 03/04/2024 11:56 AM



Development Agreement Modification
First Meridian LP
Firenze 2

G. Proposed Conditional Use Permit Landscape Plan (3/01/2024)



IX. CITY/AGENCY COMMENTS

A. PLANNING DIVISION

1. Development Agreement Modification

~~Fifteen (15) days prior to the City Council hearing, the applicant shall provide the revised concept plan that shows the property access in the existing location.~~

1.1 The new DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council approval of the Findings. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the Concept Plan ~~A~~ or B and conceptual building elevations included in Section VIII and the provisions contained herein.

2. Conditional Use Permit

2.1 The Applicant shall comply with the specific use standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment.

2.2 The Applicant shall comply with the specific use standards listed in UDC [11-3A-16](#) – Self - Service Uses.

2.3 Outdoor lighting shall comply with the standards listed in UDC [11-3A-11](#). Lighting details shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with these standards.

2.4 The applicant shall install the privacy fence as shown on the approved site and landscape plans that is adjacent to the residential parcel to mitigate noise and glare from headlights of vehicles utilizing the proposed drive-through per UDC [11-3A-7](#).

2.5 Protect the existing landscaping on the site during construction, per UDC [11-3B-10](#).

2.6 The facility hours of public operation shall be limited to 6:00 a.m. to 11:00 p.m. because the property abuts a residential zoning district per UDC [11-2B-3B](#).

2.7 Prior to building permit submittal, the Applicant shall obtain Certificate of Zoning Compliance (CZC) and Design Review approval.

~~2.8 The site and landscape plans submitted with the Certificate of Zoning Compliance application shall depict the following:~~

- ~~a. The access to the property in it's current location.~~

2.8 The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC 11-5B-6. A time extension may be requested as set forth in UDC 11-5B-6F.

B. PUBLIC WORKS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=349838&dbid=0&repo=MeridianCity>

C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=354401&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=352867&dbid=0&repo=MeridianCity>

E. BOISE PROJECT BOARD OF CONTROL (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=352034&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=353876&dbid=0&repo=MeridianCity>

G. KUNA SCHOOLS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=349955&dbid=0&repo=MeridianCity>

X. 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.

Council finds the site is large enough to accommodate the proposed use (i.e drive-through establishment) and can meet all of the dimensional and development regulations of the C-C zoning district.

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

Council finds the proposed use (i.e. drive-through establishment) will be harmonious with the Meridian Comprehensive Plan.

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

Council finds 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 (i.e. drive-through establishment) will not adversely change the essential character of the same area with the addition of a 25 foot landscape buffer and the addition of a privacy fence or wall.

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

Council finds that the proposed use (i.e. drive-through establishment) will not adversely affect other property in the vicinity.

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.

Council finds the proposed use can be served by essential public facilities and services as required; the proposed use (i.e. drive-through establishment) will not have an impact to the provision of services.

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.

Council finds the proposed use (i.e. drive-through establishment) 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.

Council finds the proposed use (i.e. drive-through establishment), 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.

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)

Council finds the proposed use (i.e. drive-through establishment) 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.