

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 5/6/2021

TO: Planning & Zoning Commission

FROM: Alan Tiefenbach, Associate Planner
 208-489-0573

SUBJECT: H-2021-0017
 The Vault CUP

LOCATION: 140 E. Idaho Ave



I. PROJECT DESCRIPTION

The Applicant has submitted an application for a conditional use permit to allow a drinking establishment in an existing building in the O-T zone district. The present business is a cigar bar (retail establishment) that recently begun serving ancillary beer and wine. The applicant proposes to expand the business to allow dispensing of all types of liquor. As this qualifies as a lounge, nightclub, or tavern, UDC 11-2D-2 only allows the use through conditional use permit.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	2,170 sq. ft. +/-	
Future Land Use Designation	Old Town	
Existing Land Use(s)	Cigar bar with ancillary beer and wine.	
Proposed Land Use(s)	Drinking Establishment	
Lots (# and type; bldg./common)	1 lot	
Neighborhood meeting date; # of attendees:	March 18, 2021 – no citizens in attendance	
History (previous approvals)	CZC-11-023, DES 15-087, A-2017- 0216, CZC, DES A-2021-0048	

Description	Details	Page
B. Community Metrics		
Description	Details	Page
Ada County Highway District	Traffic impact study not required. No comments	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed) Existing Road Network	Primary access occurs from E. Idaho Ave, a local street. Yes	
Fire Service	No comments submitted	
Police Service	No comments submitted	
Wastewater		
• Distance to Sewer Services	N/A	
• Sewer Shed	Five Mile Trunkshed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	14.09	
• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Comments	• No additional comments	
Water		
• No comment		

C. Project Area Maps

Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Owner

Joshua Evarts, Novemberwhisky Properties LLC – 77 E. Idaho Ave, Ste 300, Meridian, ID, 83642

B. Applicant

Joshua Evarts - 303 E. State Ave, Meridian, ID 83642

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	4/16/2021	
Radius notification mailed to properties within 300 feet	4/13/2021	
Site Posting Date	4/22/2021	
NextDoor posting	4/13/2021	

V. STAFF ANALYSIS

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

Old Town -This designation includes the historic downtown and the true community center. Sample uses include offices, retail and lodging, theatres, restaurants, and service retail for surrounding residents and visitors. A variety of residential uses are also envisioned and could include reuse of existing buildings, new construction of multi-family residential over ground floor retail or office uses.

The business is proposed to be located within an existing historic building which was constructed in 1915 and significantly rehabilitated and remodeled by the present applicant in 2015 - 2016. The current establishment serves as a neighborhood cigar bar with ancillary beer and wine sales (retail establishment), and is proposed to be expanded to allow all types of liquor, although the applicant states the primary use is still a cigar bar. The business fronts directly onto E. Idaho Ave and a certificate of zoning compliance (CZC) and design review (DES) were recently approved to allow a 600 sq. ft. covered outdoor patio in the alley help activate the downtown area in and around Generations Plaza. This type of neighborhood gathering place is exactly the type of locally-owned and serving businesses intended by the Comprehensive Plan.

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

Goals, Objectives, & Action Items: 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):

- Support redevelopment and infill opportunities Downtown. (2.09.01)

The business is located within an existing building in the historic downtown core. This would be considered redevelopment (more specifically, adaptive reuse of an existing structure). The applicant made significant interior and façade improvements in 2015-2016 and is currently constructing an outside patio to activate the area.

- Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability. (3.06.02B).

As mentioned, the business is located within the historic downtown core and zoned Old Town (O-T). Within this area, a mix of land uses is encouraged which creates a vibrant downtown, enhances sense of place, and provides gathering places for locals and

visitors. This existing cigar bar, which is now proposing to expand their uses to allow full service serving of alcohol, is already serving as a community gathering place and this proposal would enhance this use.

- Support a compatible mix of land uses Downtown that activate the area during day and night. (2.09.02F)

The existing cigar bar and proposed conditional use to allow additional alcohol consumption is the type of downtown use which activates an area during day and night.

- Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing city code.

The business and the outdoor patio will seat a total capacity of 49 people. Business hours will be from 12PM – 10PM Mon-Thurs, 12PM to 11PM on Friday, and 10AM to 11PM on Saturday. The purpose of the O-T district is to accommodate and encourage further intensification of the historical city center in accord with the Meridian Comprehensive Plan. As this business is within the old town mixed use district, the Comprehensive Plan anticipates activating the area day and night.

C. Existing Structures/Site Improvements:

The existing and proposed business is located within a 1,500 sq. ft. space in an existing historic building; this conditional use is to allow expansion of allowed uses.

D. Proposed Use Analysis:

The proposed use is proposed to still be primarily a cigar bar, but with the use expanded to allow serving of all types of liquor (drinking establishment). This use is allowed by conditional use permit in the O-T zone district subject to specific use standards. As this conditional use is to allow the establishment of a new use, a Certificate of Zoning Compliance for a Change in Use will be required per UDC 11-5B-1.

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

UDC 11-4-3-10 allows drinking establishments with the limitations that it shall not be within 300 feet of a church or any other place of worship or any public or private education institution. For properties abutting a residential district, no outside activity or event shall be allowed on the site, except in accord with chapter 3, article E, "temporary use requirements."

The nearest place of worship or educational facility is the United Methodist Church, which is approximately 250 feet away. The closest residence is approximately 100 feet to the north, on the opposite side of the alley as the proposed establishment. However, the church and the residence are in the Old Town zoning district, which is not a residential district, and a mix of uses including restaurants and drinking establishments are appropriate and encouraged.

NOTE: If the use is allowed to commence on the property, the applicant is required to obtain a liquor license with the State, County and City prior to serving alcohol.

F. Dimensional Standards (*UDC 11-2*): (double read this)

In the O-T zone district, there is not a setback requirement, there is a minimum building height of two stories, and there are requirements for streetscape improvements. The building in which this establishment is already located is within an existing one-story historic building. Other than an outdoor patio, no other extensions or additions are proposed as part of this business.

G. Access (*UDC 11-3A-3, 11-3H-4*):

Access to this business is provided from NE 2nd St and E. Idaho Ave. This proposal was referred to ACHD, who had no comments.

H. Parking (*UDC 11-3C*):

UDC 11-3C-6B-3 requires one parking space for every one thousand square feet of gross floor area in all traditional neighborhood districts. Lawfully existing structures in traditional neighborhood districts shall not be required to comply with the requirements of this section except when a proposed addition increases the number of off-street parking spaces normally required, then the applicant shall provide additional parking.

The business is within an existing building, and no building additions have occurred (covered outdoor seating is not considered an addition). This business is within the historic downtown core, where adaptive reuse of historic structures is encouraged and on-street parking in the area is plentiful. There are at least 17 existing on-street parking spaces in front of the business within 100 feet.

Sidewalks (*UDC 11-3A-17*)

Detached sidewalks and streetscape improvements already exist along E. 2nd St and E. Idaho Ave.

I. Parkways

No parkways are proposed with this project.

J. Landscaping (*UDC 11-3B*):

Landscaping and streetscape improvements already exist along E. 2nd St and E. Idaho Ave.

K. Fencing (*UDC 11-3A-6, 11-3A-7*):

An outdoor eating area has been approved for this project through a certificate of zoning compliance with design review. This includes a 3'-6" fence bordering the outdoor area. No other fencing is existing or proposed.

L. Utilities

All utilities for the proposed development are already in place. No additional services are needed.

M. Building Elevations

No additional modifications to the existing building façade have been proposed.

VI. DECISION

A. Staff:

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

B. The Meridian Planning & Zoning Commission heard this item on May 6, 2021. At the public hearing, the Commission moved to approve the subject conditional use permit request.

1. Summary of the Commission public hearing:

a. In favor: Joshua Evarts

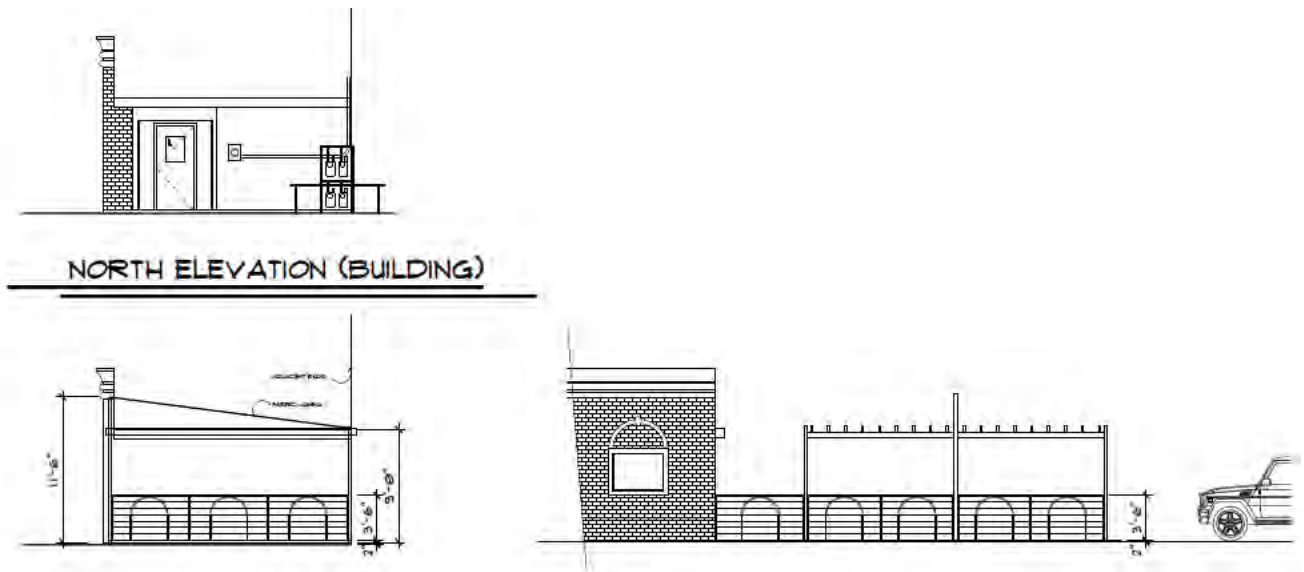
- b. In opposition: None
 - c. Commenting: Joshua Evarts
 - d. Written testimony: None
 - e. Staff presenting application: Alan Tiefenbach
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
- a. None
3. Key issue(s) of discussion by Commission:
- a. None
4. Commission change(s) to Staff recommendation:
- a. None

VII. EXHIBITS

A. Approved Site Plan (CZC, DES A-2021-0048, March 26, 2021)



B. Approved Elevations of Outdoor Sitting Area (CZC, DES A-2021-0048, March 26, 2021)



C. Site Photos (date: 4/14/2021)



Existing business as viewed from E. Idaho Ave



Rear of site as viewed from N. 2nd St showing area of outdoor patio

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.
2. Applicant shall comply with all previous conditions associated with development of this site including CZC-11-023, DES 15-087, A-2017- 0216, and CZC, DES A-2021-0048.
3. The Applicant shall have an ongoing obligation to comply with the specific use standards for a Drinking Establishment (UDC 11-4-3-10).
4. The business shall comply with all Idaho state, local and City code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
5. Outdoor activity associated with the business shall be restricted to the 600 sq. ft. outdoor patio.
6. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2D for the O-T zoning district.
7. The Applicant shall comply with the outdoor service and equipment area standards as set forth in UDC 11-3A-12.
8. The Applicant shall comply with the outdoor lighting provisions as set forth in UDC 11-3A-11.
9. The applicant shall complete a certificate of zoning compliance for a change in use as required per UDC 11-5B-1.

C. MERIDIAN POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226106&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Conditional Use Permit

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 building is an existing building in the O-T zoning district. All parking, sidewalks and landscaping is already installed. The outdoor patio meets all setback requirements and does not encroach into any public right of way.

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

The Comprehensive Plan identifies this area as Old Town. This designation includes the historic downtown and the true community center. Allowed uses include offices, retail and lodging, theatres, restaurants, and service retail for surrounding residents and visitors. The existing cigar bar and expansion to allow serving of alcohol will encourage a neighborhood “hang out” for locals and guests. This type of use is what has been envisioned for this area by the 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.

As mentioned, the existing and expanded use is within an existing historic building, and is within the Old Town district in which retail, restaurants and drinking establishments enhance the essential character of the area.

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

The proposed use is within the old town area where the type of use proposed is anticipated. It will not adversely affect other properties in the vicinity any more than any of the other surrounding restaurants, coffeeshops and drinking establishments.

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 proposed use will be served adequately by all public facilities and 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.

The Commission finds the proposed use should not create any additional costs for public facilities and services and will be beneficial 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.

This proposed cigar bar and drinking establishment is using existing tenant space within a historic building, and the Commission is recommending outdoor activities be restricted to the 600 sq. ft. outdoor patio. The surrounding area already consists of restaurants, retail, and drinking establishments as anticipated in the old town. The use is appropriate in this location.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

The proposed use will occur in a historic building in a historic district. The applicant has already made significant upgrades to the building, enhancing the area. The proposed use will contribute to a vibrant downtown space.