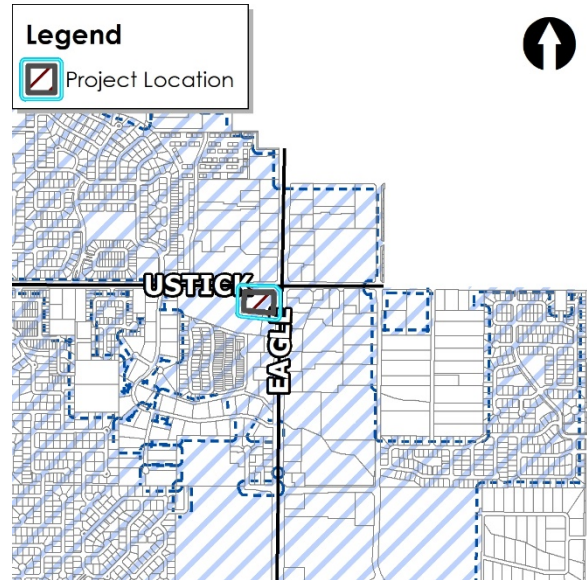


**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: 3/18/2021  
 TO: Planning & Zoning Commission  
 FROM: Joe Dodson, Associate Planner  
 208-884-5533  
 SUBJECT: H-2021-0004  
 The Oasis  
 LOCATION: The site is located on a portion of 3185 E. Ustick Road, at the southwest corner of N. Eagle Road and E. Ustick Road, in the NE ¼ of the NE ¼ of Section 5, Township 3N., Range 1E.



**I. PROJECT DESCRIPTION**

Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district, by Brian Tsai, Balboa Ventures.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	Portion of 3.29 (C-G zoning district)	
Future Land Use Designation	Mixed Use Regional	
Existing Land Use(s)	Vacant but being developed	
Proposed Land Use(s)	Commercial	
Lots (# and type; bldg./common)	On 1 of 5 building lots	
Physical Features (waterways, hazards, flood plain, hillside)	Milk Lateral runs along southern boundary of property; easement being respected and verified in CZC approvals.	
Neighborhood meeting date; # of attendees:	January 14, 2021 – 15 attendees	
History (previous approvals)	H-2019-0082 (DA Modification to remove the subject site from an existing DA and enter into a new one specific to this site; DA Inst. #2019-121599); H-2020-0104 (Pre-plat approval to subdivide property into 5 lots); A-2019-0376 & A-2021-0010 (CZC for parking lot, landscaping, and other relevant site improvements); A-2021-0012 (CZC and Design Review approval of the building proposed to house requested business).	

## Exhibit A

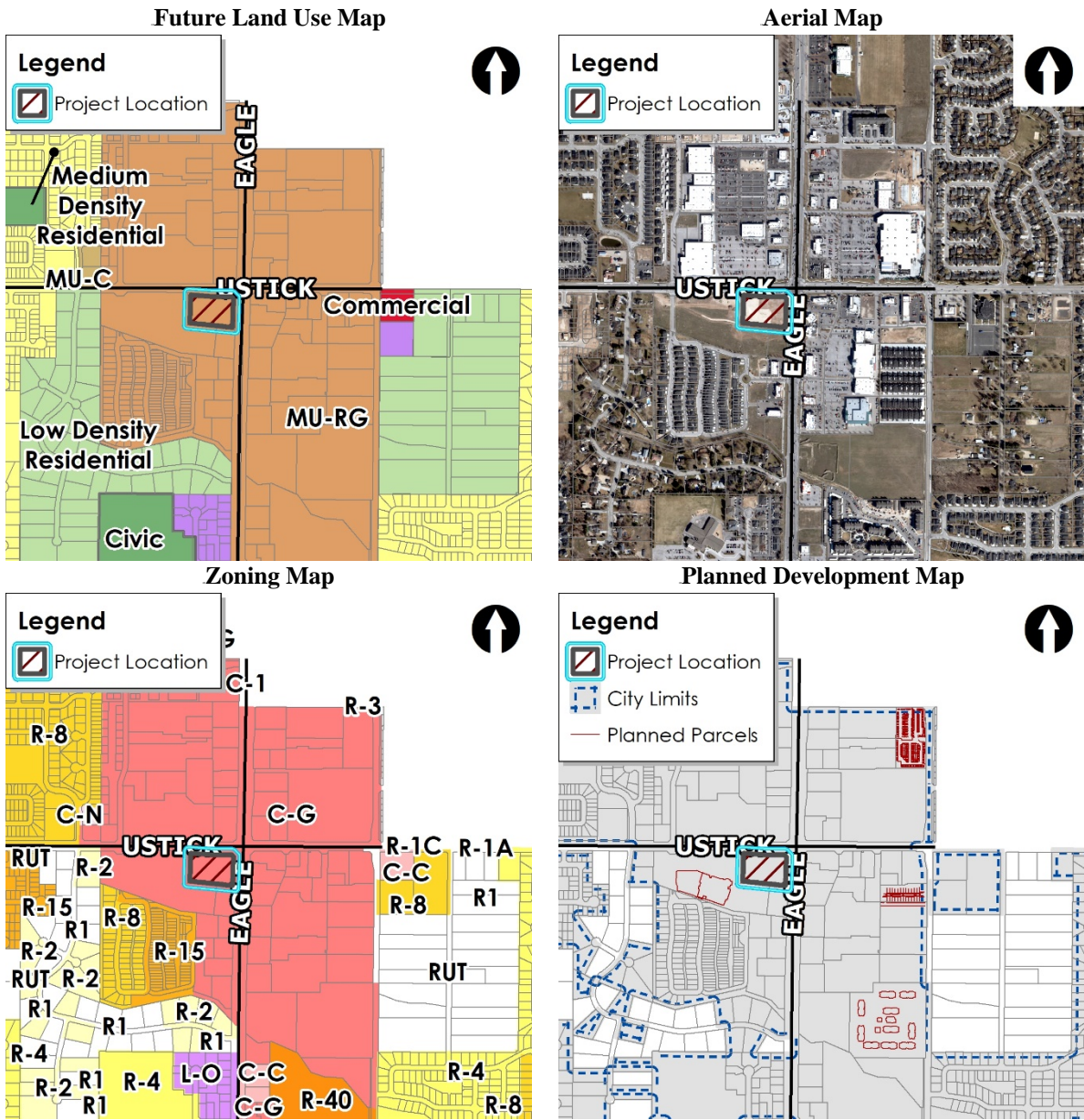
Description	Details	Page
Public Testimony	<b>Due to the controversial nature of this project, there has been a number of written and verbal testimony both for and against this project. Please go <a href="#">here</a> to review this public testimony.</b>	

### B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>• Staff report (yes/no)</li> </ul>	Yes; Comply with letter noting review that occurred with urgent care CZC (A-2020-0163).	
<ul style="list-style-type: none"> <li>• Requires ACHD Commission Action (yes/no)</li> </ul>	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via a proposed shared driveway into the development from E. Ustick Rd. No direct access is proposed or allowed to E. Ustick Rd. or N. Eagle Rd.	
Stub Street/Interconnectivity/Cross Access	Subject site has existing cross-access agreements in place for sites within the original 3 acre parcel. Staff is unaware of any cross-access agreements with adjacent sites to the west and south (Villasport approvals).	
Existing Road Network	Internal drive aisles and adjacent drive aisles are currently under construction.	
Existing Arterial Sidewalks / Buffers	The required sidewalks and landscaping are currently under construction commensurate with the approved CZC plans (A-2019-0376).	
Proposed Road Improvements	Applicant is not required to perform any road improvements because Ustick and Eagle are at their full-build out at this time.	
<b>Fire Service</b>		
<ul style="list-style-type: none"> <li>• Distance to Fire Station</li> </ul>	1.2 miles from Fire Station #3	
<ul style="list-style-type: none"> <li>• Fire Response Time</li> </ul>	This project lies within the Meridian Fire response time goal of 5 minutes.	
<ul style="list-style-type: none"> <li>• Resource Reliability</li> </ul>	Fire Station #3 reliability currently 80%	
<ul style="list-style-type: none"> <li>• Risk Identification</li> </ul>	Risk Factor 3 – commercial	
<ul style="list-style-type: none"> <li>• Accessibility</li> </ul>	Proposed project meets all Fire required access, road widths, and turnarounds.	
<b>Police Service</b>		
<ul style="list-style-type: none"> <li>• Distance to Station</li> </ul>	3.5 miles from Meridian Police Department	
<ul style="list-style-type: none"> <li>• Response Time</li> </ul>	Approximately 3.5 minute response time to an emergency.	
<ul style="list-style-type: none"> <li>• Call Data</li> </ul>	Between 2/1/2019 - 1/31/2021, the Meridian Police Department responded to 2,967 calls for service within a mile of the proposed development. The crime count on the calls for service was 251. Between 2/1/2019 - 1/31/2021, the Meridian Police Department responded to 198 crashes within a mile of the proposed development. See attached documents for details.	
<ul style="list-style-type: none"> <li>• Additional Concerns</li> </ul>	Following any approvals, Police will want to meet with Applicant on expectations of Police.	

Exhibit A

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Brian Tsai, Balboa Ventures – PO Box 109204, Boise, ID 83719

B. Owner:

Nate Ballard, Wadsworth Development – 166 E. 14000 South, Ste. 210, Draper, UT 84020

**Exhibit A**

C. Representative:

N/A

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper Notification	2/26/2021	
Radius notification mailed to properties within 500 feet	2/23/2021	
Site Posting	3/7/2021	
Nextdoor posting	2/25/2021	

**V. STAFF ANALYSIS**

**The subject property was annexed in 2003 as part of a larger annexation area (AZ-03-018). There was a Development Agreement (DA) associated with this annexation which was modified in 2019 to remove this property from that DA (H-2019-0082) and enter into a new one serving just this site (DA Inst. #2019-121599). The land owner received approval to subdivide the property for future ownership purposes.**

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

Mixed Use Regional (MU-R) – In general, the purpose of mixed-use designations is to provide for a combination of compatible land uses within a close geographic area that allows for easily accessible and convenient services for residents and workers. The intent is to promote developments that offer functional and physical integration of land uses, to create and enhance neighborhood sense of place, and to allow developers a greater degree of design and use flexibility.

Specifically, the purpose of the regional designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses.

*The subject site is located at the southwest corner of the intersection of E. Ustick Road (an arterial street) and N. Eagle Road/SH 55. Staff and the Applicant understand the importance of providing more commercial uses in this area, especially on an undeveloped corner. To the east and across Eagle Road are two large commercial centers; to the north is an additional commercial center. These surrounding areas provide a plethora of commercial uses that are used at a regional level. Directly to the west of the subject site is intended to be a high-end indoor gym (Villasport) and further to the south of the site is existing residential and some community serving commercial. As these lots get developed over time, Staff believes that they will continue to add to the City’s commercial base and will likely be a higher benefit to users of the future Villasport and residents to the southwest of this site. The proposed business of a nightclub and music venue offers a new commercial use not only to this area of Meridian but to Meridian as a whole. Staff is of the opinion that despite being on a relatively small site, the proposed use would have regional pull for patrons. Therefore, this project, in conjunction with the approved uses to the west, should satisfy the comprehensive plan and mixed-use policies.*

## Exhibit A

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

Some applicable Comprehensive Plan policies are cited below with Staff analysis in italics.

“Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods.” (5.01.02D).

*There is no neighborhood directly adjacent to the subject site but the closest home is approximately 330 feet from the southern property line. Future commercial buildings and parking lots will separate this project from existing residential to the southwest. However, with the recently approved CZC and Design Review approval for this multi-tenant building, the approved landscaping meets all code requirements and helps to beautify the property while offering an appropriate visual landscape buffer to the closest neighborhood to the southwest. Likely, the subject site will not be directly viewable from the nearest residential neighborhood once other properties redevelop in the near future. The parking is located on the interior of the overall property which will be largely screened by buildings and helps screen the parking lot from adjacent properties, usually one of the most noise inducing elements of a commercial site.*

*The approved building that is to hold the proposed use is constructed with a modern and urban design that should integrate with the overall design of the other properties and with those adjacent to the site. However, according to the Applicant, the real buffering of the proposed use comes from within the building where there is proposed soundproofing materials, techniques, and technologies. When it comes to screening and buffering any incompatibilities of the proposed use, Staff finds the proposed landscaping and internal building materials to be sufficient in integrating the use into the existing and planned development.*

“Diversify Meridian's economic base to establish and maintain a self-sustaining, full-service economy.” (2.06.01). *Meridian does not have a business of the kind being proposed within this application. The Applicant appropriately described within their narrative the lack of entertainment, art, and music activities available within the City. The Applicant discusses this as a major need for the City. Staff can see the proposed use as adding to the economic base of the City because it would be a new type of use and offer a commercial use in the hours after 10pm, which is not a normal occurrence within the City.*

“Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A). *Pedestrian connectivity to this site is not one of the major issues for this proposed use. Where feasible, each building site will have pedestrian connections to one another and will have connections to the sidewalks along the adjacent major roadways on the north and east sides of the overall site. So long as these connections are required with each CZC review, Staff believes the subject site will have adequate pedestrian circulation especially due to the relatively small size of the overall commercial development. In addition, as future commercial sites to the south develop and additional pedestrian connections are introduced to the area, future patrons of this nightclub would have ample places to recreate before and after participating in this use and get to and from different uses safely.*

“Determine and respond to the community's art and cultural facility needs.” (5.03.01E). *The City is not working in collaboration with the Applicant so the context of this policy is not precisely what is called for within the comprehensive plan. However, a private business can add art and cultural facilities just as easily as the City. According to the Applicant, a nightclub/indoor recreation facility/drinking establishment can and should add to the community's art and culture. It is the Applicant's intent to increase the availability of a music venue for Meridian residents to have more opportunity to share in music as art and potentially bring new cultural experiences to Meridian through this business and venue.*

## Exhibit A

“Enhance crime prevention awareness through the education of neighborhood watch groups, multi-family property management companies, homeowners' associations, and other organizations.” (4.11.02F). *The Applicant has been eager to work with the Meridian Police Department in order to help mitigate any future negative impacts of the proposed use. The Police cannot give an “approval” of the proposed project but they are working with the Applicant and have had conversations with the Applicant. MPD has shown interest in educating the Applicant on any and all crime prevention techniques here in Meridian.*

“Support efforts to evaluate and plan for future transportation services such as public transit, on-demand services, autonomous and shared vehicles.” (6.01.04A). *Again, the City is not partnering with the Applicant in pursuit of this policy but the Applicant has discussed thoroughly the applicability of ride-sharing for patrons of their proposed business. The Applicant noted that in most markets an average of 40% of the patrons for a business like this utilize ride-shares like Uber and Lyft in order to offset parking or having to drive at all. Staff cannot confirm these statistics but with the lack of public transportation within the City and the overall car dominant landscape we live in here in Meridian, it is unlikely that the 40% usage would occur for those attending The Oasis. There should be no doubt this service would be utilized but not at a level that Staff can overlook the parking and traffic issues presented by the proposed use.*

***Staff finds this development to be generally consistent and in alignment with the Comprehensive Plan as noted above.***

### C. Existing Structures/Site Improvements:

The subject site is currently having its basic improvements completed (grading, drainage, water & sewer, and parking lot) but generally is a vacant parcel. Recent site visits also show a foundation of one of the approved buildings within the site (nearest Eagle and in the southeast corner of the subject site). All road improvements along Ustick and Eagle Roads are existing. With the approved CZC, the building, utilities, and drainage will be completed regardless of the proposed use being approved or denied.

### D. Building Elevations ([UDC 11-3A-19](#) | [Architectural Standards Manual](#)):

The submitted conceptual elevations are those approved with the recent CZC and Design Review approvals. The approved commercial building complies with the UDC and the Architectural Standards Manual. The elevations show modern architecture with glazed glass storefronts, awnings, vertical trellis, and varying wall modulation on all sides of the building. In addition, the elevations show brick, polymer, and rustic corrugated metal panels as finish materials. As noted, these elevations have already been approved by Staff at an administrative level.

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

The building proposed to contain the proposed use has recently received CZC approval and meets all dimensional standards for setbacks, parking, building height, and access. The proposed use of a music venue falls under the Indoor Recreation Facility specific use standards (UDC 11-4-3-2) and if one is to be located within 1,000 feet of an existing residence a Conditional Use Permit is required; part of the Applicant’s CUP request is to satisfy this requirement. In addition, one of the proposed uses is for a Drinking Establishment and is also subject to specific use standards (UDC 11-4-3-10); the required dimensional standards noted within this code section are being met with the CUP request.

### F. Proposed Use Analysis:

The administratively approved building, Eagle View Retail Center, will be approximately 8,300 square feet in size with two tenant suites. The Oasis is proposed in the larger suite at an

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approximate size of 7,000 square feet. The uses allowed on the subject site are those listed in UDC Table 11-2B-2 for the C-G zoning district. The proposed business is a combination of a nightclub and music venue which falls under Drinking Establishment and Indoor Recreation Facility uses within the development code, respectively. The indoor recreation facility use is a principally permitted use within the C-G zoning district unless it incorporates a music venue and is located within 1,000 feet of an existing residence which then requires a conditional use permit; this is the case with the proposed use of the music venue because the building is approximately 330 feet from the nearest residence. A drinking establishment is a conditional use within the C-G zoning district. Therefore, the Applicant is requesting conditional use permit approval for these two uses to reside within one building and one business, The Oasis. **Staff recommends the Commission review the Applicant's narrative to gain further insight into how the business is intended to operate in terms of soundproofing techniques, security, business operations, and alcohol consumption. Staff's use analysis is not exhaustive as the Applicant's narrative details more of their proposals than is necessary to discuss within this staff report.**

*According to the Applicant, The Oasis is meant to be a premier music venue and nightclub that offers entertainment and a nightlife for those in Meridian, much like other prominent cities. The Applicant also understands the negative stigmas surrounding a "nightclub" and provided a detailed response to this within their narrative. Staff agrees with some of the points made by the Applicant but must analyze the proposed uses against development code.*

*As noted, the approved building and proposed uses meet all required dimensional standards as they are not directly adjacent to a residential district (approximately 330 feet from the closest residential district) and meet all building and landscaping setbacks. It is anticipated that directly south of the approved building there will be additional landscaping, a larger parking lot, and a drive aisle. This parking lot and landscaping received preliminary approval with the Villasport applications and a user is currently in process on this site that would make these improvements more tangible. This parking lot and landscaping would abut the drive aisle that extends from N. Cajun Lane to the south and continues north adjacent to this subject site and connects to Ustick, the main access to this commercial development. This drive aisle is currently being constructed with the site improvements for Eagle Commons as a whole to ensure there is more than one way to get to the entrance of the site. Further discussion on this is in the Access section below, V.G.*

*With the proposed uses of a music venue and nightclub, capacity and hours of operation are integral factors in determining the compatibility of the uses with neighboring and planned development. The Applicant proposes hours of operation for The Oasis as 4:00PM to 1:00AM on the weekdays and 4:00PM to 2:00AM on the weekends. It is unclear what specific days the Applicant is referring to as "the weekends;" Staff is recommending for future analysis, discussion, and conditions of approval purposes that this is in reference to Friday and Saturday nights only. The Villasport site was approved to remain open until 12:00AM, midnight which would cover a majority of the same operating hours proposed with this application. Both proposed uses, Villasport and The Oasis, are likely to drastically increase activity on this currently vacant corner. However, the Villasport approvals are set to expire soon unless that Applicant applies for a time extension. This calls into question how this corner will look in the coming years and it is not feasible for Staff to speculate too far as there could be many unknowns. Staff must analyze this project based on the current situation known which includes the Villasport development.*

*The Oasis is further away from the existing residential than Villasport but this does not mean any negative impacts are automatically alleviated. Therefore, Staff recommends weekday (Sunday thru Thursday) hours for The Oasis be limited to 4:00PM to 12:00AM. These hours of operation for the weekdays match the closing time of Villasport making it more compatible with that use and nearby residential development. The opening time is of less concern to Staff because these*

## Exhibit A

*types of businesses do not generally have peak hours of operation earlier in the evening. It can be assumed that the 4:00PM start time is likely more associated with private events like that of weddings than it is associated with the nightclub or concert uses. In addition, the hours of operation are only applicable to use of the site by those other than employees; ancillary indoor business activities are allowed beyond these hours for employees, as outlined in UDC 11-2B-3B.*

*Staff recommends the weekend (Friday & Saturday) hours are also limited to help with being compatible to nearby residential. These hours should be limited to 4:00PM to 1:00AM, a reduction in one hour of operation from the Applicant's request and one more hour than the weekdays.*

*The Applicant's original narrative estimated a capacity of approximately 1,000 patrons for the 7,000 square foot tenant suite. After receiving a conceptual floor plan, preliminary discussions with Fire plan reviewers discussed a maximum capacity closer to 700 persons; the exact number for maximum building occupancy cannot be known until architectural plans are submitted with building permit submittal at a later date. However, through the CUP process, capacity can be limited further. Because of the issues outlined in this staff report, Staff recommends capacity be limited to no more than 500 persons to include employees. Employees will likely take up parking spaces for the entire hours of operation so they should be included in the maximum capacity. The Applicant and Staff have discussed this number and there is preliminary agreement on this condition. Staff arrived at this number because it is the same ratio as the minimum parking ratio for the proposed use, a 1:4 ratio. 500 persons and 125 parking spaces equate to one (1) space for every four (4) people; drastically improved from one (1) space for every 6 or 7 people with a capacity over 700. Further analysis on the parking is below in section V.H.*

*IF the Applicant can adhere to the recommended conditions of approval noted below, Staff finds the proposed use is compatible with adjacent uses in that it should be mitigated appropriately. **Commission may determine further mitigation is needed through this CUP process.***

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

Main access to and for this development will be via a shared driveway connection to Ustick Road limited to a right-in/right-out access—the land owner is currently constructing this shared driveway access for their development because this site is developing before the Villasport project. There are no public streets as part of this commercial development and therefore no stub streets are proposed. Instead, there are private drive-aisles as are standard for commercial developments. The Applicant has an existing cross-access agreement with the adjacent commercial properties (Inst. #106169335) but **this agreement does not include a cross-parking agreement.**

*As previously discussed above, the subject site abuts a drive aisle that connects to Ustick and is the main access to this commercial development. This commercial drive aisle will be a continuation of N. Cajun Lane, a private street, from the south but in fact will not be a named street. This off-site drive aisle is currently being constructed with the site improvements for Eagle Commons as a whole because Cajun Lane connects to Seville Lane and is an access point to Eagle Road. Constructing this connection ensures there is more than one way to access the site entrance other than from Ustick. The Eagle Road access is an existing access that is off-site and limited to a right-in/right-out only access. Because the overall site, Eagle Commons, has received preliminary plat approval to subdivided the property, cross-access and cross-parking between the five proposed lots is required. In the recorded Covenant, Conditions, and Restrictions (Inst. #2020-075457) this cross-access is discussed and dictated for each lot and future user.*

*In addition to the shared drive aisle that abuts the property to the west, The Villasport site improvements and recorded cross-access agreement will include an additional Ustick Road*



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*access point further west, N. Centrepont Way. These access points to the arterial are long approved for the site. Staff finds there is adequate and safe access to the site at full build-out and with only the most adjacent Ustick access in conjunction with the drive aisle connection to Cajun Lane and then out to Eagle Road. However, to help mitigate any residential cut-through traffic this Applicant and land owner should work with the Villasport Applicant to construct a driveway through their site in-line with where they plan to construct one in the future. This driveway would provide a more direct means of accessing Centrepont Way and the existing traffic signal at that intersection without having to use the roads adjacent to the residential subdivision further to the south.*

*Staff also agrees that at peak hours of business (after 8pm) access to the site should be improved as adjacent traffic levels on Ustick and Eagle should be much less than at 5 or 6pm. This is due to the fact there are not many businesses open beyond 9pm within Meridian that draw the kind of customers that can be assumed for the proposed business. However, once the Villasport project is constructed this may change and traffic along Ustick will likely increase in the hours between 8pm and midnight due to their approved operating hours as noted.*

*ACHD is the leading agency on access points for the City of Meridian and because peak traffic times should not be drastically affected by the proposed use on any access point, ACHD did not require a Traffic Impact Study for this application. Even with the assumed capacity of 1,000 persons in the initial submittal this was not required and restricting the capacity to 500 persons should help with the traffic concerns of this type of use. Further analysis regarding access should be addressed to ACHD.*

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

Minimum off-street parking is required to be provided in accord with the specific use standards listed in UDC 11-4-3-49 for a restaurant use at the ratio of one (1) space per 250 square feet of gross floor area because the Applicant has noted the business will be serving food. If food was not being served, the minimum code required parking ratio would be one (1) space per 500 square feet of gross floor area. In order to meet UDC minimum requirements for the approximate suite size of 7,000 square feet, a total of 28 parking spaces should be provided.

*With the approved CZC and the additional spaces on the site specific site plan, 102 parking spaces are proposed on-site and would likely be used because there is an existing cross-access and cross-parking agreement in place for the site. Both the land owner and Applicant understand the entire site will likely be used for parking for the proposed business. The approved plans do not show any parking along the future northern commercial lots and the land owner has guaranteed that those spaces will be built prior to this use commencing. Staff recommends a condition of approval commensurate with these conversations and assurances. Staff finds this condition and assurance incredibly important to the project because those additional spaces could amount to the 125 total spaces previously mentioned—depending on how the parking is configured on the north side of the site, there is physical room for approximately a maximum of 37 additional parking spaces at the required 9 feet of width and including four landscape planters in line with code requirements. Again, this is a maximum but does show additional parking spaces will be provided on site beyond what is currently being shown.*

*With 30 additional spaces, a total of 132 spaces would be provided throughout the entire site, exceeding the UDC minimums by approximately 450%. However, not just this use can be analyzed on site because only two other users are currently known and there is potential for additional commercial buildings along the north side of the site. The two other uses currently known are an Urgent Care Facility and Jamba Juice. Jamba Juice is intended to share the same building as The Oasis and would be located in the 1,200 square foot suite to its east, requiring five (5) spaces at a minimum. The urgent care facility will be closed by 5pm and requires only 7*

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*spaces per UDC; these hours of operation for the urgent care facility should not affect The Oasis and are a preferred set of hours when adjacent to a use such as a nightclub and/or music venue that has peak operating hours later in the evening and night.*

*As noted, other future uses on the undeveloped north half of the site are not currently known. Preliminary discussions with the land owners have yielded assumptions that those future uses are likely office uses with a potential for an additional drive-thru but nothing concrete is currently known by Staff. With the potential of additional traffic and parking spaces being utilized during the operating hours of The Oasis once future uses come online, Staff recommends the Applicant and land owner obtain a cross-parking agreement with the adjacent properties to the south and to the west to increase the amount of available parking for the proposed use. In addition, a minimum of 125 total parking spaces shall be constructed within Eagle Commons to obtain a parking to patron ratio of 1:4 in accord with previous approvals.*

*IF these conditions can be met, Staff finds the proposed uses of the property should minimize the impact to the adjacent residential neighborhood.*

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

Minimum 5-foot wide sidewalks are required adjacent to all commercial buildings as outlined in UDC 11-3A-17. The building containing the proposed use has been approved with approximate 8-foot wide sidewalks on the north and west side of the building. These areas of the site are where patrons would congregate as the south and east side of the building contain a drive-thru. The subject building is not directly adjacent to any public streets and was therefore not required to directly connect to those sidewalks. However, the building will have easy access to proposed sidewalks along the drive aisle to the west of the subject site which is being constructed by this land owner because this site is being developed prior to the Villasport site.

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

A 5-foot wide landscape buffer is required adjacent to the drive-through along the southern property line. This landscape strip has been reviewed and approved with the existing CZC and complies with code requirements. Furthermore, as the commercial site to the south develops in the future, additional landscaping will be provided to screen the building and any future use from the residences to the southwest.

## VI. DECISION

### A. Staff:

Staff recommends approval of the requested conditional use permit application per the conditions of approval in Section VIII and the Findings in Section IX of this staff report.

### B. The Meridian Planning & Zoning Commission heard this item on March 18, 2021 and May 6, 2021. At the public hearing, the Commission moved to approve the subject Conditional Use Permit request.

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

- a. In favor: Kyle Scheffler; Terry Silsby; Zach Yates; Eric Sherman; Josiah Savino
- b. In opposition: Please see meeting video [here](#). Over 200 written entries and many testified during the hearing on March 18, 2021 and May 6, 2021.
- c. Commenting: Please see public record noted above.
- d. Written testimony: Please see public comments folder [here](#).
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: Ted Baird, Deputy City Attorney; Bill Parsons, Planning Supervisor; Joe Bongiorno, Deputy Fire Marshall;

## Exhibit A

2. Key issue(s) of public testimony:
  - a. Degradation of the morality of this area of the City by approving the project;
  - b. Nose and traffic issues with proposed use(s);
  - c. Increase of traffic during high capacity events at one of the busiest intersections in City;
  - d. Is there enough parking for max capacity events and where will the excess parking go should the parking lot fill up;
  - e. Does the City, specifically this area, need an additional drinking establishment;
  - f. The positive outcomes and additional avenue for arts and entertainment by approving the subject application;
  - g. Stating that business will allow certain entities use of the space for free is not a viable business plan and appears to be a bait-and-switch tactic to get approved;
  - h. Does proposal meet Mixed-use Regional policy;
  - i. Increase of crime and drunk driving associated with “nightclubs;”
  - j. Max capacity events of proposed business should not impact peak traffic times as most traffic is gone by 8pm;
  - k. The need for a venue like this within Meridian for local artists and musicians;
  - l. How can capacity change and business still be viable—is there something nefarious going on with this application;
  - m. Capacity of residential roundabout south of project location that would likely be utilized for patrons of proposed use when heading south to get to Eagle Road;
  - n. Safety concerns of more traffic passing residential properties to the south/southwest;
3. Key issue(s) of discussion by Commission:
  - a. Basis of Staff’s capacity limitations and how is it enforceable if it is below building/fire code capacity—CUP could be revoked should capacity limitation be repeatedly violated;
  - b. What outdoor component is there, if any—none proposed other than a designated smoking area west of the building on the largest area of sidewalk in response to questions from the Commission;
  - c. How will the Applicant aim to enforce the capacity limitation;
  - d. Why has the capacity limit continued to fall and how does it allow the business to continue;
  - e. What are the safety protocols proposed for a use such as this—specifically to help mitigate illegal activity, drunk driving, over-parking, etc.;
  - f. Ingress/Egress points when building is constructed versus when adjacent Villasport site is built out;
  - g. Is the proposed location an appropriate location when considering the public testimony and proximity to residences;
  - h. Has a noise study been completed by the Applicant—Applicant states music within venue will be quieter than the traffic noise of Eagle Road;
  - i. What is the appropriate capacity to parking space ratio—Commission openly discussed getting to a 3:1 ration instead of Staff’s 4:1 ratio and this was one of the reasons for continuance;
4. Commission change(s) to Staff recommendation:
  - a. Limit capacity to 400 persons instead of 500;
  - b. Amplified music is focused away from the nearest homes;
  - c. When more permanent parking is available, Applicant may come back to P&Z to request additional capacity.





C. Landscape Plans (date: 01/13/2021 & 2/26/2021)

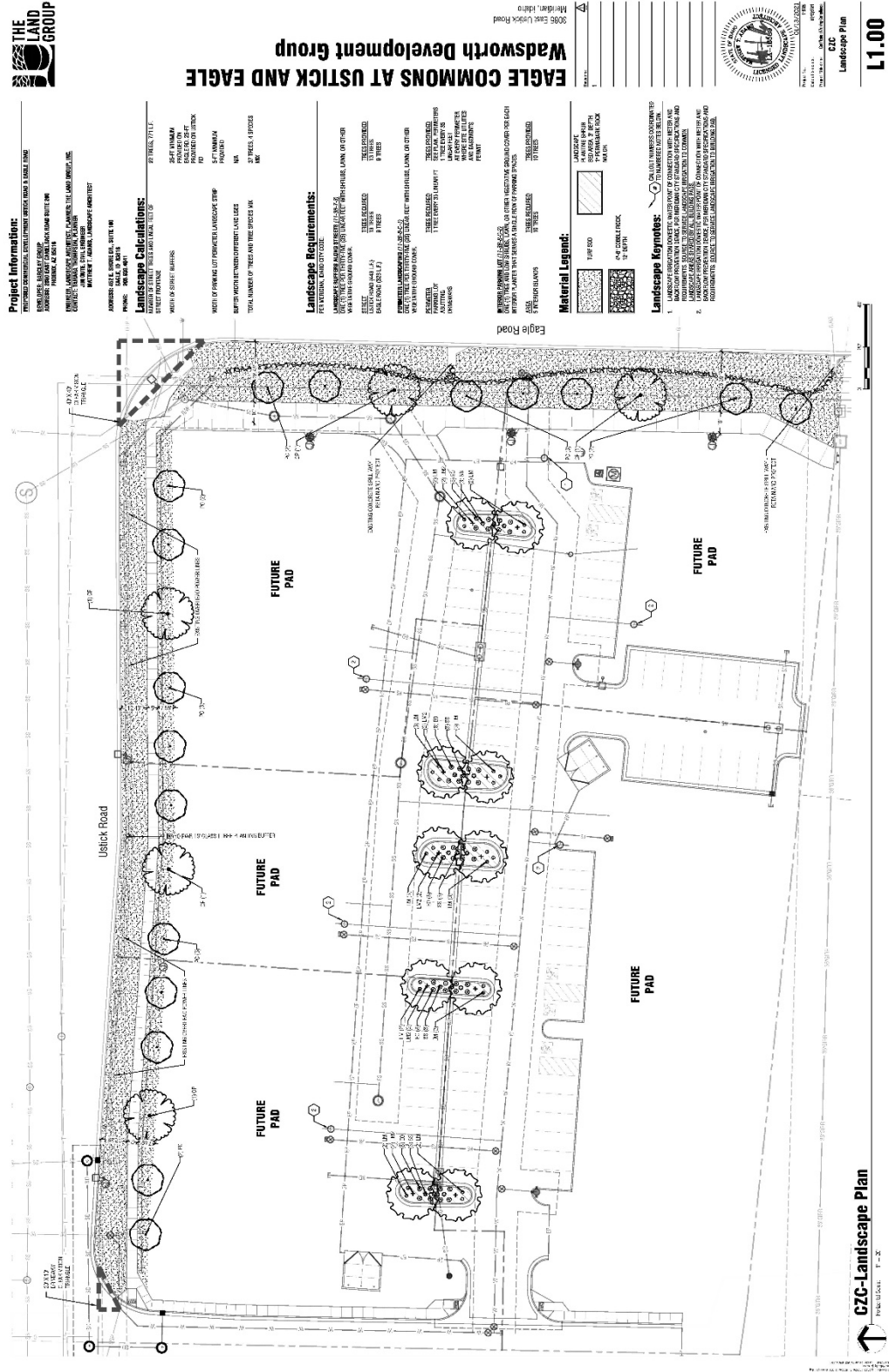




Exhibit A

D. Conceptual Floor Plan

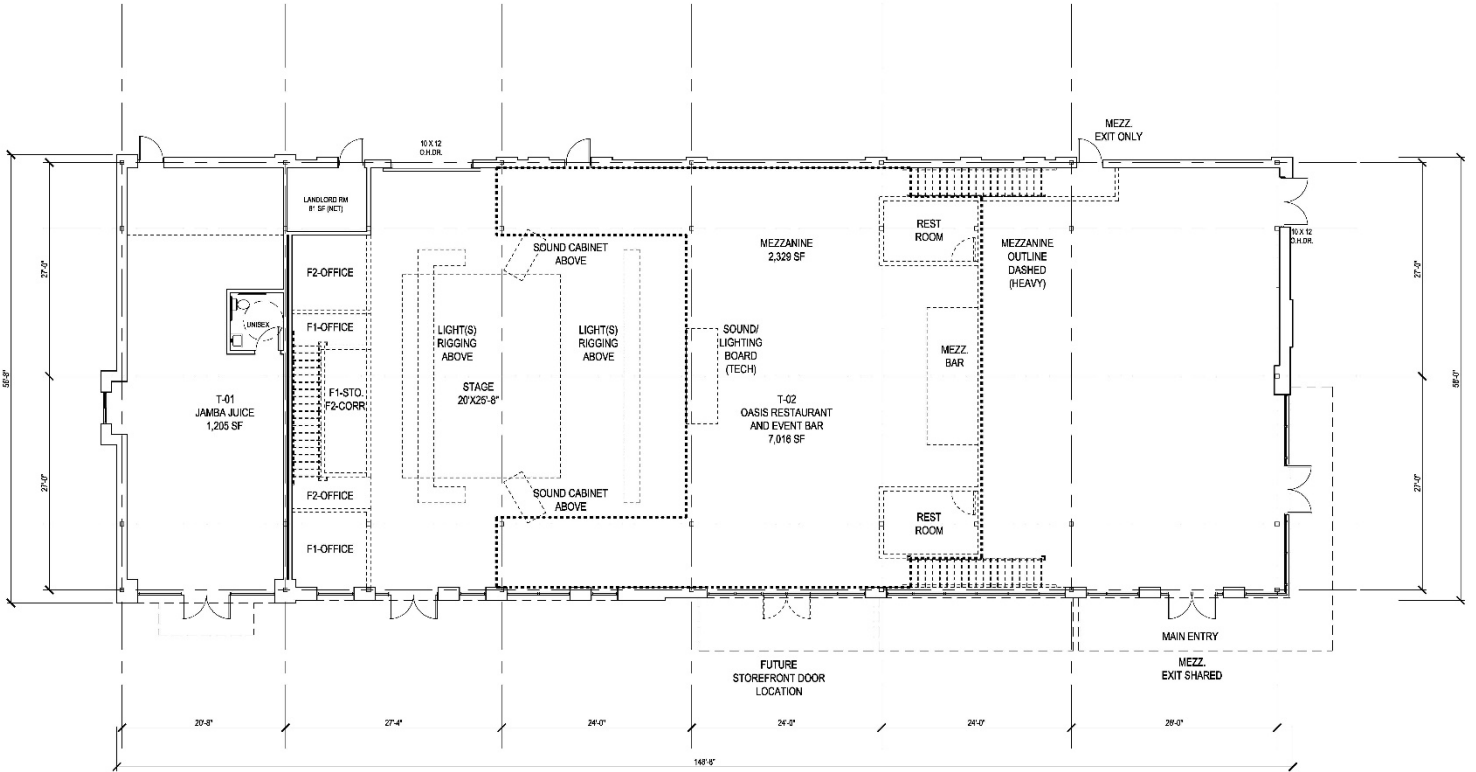




Exhibit A

E. Approved Building Elevations (date: 2/05/2021)



**design west architects**  
 200 SOUTH WALNUT  
 MERIDIAN, ID 83642  
 PHONE: 208.261.4400  
 FAX: 208.261.4401  
 WWW.DESIGNWESTARCHITECTS.COM

**WADSWORTH - OASIS / JAMBA JUICE**  
 MERIDIAN, ID  
 3000 S OASIS ROAD  
 WADSWORTH DEVELOPMENT GROUP

DATE:	2/5/21
BY:	JK
CHECKED BY:	JK
SCALE:	AS SHOWN
PROJECT NO.:	420002
DATE:	2/5/21

**3D VIEW FROM THE NORTHEAST**

**A - VIEW 01**



**design west architects**  
 200 SOUTH WALNUT  
 MERIDIAN, ID 83642  
 PHONE: 208.261.4400  
 FAX: 208.261.4401  
 WWW.DESIGNWESTARCHITECTS.COM

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**3D VIEW FROM THE NORTHWEST**

**A - VIEW 02**

## Exhibit A

### VIII. CITY/AGENCY COMMENTS & CONDITIONS

#### A. PLANNING DIVISION

1. The Applicant and/or assigns has the ongoing obligation to comply with the existing Development Agreement (Inst. #2019-121599) and all current City of Meridian ordinances and previous conditions of approval associated with this site: H-2019-0082, H-2020-0104, A-2019-0376, A-2021-0010, and A-2021-0012.
2. The Applicant shall have an ongoing obligation to comply with the specific use standards for a Drinking Establishment (UDC 11-4-3-10) and Indoor Recreation Facility (UDC 11-4-3-2).
3. The Conditional Use Permit is approved with the following conditions:
  - a. The proposed business shall have operating hours as set forth: Sunday through Thursday, 4:00PM to 12:00AM and; Friday and Saturday, 4:00PM to 1:00AM.
  - b. The maximum number of patrons and employees allowed at any one time shall not exceed ~~five~~four-hundred (5400) persons.
  - c. A minimum of 125 parking spaces shall be provided on the overall Eagle Commons site prior to commencement of the proposed uses.
  - d. ~~The Applicant and/or land owner shall obtain a cross parking agreement with the adjacent sites prior to commencement of the proposed uses (Parcels S1105110111 and/or S1105110120).~~
  - e. Prior to obtaining Certificate of Occupancy for the building, the drive aisle connection from Ustick Road to N. Cajun Lane shall be constructed.
  - f. When more permanent parking spaces are available (i.e. via cross parking agreements), the Applicant may apply for a Conditional Use Permit Modification to request an increase the allowable capacity.
  - g. The internal speakers and any amplified equipment within the venue shall project away from the nearest residences.
4. To establish the new uses, the Applicant shall apply for a Certificate of Zoning Compliance-Change of Use prior to commencing the proposed uses—with this submittal the Applicant shall provide the cross-parking plan with adjacent sites as well as their plan to incentivize patrons to use ride-sharing services to get to the site during events.
5. The Applicant and land owner shall work with adjacent land owners to construct a driveway connection to the west commensurate with the Villasport approvals and site layout to have more direct access to N. Centrepoint Way.
6. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2B-3 for the C-G zoning district.
7. The Applicant shall comply with all previous ACHD conditions of approval.
8. The conditional use approval shall become null and void unless otherwise approved by the City if the applicant fails to 1) commence the use, satisfy the requirements, acquire building permits and commence construction within two years as set forth in UDC 11-5B-6F.1; or 2) obtain approval of a time extension as set forth in UDC 11-5B-6F.4.

## Exhibit A

### B. POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223212&dbid=0&repo=MeridianCity>

### C. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223054&dbid=0&repo=MeridianCity>

### D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223661&dbid=0&repo=MeridianCity>

### E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222985&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### A. Conditional Use Permit Findings ([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.**  
*If all conditions of approval are met, Commission finds the submitted site plan shows compliance with all dimensional and development regulations in the C-G zoning district in which it resides and compliance with the required specific use standards (UDC 11-4-3-2 & 11-4-3-10)*
- 2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.**  
*Commission finds the proposed uses are, with Commission and Staff's conditions of approval, is harmonious with the comprehensive plan designation of Mixed-Use Regional and the requirements of this title.*
- 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.**  
*Despite the proposed use being different than the residential uses nearby to the southwest, Commission finds the design, construction, and proposed operation and maintenance will be compatible with other uses in the general vicinity and should not adversely change the essential character of the same area, so long as the Applicant complies with the conditions of approval and maintains all required landscape buffers.*
- 4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.**

## Exhibit A

*Commission finds the proposed use, if it complies with all conditions of approval imposed, 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.**

*Commission finds the proposed use will be served adequately by essential public facilities and services because all services are readily available.*

- 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.**

*All public facilities and services are readily available for the subject site so Commission finds that the proposed use will not be detrimental to the economic welfare of the community or create excessive additional costs for public facilities and services.*

- 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.**

*Although traffic is sure to increase in the vicinity with the addition of the proposed business, all major roadways adjacent to the site are already at their full width and the peak operating hours should be later than peak traffic hours. In addition, if the Applicant complies with all conditions of approval, Commission finds the proposed use will not be detrimental to any persons, property, or the general welfare.*

- 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).**

*Commission is unaware of any natural, scenic, or historic features within the development area, therefore, Staff finds the proposed use should not result in damage of any such features.*