

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



In the Matter of the Request for Conditional Use Permit for a Drive-through Establishment within 300-feet of Existing Residential Uses and a Residential Zoning District for Pine 43 West, Located at the Southwest Corner of N. Webb Ave. and E. Fairview Ave. in the C-G Zoning District, by CSHQA.

Case No(s). H-2024-0038

**For the Planning & Zoning Commission Hearing Date of: October 17 and November 7, 2024
(Findings on November 21, 2024)**

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of November 7, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of November 7, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of November 7, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 7, 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 Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this decision, which shall be signed by the Chairman of the Commission and City Clerk and then a copy served by the Clerk

upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of November 7, 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 Planning & Zoning Commission's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of November 7, 2024, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Two (2) Year Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City in accord with UDC 11-5B-6F.1. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period in accord with UDC 11-5B-6F.2.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.F.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the Commission may be granted. With all extensions, the Director or Commission may require the conditional use comply with the current provisions of Meridian City Code Title 11.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of November 7, 2024

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2024.

COMMISSIONER MARIA LORCHER, CHAIRMAN VOTED_____

COMMISSIONER JARED SMITH, VICE CHAIRMAN VOTED_____

COMMISSIONER BRIAN GARRETT VOTED_____

COMMISSIONER ANDREW SEAL VOTED_____

COMMISSIONER PATRICK GRACE VOTED_____

COMMISSIONER MATTHEW SANDOVAL VOTED_____

COMMISSIONER SAM RUST VOTED_____

Maria Lorcher, Chairman

Attest:

Chris Johnson, City Clerk

Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

By: _____ Dated: _____
City Clerk's Office

Description	Details
• Requires ACHD Commission Action (yes/no)	No
Traffic Impact Study (yes/no)	No
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	One (1) access driveway is proposed via N. Webb Way, a collector street, at the east boundary of the site. The exit driveway for the drive-through is on E. Wilson St., a collector street, at the south boundary of the site.

III. APPLICANT INFORMATION

A. Applicant:

Mandie Brozo, CSHQA – 200 Broad Street, Boise, ID 83702

B. Owner:

DRB Investments, LLC – 1157 N. Summerbrook Ave., Ste. 100, Meridian, ID 83642

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	10/1/2024
Radius notification mailed to properties within 500 feet	9/26/2024
Public hearing notice sign posted on site	10/25/2024
Nextdoor posting	9/24/2024

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

Land Use:

This property is designated Mixed Use Community (MU-C) 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 tend to be larger than Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) 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. Developments are encouraged to be designed according to the conceptual MU-C plan depicted in Figure 3E.

The subject property is located at the corner of E. Fairview Ave., an arterial street, and N. Webb Way, a collector street, adjacent to other commercial and residential properties.

In conjunction with the residential townhomes directly to the west and across the collector street to the south, multi-family apartments to the southeast, adjacent commercial uses to the north and east that

include restaurants, indoor recreation, personal services and retail stores, the proposed use contributes to the mix of uses desired in the MU-C designation and is consistent with the Comprehensive Plan.

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*):

- “Require all new and reconstructed parking lots to provide landscaping in internal islands and along streets.” (2.01.04B)

Parking lot landscaping and landscaping along streets is depicted on the proposed plans in accord with the standards listed in UDC 11-3B-8C.

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

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

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

The proposed drive-through restaurant will contribute to the variety of commercial uses and restaurant options within this Area of the City.

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

Sidewalks are depicted on the site plan along adjacent public streets with a pedestrian walkway from the perimeter sidewalk to the main building entrance. Additionally, there is an existing 10-foot-wide multi-use pathway along the east side of N. Webb Ave., which provides pedestrian connectivity to the north and south for interconnectivity between uses.

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

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

VI. STAFF ANALYSIS

A. CONDITIONAL USE PERMIT (CUP)

A CUP is requested for a drive-through establishment within 300-feet of existing residences to the west, south, and southeast, and residential zoning district to the south (i.e. R-15) and southeast (i.e. R-40), as required by UDC 11-4-3-11A.

The drive-through is for a restaurant which will be located in the western-most tenant space of a new 10,100-square foot multi-tenant building on the southern portion of the site. No specific tenant has been identified at this time; however, it’s anticipated that the drive-through will only provide pick-up service for pre-ordered items – no queuing is anticipated while products are being prepared.

Note: A property boundary adjustment was previously approved that created the configuration of this property (i.e. ROS #11291 – Parcel 1), which is a legal parcel for development purposes. Therefore, this property isn’t required to be included in a subdivision unless the developer wishes to divide the property in the future.

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

The proposed use is subject to the following standards: *(Staff’s analysis/comments in italic text)*

Drive-Through Establishment: The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. All establishments providing drive-through service are required to identify the stacking lane, menu, and speaker location (if applicable), and window location on the site plan. The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum, the plan is required to demonstrate compliance with the following standards: *The site plan identifies the stacking lane, menu and speaker location and window location as required. Staff recommends signage is installed before the drive-through exit onto E. Wilson St. warning drivers to watch out for pedestrians crossing the driveway.*

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

The proposed restaurant features a stacking lane with space to queue approximately three (3) vehicles. Because only pick-up service is anticipated to be provided, this should be adequate queueing; however, Staff does have concerns it may not be if a future use allows drive-up ordering and queueing. The Commission should determine if a re-design is necessary to accommodate more stacking; or if a restriction should be placed on the use (& future uses) to not allow ordering and queueing on-site.

2) The stacking lane shall be a separate lane from the circulation lanes needed for access and parking, except stacking lanes may provide access to designated employee parking.

The stacking lane is a separate lane from the circulation lanes needed for access and parking.

3) The stacking lane shall not be located within ten (10) feet of any residential district or existing residence;

The stacking lane is not located within 10-feet of any residential district or existing residence. A 38-foot wide landscape buffer is provided to residential uses to the west in the area where the stacking lane is proposed to assist in mitigating the noise and fume impacts of the drive; an 11-foot wide escape lane is also proposed between the buffer and the drive-through. A 6-foot tall vinyl privacy fence is proposed along the west boundary of the site for added screening and a covered canopy is proposed in the area above the drive-through window, which should help buffer noise.

4) Any stacking lane greater than one hundred (100) feet in length shall provide for an escape lane; and

The stacking lane is approximately 68-feet in length, which is below the 100-foot requirement for an escape lane; however, an escape lane is provided on the west side of the drive-through 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 located on the west side of the building and is fully visible from E. Wilson St., along the southern boundary of the site, for surveillance purposes.

Restaurant: The proposed use is also subject to the specific use standards listed in UDC [11-4-3-49](#) Restaurant, which requires at a minimum, one (1) off-street parking space to be provided for every 250 square feet of gross floor area. Upon any change of use for an existing building or tenant space, a detailed parking plan is required to be submitted that identifies the available parking for the overall site that complies with the UDC requirements.

The site plan nor the application narrative states how many square feet the tenant space will be housing the proposed use; the proposed multi-tenant building is 10,100 square feet (s.f.), which would require 40 parking spaces – a total of 43 spaces are proposed on the southern portion of the site, exceeding the minimum standards. If one (1) space at 250 s.f. were required for the overall site based on the total square footage of the buildings depicted on the site plan (i.e. 17,900 s.f.), a minimum of 72 parking spaces would be required. A total of 94 spaces are proposed, including four (4) ADA spaces, which far exceeds the more restrictive minimum standard; however, it's likely the remainder of the uses in the multi-tenant building and the northern building will be non-restaurant commercial uses, which only require one (1) space per 500 s.f. of gross floor area. Therefore, the proposed parking meets and exceeds the minimum standard.

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

Access (UDC [11-3A-3](#)): The site plan depicts one (1) access drive via N. Webb Way, a collector street, at the eastern boundary of the site; local street access is not available for the site. Direct access via E. Fairview Ave. is prohibited. The escape lane for the drive-through onto E. Wilson St., a collector street, may also be used to exit the site. **Staff recommends signage visible from E. Wilson St. is installed at the exit of the drive-through and the escape lane onto E. Wilson St. notifying motorists that access to the site is prohibited in that location.**

Parking (UDC [11-3C](#)): Off-street vehicle parking is provided on the site in accord with and in excess of UDC standards as noted above.

A minimum of one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). A total of 10 bicycle parking spaces are proposed for the overall site with five (5) on this site, which exceeds the minimum standard by six (6) spaces overall. **A detail of the bicycle rack should be submitted with the Certificate of Zoning Compliance (CZC) application that demonstrates compliance with the associated standards.**

Sidewalk (UDC [11-3A-17](#)): A 5-foot wide detached sidewalk exists on the site along N. Webb Way and E. Fairview Ave., only a curb exists along E. Wilson St.; **a 5-foot wide detached sidewalk is required to be constructed along E. Wilson St., a collector street.**

Pedestrian Walkways (UDC [11-3A-19](#)): The proposed plan includes a pedestrian walkway from the perimeter sidewalk along E. Wilson St. to the main building entrance in accord with UDC 11-3A-19B.4. There are no multi-use pathways designated on the Pathways Master Plan for this site. **Staff recommends a pedestrian walkway with pavers, colored or scored concrete, or bricks is constructed across the driveway along the southern boundary of the site in alignment with the sidewalk along E. Wilson St. to delineate the walkway to make it more visible to motorists exiting the site.** *Note: When Pad A develops, a pedestrian walkway should be provided to the main building entrance from the perimeter sidewalk along N. Webb Way that meets the construction standards in UDC 11-3A-19B.4 and from the residential development to the west.*

Landscaping (UDC [11-3B](#)): A 25-foot wide street buffer is required along E. Fairview Ave., an arterial street, and a 20-foot wide buffer is required along N. Webb Way and E. Wilson St., collector streets, measured from back of curb, landscaped in accord with the standards listed in UDC 11-3B-7C.

A minimum density of one (1) tree is required per 35-linear feet of frontage along streets – the width of the driveway may be subtracted from the frontage but the vision triangle and seepage bed/storm drainage areas should be included. Trees should be spaced in accord with the standards in UDC 11-3B-7C.4. Where the street buffers are encumbered by easements that prohibit trees, the buffer area is required to include a minimum five-foot wide area for planting shrubs and trees outside of the easement as set forth in UDC 11-3B-7C.1b. The Project Information Landscape Requirements on the

landscape plan should be revised to reflect 13 trees required within the street buffer along N. Webb Way, a collector street, and a minimum of nine (9) trees within the street buffer along E. Wilson St., a collector street; and a 20-foot wide street buffer required along E. Wilson St., a collector street. A revised landscape plan should be submitted that includes the additional trees and these revisions.

A minimum 25-foot wide buffer is required along the west boundary of the site adjacent to existing residential uses per UDC Table 11-2B-3, landscaped in accord with the standards listed in UDC 11-3B-9C. **The Applicant requests approval of a reduced buffer width along the northern portion of the west boundary of the site ranging from 5 to 10-feet adjacent to parking and the rear of the building on Pad A (a 38-foot wide buffer is proposed directly adjacent to the drive-through on the southern portion of the west boundary). Staff recommends the 5-foot buffer adjacent to parking is widened to 7-feet and the length of the abutting parking spaces are reduced to 17-feet, which allows 2-feet of vehicle overhang (and increases the width of the buffer) in accord with UDC 11-3C-5B.4. A reduced building setback of 15-feet is also requested for the northern building based on the reduced buffer width.** The UDC allows City Council to modify the buffer width at a public hearing with notice to surrounding property owners *if* determined appropriate; a reduction in the buffer width does not affect building setbacks – all structures are required to be set back from the property line a minimum of the buffer width required in the district (i.e. 25'), per UDC 11-3B-9C.2. *Note: Staff is in the process of proposing an amendment to the UDC, which would allow buildings to encroach in the buffer area if consent from the abutting property owner is obtained and if Council grants a reduction to the buffer width. In the interim of a code change, the Director has determined a building can encroach within the required buffer area IF Council grants a reduction to the buffer width AND a reduced setback AND consent from the adjacent property owner is obtained for the buffer and building setback to be reduced. ~~The Applicant should pursue obtaining consent from the abutting property owner for a reduced building setback based on the reduced buffer width for consideration by Council with the request for a reduced buffer.~~*

A revised letter from the owner of the abutting residential property was submitted, included in Section VIII.D below, in support of the reduced buffer width and building setback; ~~approval of the reduced building setback is still needed.~~ **Because the Planning & Zoning Commission is the decision-making body on CUP applications, the Applicant will need to submit an application for City Council review of the Commission's decision in order for Council to review the request for a reduced buffer and building setback at a public hearing, as required by UDC 11-3B-9C.2.**

Interior parking lot landscaping is required in accord with the standards listed in UDC 11-3B-8C.

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. *Staff recommends that the Applicant provide details of the lighting that demonstrate compliance with the standards listed in UDC 11-3A-11 with the CZC application.*

Outdoor Service and Equipment Areas (UDC 11-3A-12): Outdoor mechanical equipment (including, but not limited to, heaters and fans) shall not be located within fifty (50) feet of any abutting residential districts. Although the abutting residential property to the west is not in a residential district, Staff recommends this requirement is extended to it as a condition of the subject CUP. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.

Outdoor utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Safe access and adequate lighting should be provided in these areas.

Trash Enclosure: Two (2) trash enclosures are depicted on the plan to service the overall property – one (1) on Pad A and one (1) on Pad B. **The orientation of the enclosure on Pad A does not meet Republic Services requirements for access and will need to be revised or relocated; the Applicant should work with Republic Services on an alternate acceptable design. Recycling receptacles should be provided in the trash enclosures.**

Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)): Conceptual building elevations were submitted for the proposed single-story structure as shown in Section VII.C. Building materials consist of wood (rough sawn douglas fir), brick, concrete, stone, longboard siding, stucco and glazing with standing seam metal roofing. **Final design is required to comply with the commercial design standards in the Architectural Standards Manual.** A design review application is required to be submitted concurrent with the CZC application.

Certificate of Zoning Compliance (UDC [11-5B-1](#)):

A Certificate of Zoning Compliance (CZC) is required to be submitted for approval of the site and building design prior to submittal of building permit applications.

VII. DECISION

A. Staff:

Staff recommends approval of the Conditional Use Permit per the provisions included in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard this item on November 7, 2024. At the public hearing, the Commission moved to approve the subject CUP request.

1. Summary of the Commission public hearing:

- a. In favor: James Marsh, CSHQA
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: James Marsh, CSHQA
- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. The Applicant submitted a letter in agreement with the staff report conditions.

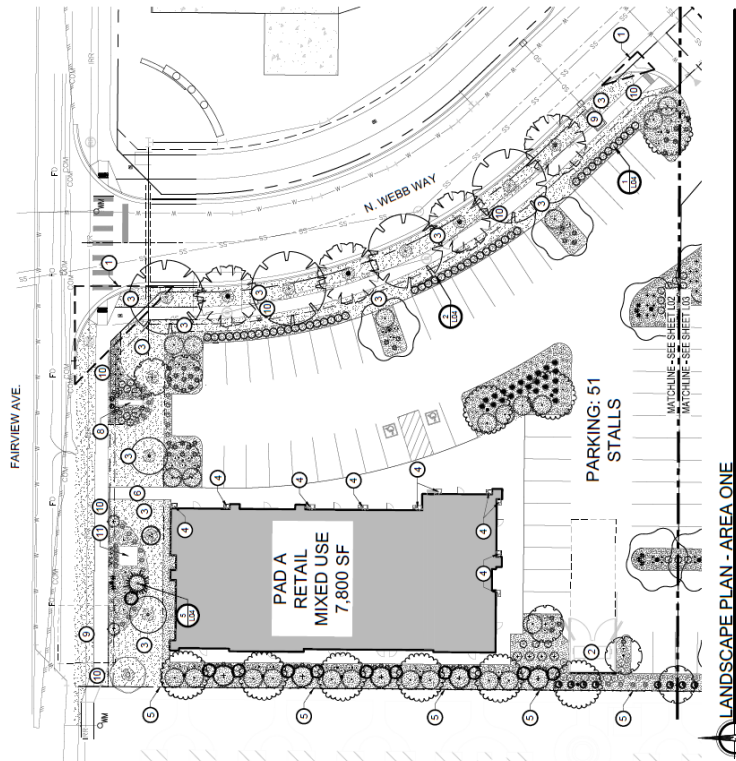
3. Key issue(s) of discussion by Commission:

- a. None

4. Commission change(s) to Staff recommendation:

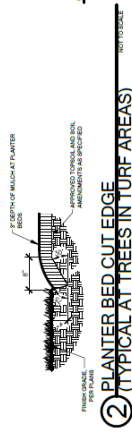
- a. Include a new condition requiring a modification to the CUP if a menu board or speakers are added in the future.

PLANT SCHEDULE					
SYMBOL	QTY	COMMON/BOTANICAL NAME	PLANTING SIZE	MATURITY SIZE	GLASS
CONIFEROUS TREES					
1	1	Shrubbery	6" H.	15" H x 15" W	Class 1
2	1	Common Honey Suckle	6" H.	25" H x 6" W	Class 1
3	1	Flowering Quince	6" H.	30" H x 15" W	Class 1
DECIDUOUS TREES					
4	1	Amelanchier	2" Cal. 8.8B	20" H x 20" W	Class 1
5	1	Amelanchier	2" Cal. 8.8B	45" H x 15" W	Class 1
6	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
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66	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
67	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
68	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
69	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
70	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
71	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
72	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
73	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
74	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
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81	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
82	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
83	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
84	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
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97	1	Shrubbery	2" Cal. 8.8B	45" H x 25" W	Class 1
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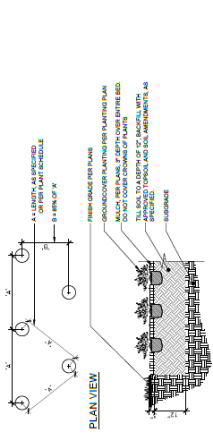


LANDSCAPE PLAN - AREA ONE
 Scale: 1" = 20'-0"
 23330/24006
 tEP Projects\2024\24006 Pine 43 West Retail - CSHOA\CAD\Sheets\24006_Landscape CUP.dwg, 11/14/2024 3:20:15 PM, DWG To PDF.pc3





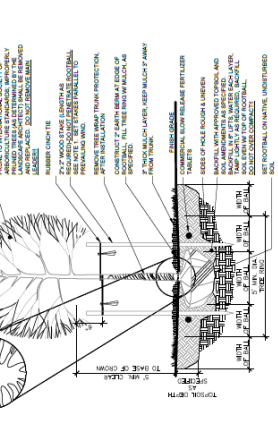
2 TYPICAL AT TREES IN TURF AREAS



3 GROUNDCOVER / PERENNIAL PLANTING



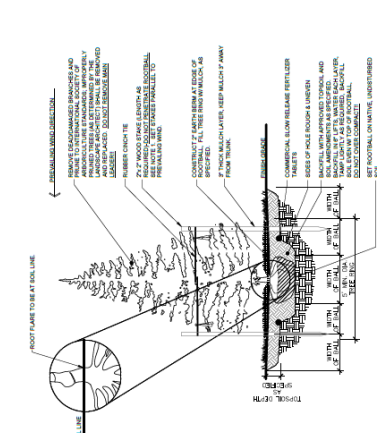
4 DECIDUOUS TREE PLANTING



5 CONIFEROUS TREE PLANTING



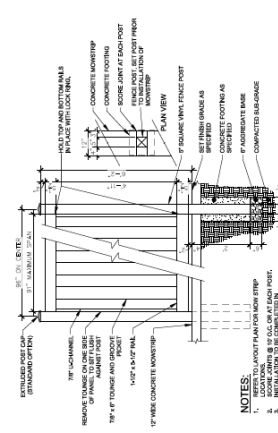
6 VINYL FENCE PANEL



1 SHRUB PLANTING



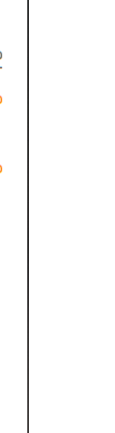
2 TYPICAL AT TREES IN TURF AREAS



3 GROUNDCOVER / PERENNIAL PLANTING



4 DECIDUOUS TREE PLANTING



5 CONIFEROUS TREE PLANTING



6 VINYL FENCE PANEL

D. Letter of Support for Reduced Landscape Buffer & Building Setback from Abutting Property Owner to the West (REVISED)

November 4, 2024

City of Meridian
Planning Department
Meridian City Hall, Suite 210
33 East Broadway Avenue
Meridian, ID 83642

Re: Letter of support

To Whom it May Concern,

Please accept this letter of support for the Pine 43 West Retail development. The property developer has worked closely with our team at Fairview Row Townhomes and made concerted efforts to accommodate the proximity of our site to the west.

The Pine 43 development has shown over the last few years the need for mixed-use and retail spaces that are accessible to the surrounding multi-family complexes. It is our belief that while the landscape buffer is being reduced and Pad A building has a reduced setback from the minimum standard, the provision of a privacy fence and increased plantings will provide adequate visual and sound buffering from our residential units.

We feel that Pine 43 West Retail will improve pedestrian circulation and enhance neighborhood connectivity, while remaining consistent with City of Meridian design standards and future land use planning.

Sincerely,



Steve Martinez

Tradewinds General Contracting
Cottonwood Enterprises, LLC

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Conditional Use Permit:

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement and the conditions contained herein [H-2017-0058 (DA Inst. #2018-000751)].
2. The site/landscape plans submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
 - b. Install signage before the southern drive-through exit to E. Wilson St. warning drivers to watch for pedestrians crossing the driveway.
 - c. Install signage visible from E. Wilson St. at the exits of the drive-through and the escape lane to notify motorists that access to the site is prohibited in that location.
 - d. Include a detail of the bicycle rack that demonstrates compliance with the standards listed in UDC 11-3C-5C.
 - e. Depict a pedestrian walkway with pavers, colored or scored concrete, or bricks across the driveway along the southern boundary of the site in alignment with the sidewalk along E. Wilson St.
 - g. Depict a 5-foot wide detached sidewalk along E. Wilson St., a collector street, in accord with UDC 11-3A-17C.
 - ~~h. Correct the Project Information Landscape Requirements on the landscape plan to reflect 13 trees required within the street buffer along N. Webb Way, a collector street, and a minimum of nine (9) trees within the street buffer along E. Wilson St., a collector street; and a 20-foot wide street buffer required along E. Wilson St., a collector street. Note: The width of the driveway may be subtracted from the street frontage but the vision triangle and seepage bed/storm drainage areas should be included. Trees should be spaced in accord with the standards in UDC 11-3B-7C.4. Depicted on the revised landscape plan.~~
 - ~~i. Depict a minimum of 13 trees within the street buffer along N. Webb Way and a minimum of nine (9) trees within the street buffer along E. Wilson St. in accord with UDC 11-3B-7C.3b. Where the street buffers are encumbered by easements that prohibit trees, the buffer area shall include a minimum five-foot wide area for planting shrubs and trees outside of the easement in accord with UDC 11-3B-7C.1b. Depicted on the revised landscape plan.~~
 - j. Depict shrubs and other vegetative groundcover along with trees *within* the 20-foot wide buffer along N. Webb Way at the back side of the sidewalk in accord with UDC 11-3B-7C.3, instead of outside the buffer where vehicles will overhang beyond the parking spaces, which may result in damage to the shrubs/plantings.
 - k. Depict all outdoor mechanical equipment; such equipment (including, but not limited to, heaters and fans) shall not be located within fifty (50) feet of any abutting residential dwelling.
 - l. Depict a recycling receptacle in the trash enclosures.

- m. Depict a 25-foot wide buffer to residential uses along the west boundary of the site as set forth in UDC Table 11-2B-3; *or*, submit and obtain approval of an application for City Council review of the Commission's (or Director's decision on a Certificate of Zoning Compliance application) decision to reduce the width of the buffer (and building setback) as allowed by UDC 11-B-9C.2 and as determined by the Director.
 - n. Re-orient or relocate the trash enclosure on Pad A to meet Republic Services requirements for access.
3. Compliance with the standards listed in UDC [11-4-3-11](#)– Drive-Through Establishment and [11-4-3-49](#)– Restaurant is required.
 4. Direct access via E. Fairview Avenue is prohibited; access via E. Wilson St. *to* the site is also prohibited – access via E. Wilson St. *from* the site is allowed.
 5. All of the street buffer improvements along E. Fairview Ave., N. Webb Ave. and E. Wilson St. shall be constructed and installed with the proposed development, unless the property is subdivided into two (2) lots prior to development, in which case only the improvements for this property (i.e. Pad B) shall be required.
 6. All outdoor lighting shall comply with the standards listed in UDC 11-3A-11C. Details of the proposed light fixtures shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with these standards.
 7. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#); the design standards listed in the *Architectural Standards Manual* and with the provisions in the Development Agreement.
 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.
 9. If a menu board and/or speakers are added in the future and the operation of the drive-through changes from pick-up service only to allow on-site ordering, a modification to the conditional use permit shall be required in order to re-evaluate the adequacy of the stacking lane.

See the [project file](#) in the public record for comments and conditions from other City departments and agencies.

X. FINDINGS

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

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

The Commission finds that the subject property is large enough to accommodate the proposed use (i.e. pick-up service only) and dimensional and development regulations of the C-G district; however, if the use changes in the future to include a menu board and speakers for on-site ordering, a modification to the CUP shall be required to re-evaluate the adequacy of the vehicle stacking in the drive-through (see Analysis, Section VI for more information).

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

The Commission finds the proposed restaurant with a drive-through will be harmonious with the uses allowed in the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section IX of this report.

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

The Commission finds the design, construction, operation and maintenance of the proposed use will be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and will not adversely change the essential character of the area.

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 Commission finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

The Commission finds the proposed use will be served by essential public facilities and services as required.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

The Commission finds the proposed use will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The Commission finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.

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

The Commission finds the proposed use will not result in the destruction, loss or damage of any such features.