

STAFF REPORT

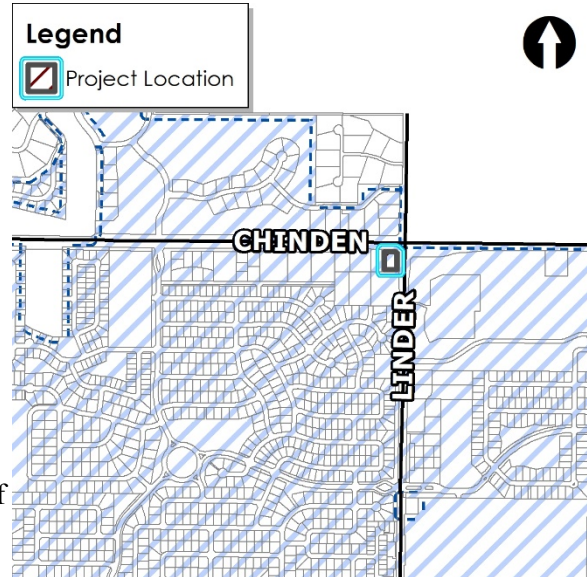
COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: 6/3/2021

TO: Planning & Zoning Commission
 FROM: Joseph Dodson, Associate Planner
 208-884-5533

SUBJECT: H-2021-0030
 Popeye’s Drive-Through – CUP

LOCATION: The site is located at 6343 N. Linder Road, the southwest corner of W. Chinden Boulevard/Hwy. 20/26 and N. Linder Road, in the NE ¼ of the NE ¼ of Section 26, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

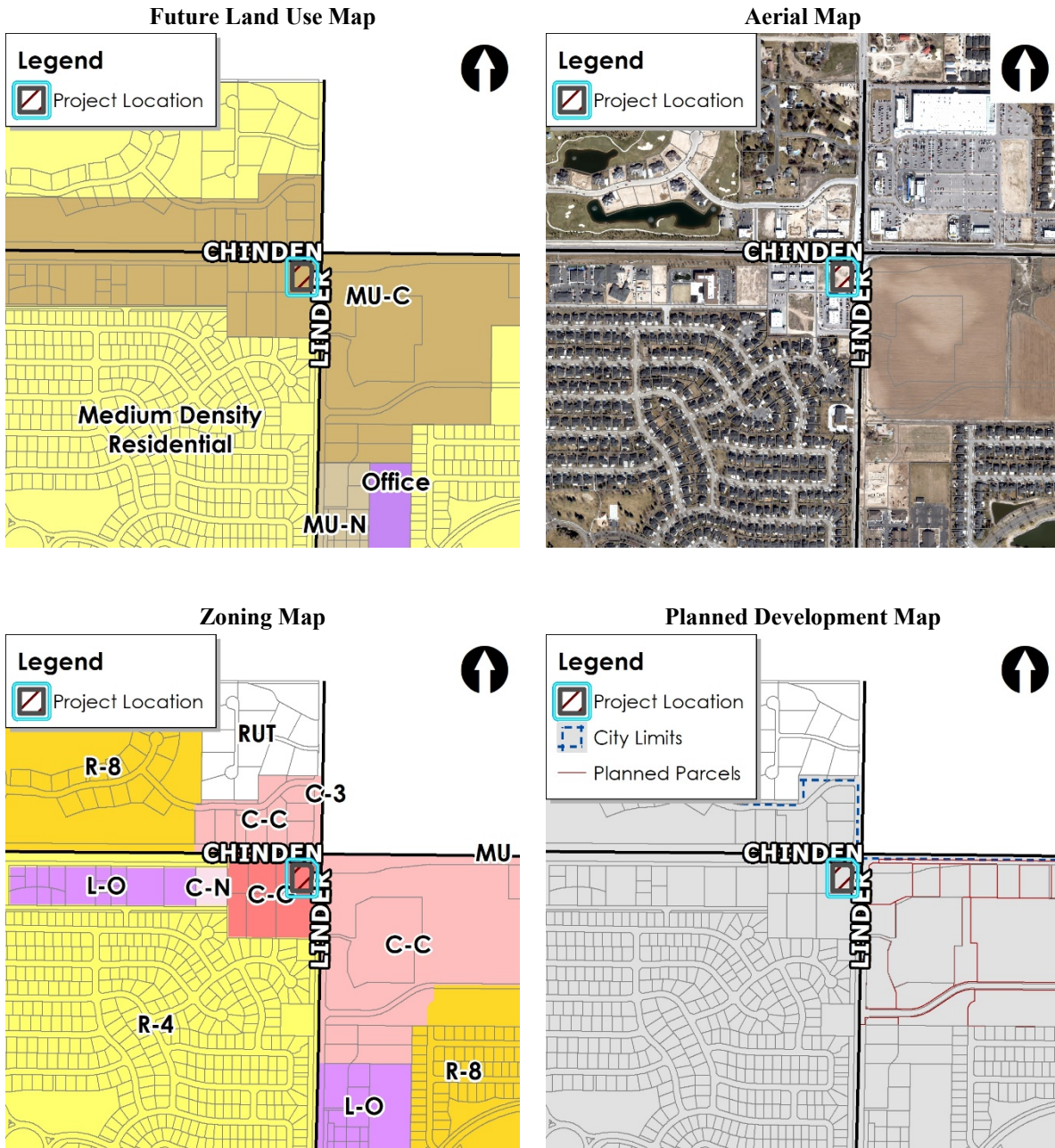
Conditional Use Permit for a drive-through establishment within 300-feet of an existing drive-through on 1.0 acres of land in the C-G zoning district with concurrent Administrative Design Review for the proposed building elevations.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.0-acre	
Future Land Use Designation	Mixed-Use Community	
Existing Land Use	Vacant/undeveloped	
Proposed Land Use(s)	Restaurant with a dual drive-through	
Current Zoning	General Retail and Service Commercial District (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	April 5, 2021; no attendees (One phone call after meeting, see application materials online)	
History (previous approvals)	AZ-06-006; PP-13-031; FP-14-020; MDA-13-019 (DA Inst. #114014784).	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Same as Owner

B. Owner:

Erik Wylie, JRW Construction, LLC – 1676 N. Clarendon Way, Eagle, ID 83616

C. Representative:
Same as Owner

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	5/14/2021
Radius notification mailed to properties within 500 feet	5/11/2021
Site Posting Date	5/21/2021
Next Door posting	5/12/2021

V. STAFF ANALYSIS

The proposed drive-through is for a 2,325 square foot Popeyes Louisiana Kitchen restaurant that is within 300-feet of a separate drive-through to the south, which requires Conditional Use Permit approval (CUP) per UDC Table 11-2B-2 and the specific use standards, UDC 11-4-3-11. The submitted site plan shows a rectangular building situated relatively centered on the site with angled parking along the east and north boundaries. The site plan shows one-way drive aisles around the building that connects to a two-way drive aisle in the northwest corner of the site; this two-way drive aisle is off-site but the adjacent property shares the same ownership. The Applicant anticipates the north drive aisle to be the main point of access to the drive-through.

The subject site is located within the Mixed-use Community (MU-C) future land use which contemplates a multitude of uses, residential, commercial, and otherwise. Due to the size of the site, this singular site cannot be expected to contain three distinct uses as discussed within the mixed-use sections of the Meridian Comprehensive Plan. Instead, those uses within the nearby radius should also be contemplated for compliance with this future land use. Staff finds the proposed use and the surrounding uses, both existing and planned, comply with the MU-C future land use designation.

Specific Use Standards: The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. A site plan is required to be submitted that demonstrates 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:

In general, Staff does not support the proposed site design and is recommending revisions for the Commission to consider; Staff's analysis of the specific use standards and any recommendations are in italics.

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

The proposed site layout places a dual ordering drive-through along the south of the site and the pick-up window on the east side of the building. With this site design the proposed drive-through has a minimal stacking lane due to the overall site and building being relatively small.

Furthermore, the site design is made for traffic to flow in a circular pattern around the building utilizing a portion of the drive aisle adjacent to the west side of the building as the stacking lane. Furthermore, the proposed site design with the anticipation of the extended north drive aisle as

the main entry point requires patrons who intend to park and utilize the dining room to go through the site along the west boundary, use the shared drive aisle along the south boundary to head east, and finally enter the site again to use the parking spaces. As proposed by the Applicant, Staff can envision patrons double stacking to order faster and block the one-way drive along the west boundary and effectively restricting patrons from using the parking spaces along the east boundary. Staff also envisions patrons blocking and/or utilizing the north drive aisle and obstructing both this anticipated exit and entry for the site with as few as seven (7) cars stacked along the west of the building (approximately 140' from the ordering window to the north drive aisle).

Therefore, Staff recommends multiple changes to the site design: 1) one drive-through instead of two should be utilized; 2) the ordering and pick-up areas be flipped on the site to have the pick-up window on the west side of the building and the menu boards located near the north/east side of the site; and 3) flip the parking from the east side of the site to the west side of the site. These changes will allow for adequate stacking with less potential of obstructing the existing drive aisle along the south boundary of the site and allow customers who want to utilize the dining room better access to parking which would be on the west side of the building instead of the east. Further analysis is below in the **Access and Parking** sections of this report.

In addition, Staff does not agree with the Applicant that the northern drive aisle would be utilized as the main access point to the site and instead Staff believes the existing drive aisle along the south of the site will be utilized more for the drive-through component of the business. Because the site is designed to function as a one-way loop, the Applicant should provide more than adequate signage to ensure patrons utilize the traffic flow correctly.

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 designed employee parking.

Per the submitted site plan, the stacking lane(s) are along the west side of the site and are separated from the west drive aisle by striping despite having two drive-through menu boards/speakers. With two proposed drive-through speakers, Staff does not find the proposed separation to be sufficient. In fact, and as noted above, Staff believes patrons would utilize the drive west drive aisle as the second stacking lane and completely obstructing this drive aisle and site exit. Staff's recommended changes above would help alleviate this issue by removing the dual drive-through speaker and placing the singular one along the north/east side of the site adjacent to the one-way drive aisle that is eight feet wider than the west drive aisle. Further analysis is below in the Access section of this report.

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

The stacking lane is not located within 10' of any residential district or residence.

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

The stacking lane exceeds 100' in length but utilizes some of the one-way drive aisle as the stacking area so it is difficult to discern where the stacking lane starts. However, there is also no need for a designated escape lane because the site design does not close off the menu board and patrons can exit the drive-through by utilizing the drive aisle. The adjacent drive aisle is wide enough to function as the escape lane so Staff has no concern with the Applicant complying with this standard with the recommended changes noted above that allow for patrons to exit directly west through the new drive aisle along the north boundary or to the south adjacent to the pick-up window on the west side of the site should they decide they no longer wish to order.

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

The proposed drive-through is located along the south and east side of the site and is visible from Linder Road. With Staff's recommended changes, the menu boards would be located along the north side of the property with the pick-up window on the west side of the building and less visible than currently proposed. After discussions with Meridian Police, they are more concerned with the site circulation than they are regarding the pick-up window being less visible on the west side of the building. Locating the pick-up window on the west side of the building still allows it to be visible from Chinden Boulevard and from within the commercial subdivision.

Staff's specific recommendations can be found in Section VIII.A2 & A3.

The proposed use of a Restaurant is subject to an additional specific use standard listed in UDC 11-4-3-49 and notes that the minimum amount of parking shall be one (1) space for every 250 square feet of gross floor area. *Based on the proposed building size of 2,325 square feet noted on the submitted site plan, a minimum of nine (9) parking spaces are required. The proposed site plan shows 19 parking spaces, exceeding UDC minimums. At the time of the future Certificate of Zoning Compliance (CZC) application, the data table on the site plan should be corrected to reflect the correct minimum standards of a restaurant use instead of the general commercial ratio.*

Access: Access to the site is shown via two drive aisles: one along the south boundary which is currently existing, and; one abutting the site in the northwest corner that is proposed to be constructed with this project. The new proposed drive aisle would traverse an undeveloped lot and connect to a drive aisle that serves existing commercial buildings along Chinden (including an additional drive-through). This drive aisle is the proposed main entry point to the site, according to the Applicant.

The south drive aisle is existing and traverses through the entire commercial subdivision with an access to a private drive aisle intended to be an auxiliary ingress/egress point for the properties in this area. Because the south drive aisle does not have any parking that directly accesses this drive aisle and has access to an auxiliary ingress/egress point, Staff believes this drive aisle will be far more utilized than the new north drive aisle that starts much closer to the Chinden ingress/egress and is essentially a parking lot instead of a drive aisle.

Therefore, with the potential access points and the concerns introduced above, Staff has recommended revisions to the site plan to help mitigate the concerns and increase the efficiency and safety of the site design.

First, Staff recommends the drive-through contain only one (1) ordering speaker to help mitigate double stacking issues. Secondly, Staff recommends mirroring the site to have the menu board on either the east or north sides of the site therefore moving the pick-up window to the west side of the building. Staff does not know if the entire site needs to be flipped placing the main entrance facing south; this would not be preferred as the more architectural elevations would be facing internal rather than towards the adjacent busy roads. However, Staff assumes the internal portions of the building can be flipped to move the pick-up window to the west side of the building and maintain the patio space and building entry facing north along the entryway corridor. With these changes, the entire building can be shifted south and remove the need for any vehicle use area along the south side of the building. Additional landscaping or other features could be utilized in this area. Furthermore, the building shift to the south allows for the menu board to be placed near the north side or northeast corner of the building further away from the patio area—Staff envisions there would be adequate room along the north of the building site to include additional landscaping to screen and mitigate the additional noise generated by vehicles ordering while patrons utilize the patio space.

In short, shifting the site south and flipping the location of the ordering and pick-up windows

opens up the site and allows for easier and more logical ingress and egress to the drive-through by allowing vehicles to enter the site in the southeast corner, stack along the east and northeast sides of the building, pick-up their order along the west side of the building, and then immediately exit via the southbound one-way drive aisle to the shared drive aisle along the south boundary. Staff's recommended site design is based on the assumption that more traffic will utilize the drive aisle along the south boundary than the proposed drive aisle in the northwest corner.

Parking: A minimum of one (1) parking space is required to be provided for every 250 square feet of gross floor area for the proposed restaurant use. *The proposed building is shown as 2,325 square feet requiring a minimum of 9 (rounded down from 9.3) parking spaces; the submitted site plan shows 19 proposed parking spaces exceeding UDC minimums.*

Consistent with Staff recommendations above, Staff recommends flipping the parking from the east side of the site to the west side of the site and face them south to further mitigate conflicts of stacking and parking. By placing the angled parking on the west side and facing them south instead of north, combined with Staff's previous recommendations of flipping the order and pick-up areas, the building can be shifted east by approximately the width of the proposed 20' drive aisle and the angled parking stalls. Therefore, the east drive aisle and south entrance could be used solely for ordering and stacking at the new location of the menu boards along the north end of the site. With the angled parking along the west side of the building, the one-way drive aisle must be at least 13 feet wide per UDC 11-3C-4 but Staff feels it should largely mirror what is currently proposed on the east side (approximately 20 feet wide) to allow for the drive aisle to function as the escape plan as discussed above. Furthermore, the flip of the site allows the escape lane and the drive-thru exit to pick-up their order and immediately exit to the south without impeding as many parking spaces. The Applicant could then designate the parking along the north drive aisle as employee parking to meet the drive-through establishment specific use standard that states employee parking may be impeded by stacking lanes (the new order and stacking location along the east and north sides of the building could impede the parking along the north boundary).

As noted, to make all of this work all of Staff's recommendations should be utilized including the requirement of clear and visible signage noting the required traffic flow for the site.

The existing Development Agreement requires cross-access through all of the commercial parcels within the Knight Hill Center Subdivision. Staff does not have a copy of said cross-access agreement but with other applications, the Applicant has shown compliance with this requirement. *Staff does not have concerns with the Applicant complying with the existing requirement.*

A minimum 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](#). *Bicycle parking is shown on the submitted plans in compliance with code.*

Pedestrian Walkways: A striped pedestrian walkway is depicted on the site plan from the proposed building to the multi-use pathway along W. Chinden Blvd. as required by UDC 11-3A-19B.4a. It also appears there is a sidewalk proposed near the south boundary of the site as a connection to the sidewalk along Linder Rd. However, it is not clear by the submitted plans where the sidewalk is and appears to run into the proposed trash enclosure location. *Staff's recommended changes would allow the trash enclosure to be pushed further north enough to allow for an unobstructed sidewalk along the south boundary of the site. Because it is unclear if the Applicant is proposing a sidewalk along the south boundary, Staff recommends the Applicant make it clearly visible where the pedestrian facilities are when revising the site plan; this allows the Applicant to match what is existing along the south side of the drive aisle along the south boundary of the site. In addition, this pedestrian walkway to Linder has to traverse a drive aisle and should be distinguished from the driving surface. The Applicant should also make it clear where a pedestrian connection to the Linder sidewalk is*

proposed.

Furthermore, subsection B of this code section requires that the pedestrian walkway be distinguished from the driving surface by being constructed with pavers, brick, or scored/colored concrete. The proposed site plan appears to only show striping which does not comply with this code section. The Applicant should show compliance with this code section with a future CZC submittal.

Landscaping: Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. Landscaping is depicted on the landscape plan in Section VII.B.

A minimum 5-foot wide landscape buffer is required to be provided along the perimeter of the parking or other vehicular use areas as set forth in UDC 11-3B-8C.1. *The proposed parking spaces align the perimeter of the site which allows the Applicant to utilize the existing street buffer landscaping as the required landscaping. Staff agrees with this design to maximize the site design. This code requirement is also applicable along the west boundary of the site where a 12-foot wide one-way drive is proposed heading south. The submitted plans do not show any perimeter landscaping along this boundary. Because the adjacent property is owned by the same property owner and the western drive aisle is intended to always function as a one-way drive aisle, Staff is amenable to placing the required 5-feet of landscaping on that property instead. **With the CZC submittal, the landscape plan should be revised to show the required 5-foot wide landscape buffer adjacent to the drive west drive aisle.***

Street buffer landscaping, including sidewalks/multi-use pathway, along N. Linder Rd. and W. Chinden Blvd. were installed with development of the overall subdivision. The submitted landscape plans show the buffers remaining as it currently exists except for the new pedestrian connection to the multi-use pathway along Chinden. *Proposed buffer landscaping complies with UDC requirements.*

Mechanical Equipment: All mechanical equipment adjacent to the building and outdoor service and equipment 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](#). If mechanical equipment is proposed to be roof-mount, all equipment should be screened and out of view as noted above.

Building Elevations: The Applicant applied for Design Review concurrently with this CUP application and therefore provided building elevations to be reviewed. The building elevations were submitted as shown in Section VII.C and incorporate two main field materials, fiber cement siding and stone. The siding and stone are two contrasting colors (coal-like color and white, respectively) which adds to the overall modern design of the building. On the east and west elevations, the number of proposed windows can act as either an accent material or a third field material. The lack of modulation along the north and south elevations are of concern to Staff. In order to meet the modulation requirements for these two façades, a column of stone at least 6 inches in depth should be added to each façade, matching the overall aesthetic by placing them as evenly as possible on each façade.

The detached drive-through canopy is shown with the same two field materials (fiber cement siding and stone) as the main building and meets all of the applicable design standards outlined in the Architectural Standards Manual.

No elevations were submitted that show the proposed trash enclosure; this should be corrected with the future CZC submittal and should match the style of the proposed building. The submitted landscape plans do show adequate screening of the trash enclosure.

Certificate of Zoning Compliance: A Certificate of Zoning Compliance application is required to be submitted for the proposed use prior to submittal of a building permit application to ensure consistency with the conditions in Section VIII and UDC standards.

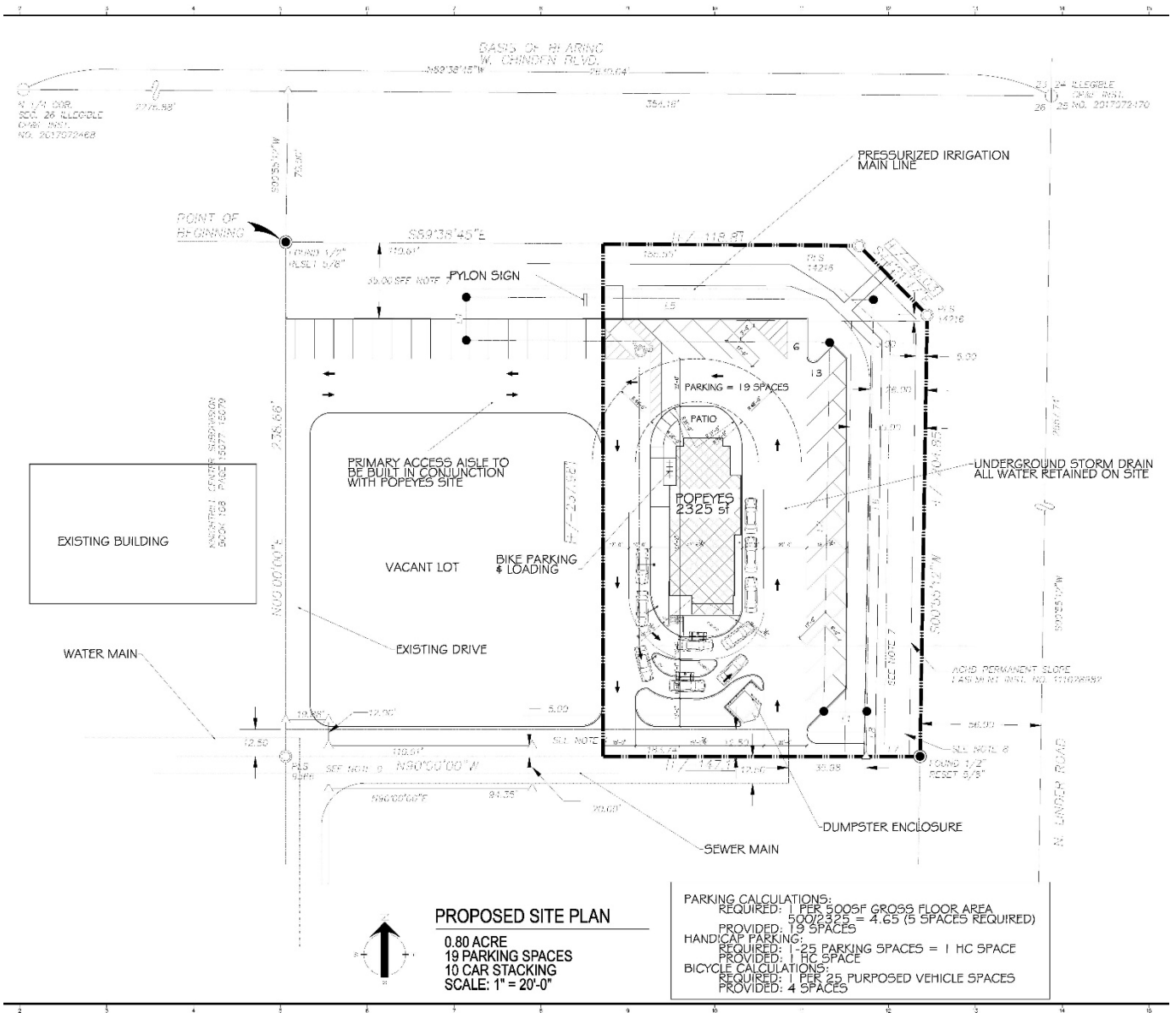
VI. DECISION

A. Staff:

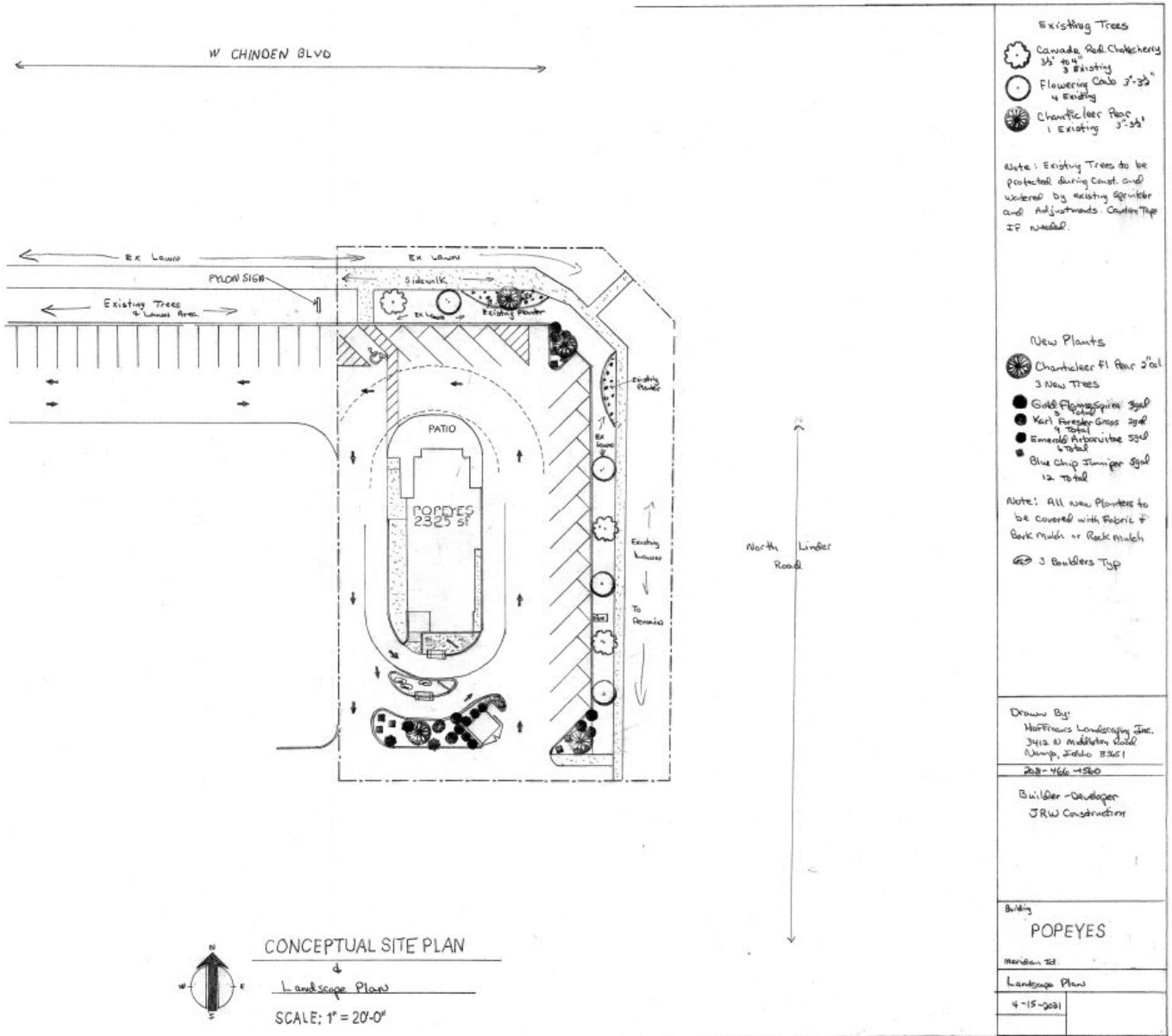
Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX. The Director has approved the administrative design review request with conditions.


VII. EXHIBITS

A. Proposed Site Plan (dated: 4/15/2021) NOT APPROVED



B. Proposed Landscape Plan (dated: 4/15/2021) NOT APPROVED




CONCEPTUAL SITE PLAN
 ↓
 Landscape Plan
 SCALE: 1" = 20'-0"

<p>Existing Trees</p> <ul style="list-style-type: none"> Canada Red Chokeberry 36" to 4" 3 Existing Flowering Crab 3'-3 1/2" 4 Existing Chantrelle Pear 3'-3 1/2" 1 Existing <p>Note: Existing Trees to be protected during Const. and watered by existing Sprinkler and Adjustments. Caution Tape if needed.</p>
<p>New Plants</p> <ul style="list-style-type: none"> Chantrelle Fl Pear 3'-3 1/2" 3 New Trees Gold Flamingo 3' 3" 2 Total Yari Forsythia 3' 3" 4 Total Emerald Arborvitae 3' 3" 4 Total Blue Chip Juniper 3' 3" 12 Total <p>Note: All new Plantings to be covered with Fabric & Bark Mulch or Rock Mulch</p> <ul style="list-style-type: none"> 3 Boulders Typ
<p>Drawn By: Hoffmann Landscaping Inc. 3414 S. Midway Blvd Orem, Utah 84057 203-466-1560</p>
<p>Builder-Developer JRW Construction</p>
<p>Building POPEYES</p>
<p>Revision 22 Landscape Plan 4-15-2021</p>



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the existing Development Agreement ([DA Inst. #114014784](#)), and associated conditions of approval (AZ-06-006; PP-13-031; FP-14-020; MDA-13-019).
2. The Conditional Use Permit for the proposed Drive-Through Establishment is hereby approved with the following conditions of approval:
 - a. No more than one (1) menu board/order speaker shall be permitted;
 - b. The site shall be redesigned per the specific revisions noted below in VIII.A3 and A4 below.
 - c. The west drive-aisle shall be no less than 20 feet in width (not including the drive-through lane) and the east drive aisle shall be no less than 12 feet in width.
 - d. The parking spaces along the north boundary shall be restricted to employee parking only.
 - e. Additional signage is required throughout the site to efficiently and adequately direct patrons to the menu boards and throughout the site with minimal conflict.
 - f. The proposed off-site east-west drive aisle along Chinden Blvd. shown on the adjacent property (Parcel #R4995350100) shall be constructed prior to receiving Certificate of Occupancy, as proposed;
 - g. Prior to receiving Certificate of Occupancy on the proposed building, a Property Boundary Adjustment shall be obtained by the Applicant to reflect the new location of the west property line, as shown on the submitted plans.
3. The site plan submitted with the future Certificate of Zoning Compliance application shall be revised as follows:
 - a. Depict the pick-up window on the west side of the building and the menu board/order speaker along the north/northeast side of the building;
 - b. Depict the north facing angled parking to be on the west side of the site instead of the east side of the site and angle them southbound;
 - c. Shift the proposed building to the east and to the south to allow for better utilization of the site along the north drive aisle with the option to incorporate more landscaping for screening;
 - d. Designate the parking along the north boundary of the site as employee-only parking and move the handicap space to the new parking along the west boundary to place it closer to the building entrance;
 - e. Depict pedestrian facilities along the south boundary of the site to match what is on the south side of this shared drive aisle; depict these pedestrian walkways and their connections clearly on revised site plans;
 - f. Per UDC 11-3A-19B.4b, depict pedestrian walkways across driving surfaces to be constructed with bricks, pavers, and/or colored or scored concrete to clearly delineate the driving surface from the pedestrian walkway.

4. The landscape plan submitted with the future Certificate of Zoning Compliance application shall be revised as follows:
 - a. Show compliance with UDC 11-3B-8C by constructing the required 5 feet of perimeter landscaping along the west boundary adjacent to the revised angled parking location.
5. The elevations submitted with the Administrative Design Review (DES) application are approved with the following revisions:
 - a. Ensure the east and west elevations have qualifying modulation per standard 3.1A & 3.1B in the [Architectural Standards Manual](#). It is unclear based on the site plan whether the portions of the wall with the brick façade have the qualifying modulation. Any revisions to the elevations are required with the submittal of the certificate of zoning compliance application.
6. Submit elevations of the trash enclosure that generally matches the proposed building design.
7. Comply with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required.
8. Comply with the standards listed in UDC [11-4-3-49](#) – Restaurant.
9. A Certificate of Zoning Compliance application shall be submitted and approved for the proposed use prior to submittal of a building permit application.
10. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

B. PUBLIC WORKS

1. There are no utilities shown with the plans submitted. Any changes to public water or sewer infrastructure must be reviewed by Public Works prior to approval.

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229161&dbid=0&repo=MeridianCity>

D. CENTRAL DISTRICT HEALTH (CDH)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228244&dbid=0&repo=MeridianCity>

IX. FINDINGS

Conditional Use (UDC 11-5B-6)

Findings: The commission shall base its determination on the conditional use permit request upon the following:

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

Staff finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-G zoning district if Staff's recommendations of approval are met.

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

Staff finds the proposed restaurant and drive-through will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII 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.**

With the conditions of approval in Section VIII, Staff 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.**

Staff finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section VIII of this report.

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

Staff 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.**

Staff 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.**

Staff 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)**

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