



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: 6/1/2023

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: SWIG – CUP
[H-2023-0014](#)

LOCATION: 3471 W. Chinden Blvd. in the NE 1/4 of Section 27, T.4N., R.1W. (Lot 2, Block 1, Lost Rapids West Subdivision)



I. PROJECT DESCRIPTION

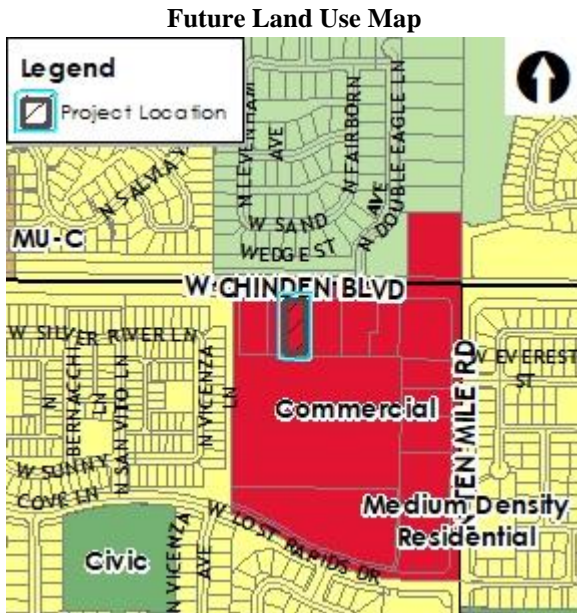
Conditional Use Permit (CUP) for a drive-through establishment within 300-feet of another drive-through facility, a residential district and existing residences on 0.59-acre in the C-G zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	0.59-acre	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Restaurant with a drive-through	
Current Zoning	General Retail & Service Commercial (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	NA	
Neighborhood meeting date; # of attendees:	3/9/23	
History (previous approvals)	H-2018-0004 (CPAM, AZ, PP, VAR – Lost Rapids); H-2019-0056 (FP – Lost Rapids); Development Agreement (Inst. # 2018-079970 – GFI – Meridian Investments II, LLC); PBA-2022-0019 - ROS #13628 (Parcel B); SHP-2022-0014 (Lot 17, Block 1, Lost Rapids West Subdivision)	

A. Project Area Maps



Note: The configuration of the property shown on the above maps does not reflect the recent short plat for Lost Rapids West Subdivision.

III. APPLICANT INFORMATION

A. Applicant:

Kofi Addo, Bowman – 2805 Dallas Parkway, Ste. 310, Plano, TX 75093

B. Owner:

GFI Meridian Investments II, LLC – 74 E. 500 South, Ste. 200, Bountiful, UT 84010

C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	5/17/2023
Radius notification mailed to properties within 300 feet	5/12/2023
Site Posting Date	5/18/2023
Next Door posting	5/15/2023

V. STAFF ANALYSIS

The Applicant proposes to construct a 665 square foot (s.f.) restaurant with a drive-through for SWIG on a 0.87-acre property in the C-G zoning district. The restaurant serves sodas, cookies and pretzels. The proposed use will only have drive-through service; no indoor or outdoor public seating and no walk-up order window is proposed.

A restaurant is listed as a principal permitted use in the C-G zoning district per UDC [Table 11-2B-2](#), subject to the specific use standards listed in UDC [11-4-3-49](#). A drive-through requires approval of a conditional use permit when it’s within 300 feet of another drive-through facility, an existing residence or a residential district per [11-4-3-11A.1](#). In this case, three (3) other drive-through establishments exist within 300 feet of the property – Key Bank (A-2023-0015) to the west, Dutch Bros. Coffee to the east (A-2021-0177) and Slim Chickens (A-2022-0160) to the east; there are existing residences and residential districts within 300 feet of the property to the west.

The proposed use and development plan is in substantial conformance with the provisions in the existing Development Agreement (Inst. # [2018-079970](#)).

Specific Use Standards: *Staff’s analysis is in italics.*

- 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. *Menu boards are proposed as depicted on the site plan in each of the drive-through lanes; speakers are not proposed as SWIG staff walks up to the customers to accept orders prior to the drivers going to the pick-up window. The pick-up window is depicted on the site plan and elevations at the southwest corner of the building on the west side. In order for the outside travel lane to function as an escape lane as required for drive-throughs that exceed 100-feet in length, Staff recommends no stacking is allowed in this area and the menu board is removed. Signage should be installed notifying patrons not to block the escape lane.*

The site plan is required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. *A sidewalk is proposed along the southern boundary of*

the site for safe pedestrian access to the east and west. Because a private drive-aisle runs along the southern boundary of the site that provides access to adjacent properties to the east and west, a cross-access easement/driveway is not required to be provided to adjacent properties to the east and west.

At a minimum, the plan is required to demonstrate compliance with the following standards:

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

The site plan provides queuing for at least 9 vehicles, which should be adequate to prevent obstruction of the drive aisles.

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 design of the site requires traffic to pass through the escape lane for the drive-through to exit the site. The escape lane (outside travel lane) should remain open with no stacking allowed in order for the circulation lane to remain open.

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 is approximately 180+/- feet from the point of entry to the drive-through window; therefore, the stacking lane exceeds 100' in length and an escape lane is required. An escape lane is depicted on the site plan.

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 visible from W. Chinden Blvd. and from the drive aisle 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) parking space to be provided for every 250 square feet of gross floor area. *See parking analysis below.*

Dimensional Standards: Future development should be consistent with the dimensional standards listed in UDC Table [11-2B-3](#) for the C-G zoning district.

Access: Access is proposed via the east/west private drive aisle along the southern boundary of the site; direct access via W. Chinden Blvd./SH 20-26 is prohibited. A reciprocal cross-access easement exists between all lots in the subdivision as noted on the Lost Rapids subdivision plat.

Parking: As noted above, UDC 11-4-3-49 includes specific off-street parking standards for restaurants, which the site plan demonstrates compliance with. A minimum of three (3) off-street vehicle parking spaces are required for the 665 square foot building; seven (7) are proposed, in excess of the minimum standards. Because walk-up ordering is not proposed, the parking will be for employees only. **Signage should be installed notifying patrons walk-up ordering is not allowed.**

A bicycle rack capable of holding at least one (1) bicycle is required 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 bike rack is depicted on the site plan; **a detail should be included on the site plan submitted with the Certificate of Zoning Compliance application that complies with the aforementioned**

design standards.

Landscaping: Street buffer landscaping was installed within the street buffer along W. Chinden Blvd. with the Lost Rapids subdivision improvements.

Parking lot landscaping is required to be provided in accord with the standards listed in UDC [11-3B-8C](#). The perimeter buffer is required to be planted with one (1) Class II or Class III tree per 35 linear feet and shrubs, lawn or other vegetative ground cover. **The tree class should be included in the Plant Schedule on the landscape plan.**

Sidewalks: A 10-foot wide sidewalk/multi-use pathway exists within the street buffer along W. Chinden Blvd. A pedestrian walkway is proposed from the sidewalk along Chinden and from the sidewalk along the southern boundary of the site to the main building entrance, as required by UDC 11-3A-19.B.4. **Where pathways cross vehicular driving surfaces, they're required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.**

Easements: There are existing easements on this lot as shown on the Lost Rapids subdivision plat and as depicted on the site plan. The proposed structure does not encroach within these easements.

Mechanical Equipment: All mechanical equipment on the back of the building or on the rooftop and all 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](#).

Building Elevations: Conceptual building elevations were submitted as shown in Section VII.C for a single-story building that incorporates a mix of materials consisting of stucco, simulated wood and brick wainscot. **The final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).**

Certificate of Zoning Compliance & Design Review: A Certificate of Zoning Compliance and Design Review 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, UDC standards and design standards.

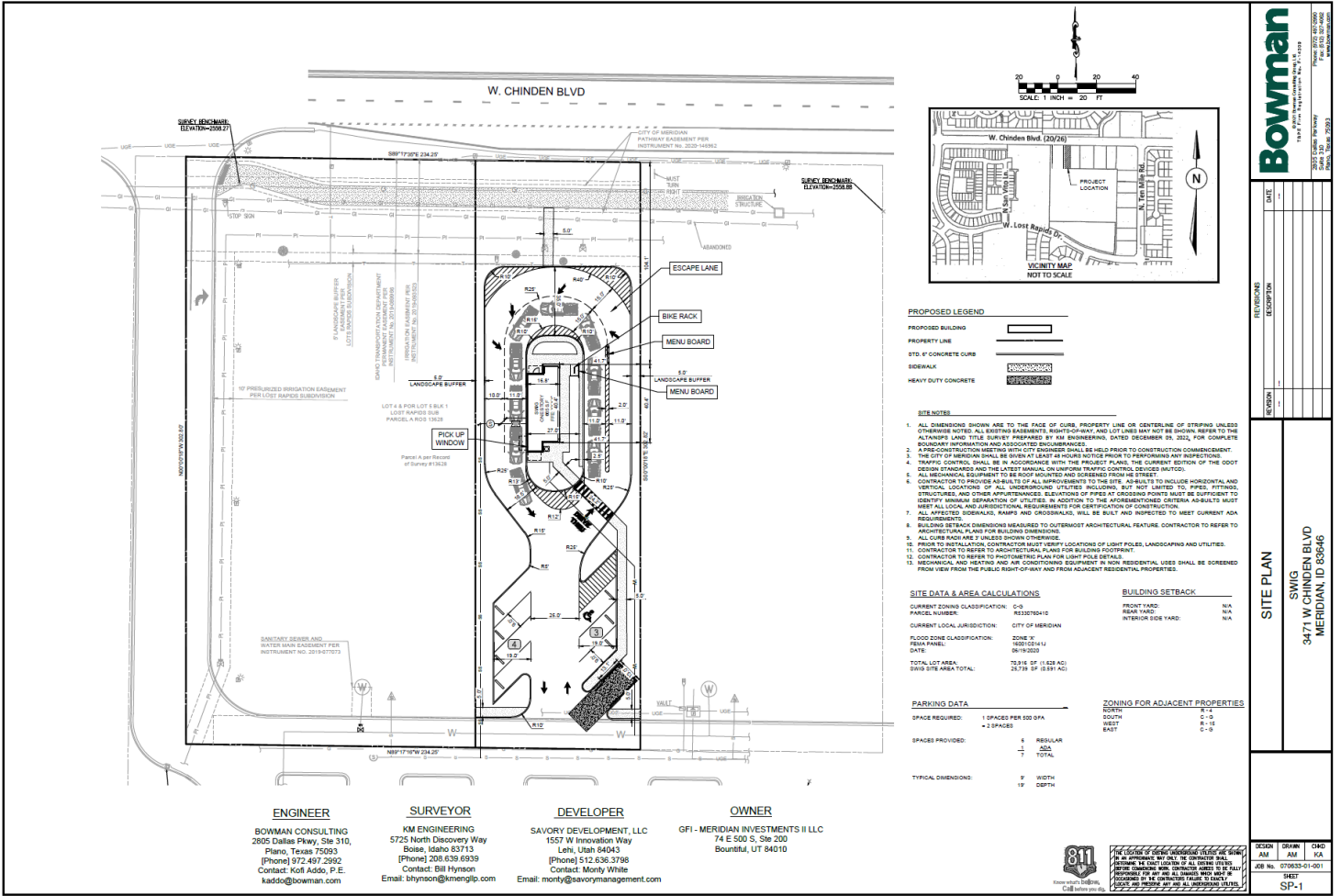
VI. DECISION

A. Staff:

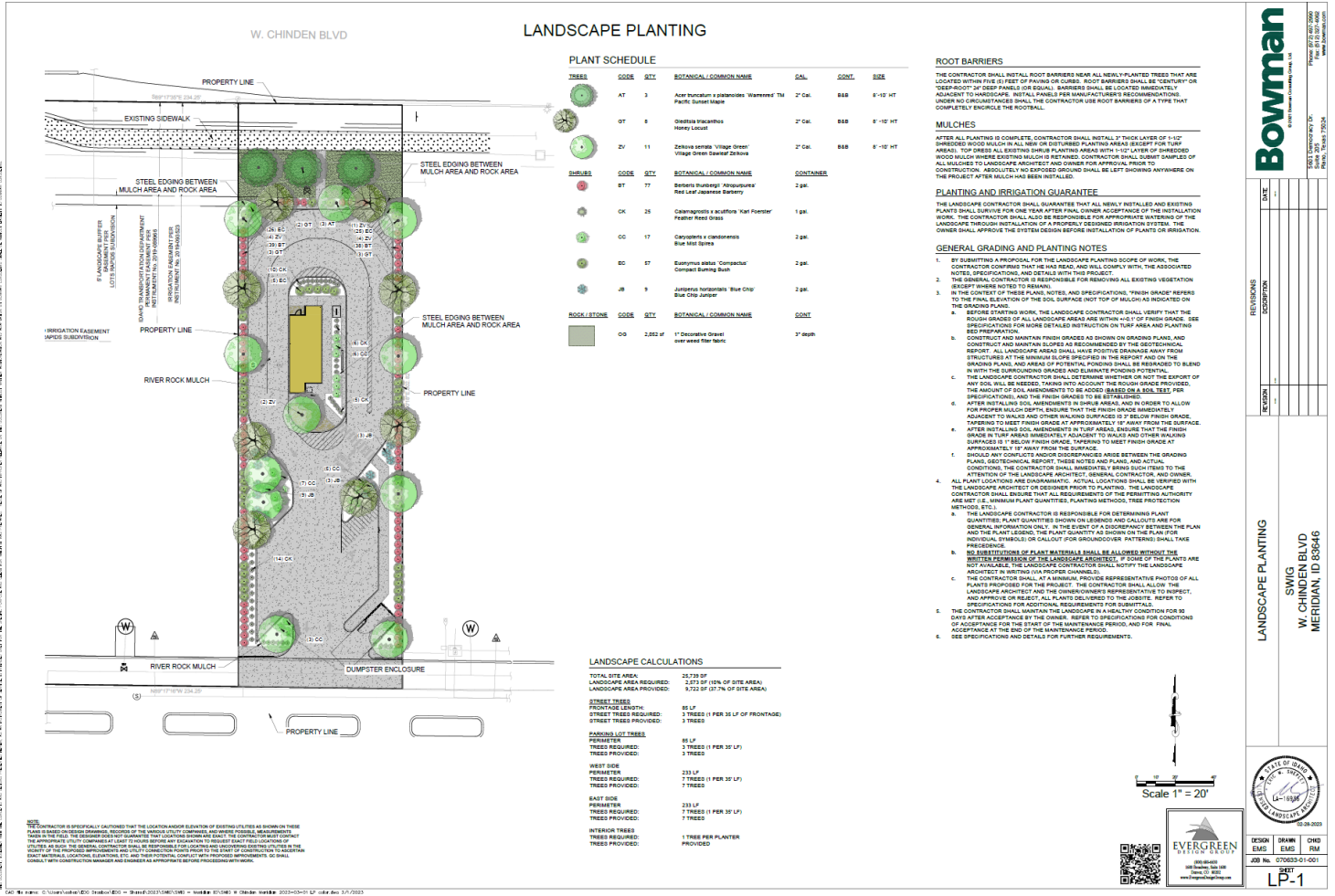
Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX.

VII. EXHIBITS

A. Proposed Site Plan



B. Proposed Landscape Plan



LANDSCAPE PLANTING

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CAL.	CONT.	SIZE
	AT	3	Acer floridanum x glaberrimum 'Wormhole' TM Pacific Sunset Maple	2" Cal.	888	8'-10" HT
	OT	8	Quercus laevis Heavy Locust	2" Cal.	888	8'-10" HT
	ZV	11	Zelkova sericea 'Village Green' Village Green Sycamore Zelkova	2" Cal.	888	8'-10" HT
	BT	77	Betula pumila 'Blue Chip' Fossil Feed Grass	2" Cal.		
	OK	26	Osageodendron x acerifolia 'Karl Foerster' Foster Red Grass	1" Cal.		
	CC	17	Corylopsis x canadensis Blue Hill Spire	2" Cal.		
	SC	57	Syringa alba 'Compass' Compass Syringa	2" Cal.		
	JH	9	Jasione hortensis 'Blue Chip' Blue Chip Juniper	2" Cal.		
	ROCK LITON	QTY	BOTANICAL / COMMON NAME	CONT.		
	09	2,852 SF	1" Decorative gravel over weed fabric mat	2" depth		

LANDSCAPE CALCULATIONS

TOTAL SITE AREA:	21,733 SF
LANDSCAPE AREA REQUIRED:	9,722 SF (45% OF SITE AREA)
TREES	85 LF
FRONTAGE LENGTH:	3 TREES PER 30 LF OF FRONTAGE
0 TREES TREES REQUIRED:	3 TREES
3 TREES PROVIDED:	3 TREES
PARKING LOT TREES	85 LF
PERIMETER:	3 TREES (1 PER 30 LF)
TREES REQUIRED:	3 TREES
TREES PROVIDED:	3 TREES
WEST SIDE PERIMETER	233 LF
TREES REQUIRED:	7 TREES (1 PER 30 LF)
TREES PROVIDED:	7 TREES
EAST SIDE PERIMETER	233 LF
TREES REQUIRED:	7 TREES (1 PER 30 LF)
TREES PROVIDED:	7 TREES
INTERIOR TREES	1 TREE PER PLANTER
TREES REQUIRED:	1 TREE
TREES PROVIDED:	1 TREE

ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY PLANTED TREES THAT ARE LOCATED WITHIN FIVE FEET OF DRIVEWAYS OR CURBS. ROOT BARRIERS SHALL BE "IDENTITY" OR "DEEP-ROOT" 30" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO DRIVEWAYS. INSTALL PANELS TO THE MANUFACTURER'S RECOMMENDATION. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCLOSE THE ROOTBALL.

MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SCREENED BROWN PINE MULCH IN ALL PLANTING AREAS EXCEPT FOR TURF AREAS. TOP DRESS ALL EXISTING TURF PLANTING AREAS WITH 1-1/2" LAYER OF SCREENED WOOD MULCH OVER EXISTING MULCH IF REMAINS. CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL. PRIOR TO CONSTRUCTION, ADJUSTABLE UNEXPOSED GROUND SHALL BE SET BACKING AWAY FROM THE PROJECT AFTER MULCH HAS BEEN INSTALLED.

PLANTING AND IRRIGATION GUARANTEE

THE LANDSCAPE CONTRACTOR SHALL GUARANTEE THAT ALL NEWLY INSTALLED AND EXISTING PLANTS SHALL SURVIVE FOR ONE YEAR AFTER FINAL OWNER ACCEPTANCE OF THE INSTALLATION WORK. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR APPROPRIATE MAINTENANCE OF THE LANDSCAPE THROUGH INSTALLATION OF A PROPERLY DESIGNED IRRIGATION SYSTEM. THE OWNER SHALL APPROVE THE SYSTEM BEFORE INSTALLATION OF PLANTS OR IRRIGATION.

GENERAL GRADING AND PLANTING NOTES

- BY SUBMITTING A PERMIT FOR THE LANDSCAPE PLANTING SCOPE OF WORK, THE CONTRACTOR CONFIRMS THAT HE HAS READ AND WILL COMPLY WITH, THE ASSOCIATED NOTES, SPECIFICATIONS AND DETAILS WITH THIS PROJECT.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN).
- IN THE CONTEXT OF THESE PLANS, NOTES AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINISH GRADE OF THE SOIL SURFACE NOT TOP OF MULCH AS INDICATED ON THE GRADING PLANS.
 - BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE FINISH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +/- 1/8" FROM GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTIONS ON TURF AREA AND PLANTING PREPARATION.
 - CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AWAY FROM UTILITY LINES. SLOPES SHALL BE 2% TO 5% IN ORDER TO PREVENT STANDING WATER AND ELIMINATE POUDRY POTENTIAL. IF AN SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE SOILS GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED BASED ON A TEST FOR SPECIFICATIONS, AND THE FINISH GRADES TO BE ESTABLISHED.
 - AFTER INSTALLING SOIL AMENDMENTS IN TURF AREAS, AND IN ORDER TO ALLOW FOR PROPER MULCH DEPTH, ENSURE THAT THE FINISH GRADE IMMEDIATELY ADJACENT TO WALKWAY AND OTHER WALKING SURFACES IS 2" BELOW FINISH GRADE. REFER TO THE REPORT FOR MORE DETAILED INSTRUCTIONS ON TURF AREAS. ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO WALKWAY AND OTHER WALKING SURFACES IS 2" BELOW FINISH GRADE. "TAPERING" TO MEET FINISH GRADE AT APPROXIMATELY 1' AWAY FROM THE SURFACE.
 - IF ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
- ALL PLANT LOCATIONS ARE SHOWN IN THE PLANS. LOCATIONS SHALL BE SHOWN WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PERMITTING AUTHORITY ARE MET (I.E. MINIMUM PLANT QUANTITIES, PLANTING METHODS, TREE PROTECTION METHODS, ETC.).
 - THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DETERMINING PLANT QUANTITIES. PLANT QUANTITIES SHOWN ON LEGENDS AND CALCULATED ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE PLANT SCHEDULE, THE PLANT QUANTITIES SHOWN ON THE PLAN FOR INDIVIDUAL TREES OR CALLOS FOR GROUPINGS OF TREES SHALL TAKE PRECEDENCE.
 - NO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT. IF SOME OF THE PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING (VIA PROPER CHANNELS).
 - THE CONTRACTOR SHALL, AT A MINIMUM, PROVIDE REPRESENTATIVE PHOTOS OF ALL PLANTS PROPOSED FOR THE PROJECT. THE CONTRACTOR SHALL ALLOW THE LANDSCAPE ARCHITECT AND THE OWNER'S REPRESENTATIVE TO INSPECT AND APPROVE OR REJECT ALL PLANTS DELIVERED TO THE SITE. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS FOR SUBMITTALS.
 - THE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN HEALTHY CONDITION FOR 90 DAYS AFTER ACCEPTANCE BY THE OWNER. REFER TO SPECIFICATIONS FOR CONDITIONS OF ACCEPTANCE FOR THE START OF THE MAINTENANCE PERIOD, AND FOR FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD.
 - SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.

1000 N. W. CHINDEN BLVD
MERRIDIAN, ID 83646
PH: 208.333.7000
WWW.BOWMANLANDSCAPE.COM

LANDSCAPE PLANTING

DESIGN: SW/G
DRAW: RM
JOB NO: 070023-01-001
SHEET: LP-1

STATE OF IDAHO
LANDSCAPE ARCHITECT
12-09-2023

C. Building Elevations (dated: 12/23/21)

5 | NORTH ELEVATION
119'-0" / 119'-0"

4 | SOUTH ELEVATION
119'-0" / 119'-0"

3 | EAST ELEVATION
119'-0" / 119'-0"

2 | WEST ELEVATION
119'-0" / 119'-0"

FACADE MATERIAL PERCENTAGE: BRUCCO			
	FACE	ROOF	SOFFIT
C-1 SWIG BRICK WARDROBE	15.5%	17.6%	17.6%
C-2 CONCRETE	84.5%	82.4%	82.4%
C-3 UNGLAZED WOOD	0.0%	0.0%	0.0%
C-4 BRICK SILL	0.0%	0.0%	0.0%
C-5 STOREFRONT	0.0%	0.0%	0.0%
C-6 BRICK	0.0%	0.0%	0.0%
C-7 BRICK	0.0%	0.0%	0.0%
C-8 BRICK	0.0%	0.0%	0.0%
C-9 BRICK	0.0%	0.0%	0.0%
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C-11 BRICK	0.0%	0.0%	0.0%
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C-73 BRICK	0.0%	0.0%	0.0%
C-74 BRICK	0.0%	0.0%	0.0%
C-75 BRICK	0.0%	0.0%	0.0%
C-76 BRICK	0.0%	0.0%	0.0%
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C-83 BRICK	0.0%	0.0%	0.0%
C-84 BRICK	0.0%	0.0%	0.0%
C-85 BRICK	0.0%	0.0%	0.0%
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C-92 BRICK	0.0%	0.0%	0.0%
C-93 BRICK	0.0%	0.0%	0.0%
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C-96 BRICK	0.0%	0.0%	0.0%
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C-99 BRICK	0.0%	0.0%	0.0%
C-100 BRICK	0.0%	0.0%	0.0%

EXTERIOR FINISH SCHEDULE			
MARK	MATERIAL	DESCRIPTION	SWIG REQ
C-1	SWIG BRICK WARDROBE	SWIG BRICK GEN: GRY; CDM: LAKE CRK: GLEN GRY; G-401	SWIG REQ
C-2	CONCRETE	EXTERIOR GRADE: SWIG BRICK "BLACK OF MIGHT"	SWIG REQ
C-3	SMALLER WOOD SIDING	FIBER CEMENT PANELS SAIL BRICK, NICKEL, VINTAGE WOOD, BARK, LIME, FLECK, HORIZONTAL, METAL SAIL BRICK, HONEY, HONEY, SHARK, E, METAL HORIZONTAL, METAL	SWIG REQ
C-4	STONE SILL	CHISELED STONE SILL - LIGHT GRAY CORONADO ZONE	SWIG REQ
C-5	STOREFRONT	DARK BRICKS	SWIG REQ

OVERNOTES	
1	FINISHED METAL DOWNPOUT
2	BUILDING SIGNAGE BY OWNER
3	MANY BOARDS AND FOOTINGS BY SEPARATE SIGN PERMIT
4	DARK BRONZE LIGHT FIXTURES, COORDINATE WITH ELECTRICAL
5	COZ ENCLOSURE - SEE EQUIPMENT PLAN
6	ELECTRICAL PANEL OR EQUIPMENT, COORDINATE WITH ELECTRICAL
7	CONTROL JOINT
8	STEEL CAP AT TOP OF POST
9	POWDER COATED STEEL TUBE FRAME, IF APPLICABLE
10	2" X 4" JOIST
11	EXTERIOR CANOPY MANUFACTURER - ARCHITECTURAL CANOPIES ESTEROSCO
12	ROOF PROFILE
13	IF/IF BEYOND
14	FLASH ENCLOSURE

PROJECT INFORMATION	
PROJECT NO.	SWIG BRICK 2021
DATE	12/23/21
SCALE	AS NOTED
DRAWN BY	M. SCHNEIDER
CHECKED BY	A. KNOX
DESIGNATION	ARCHITECT
LOT BLOCK	BLOCK A, LOT 12
TOWN PROJECT NO.	780
SHEET TITLE	EXTERIOR ELEVATIONS
SHEET NUMBER	A201

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VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

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-2018-0004](#) (CPAM, AZ, PP, VAR – Lost Rapids); Development Agreement (Inst. #[2018-079970](#) – GFI – Meridian Investments II, LLC); [H-2019-0056](#) (FP – Lost Rapids); PBA-2022-0019 (ROS #13628); SHP-2022-0014 (Lost Rapids West)].
2. The site plan and landscape plan 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. The pathways from the perimeter sidewalks to the main building entrance shall be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4b.
 - c. Include the tree classification in the Plant Schedule that demonstrates compliance with the standards in UDC [11-3B-8C.1b](#).
 - d. Include a detail for the bicycle rack that complies with the design standards listed in UDC [11-3C-5C](#).
 - e. No stacking is allowed in the outside travel lane that serves as an escape lane; depict signage notifying patrons not to block the escape lane. Remove the menu board from the outside travel lane.
 - f. Signage should be installed notifying patrons walk-up ordering is not allowed.
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 W. Chinden Blvd. is prohibited.
5. Outdoor speakers are prohibited unless otherwise approved through a modification to the conditional use permit.
6. 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 Development Agreement.
7. 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 DEPARTMENT

Site Specific Conditions of Approval

1. Ensure no sewer services cross infiltration trenches.

2. There is an existing 8" stub into the property. This must either be used or abandoned. If used call out removal of the blow-off and locate service connection within 3' of dead end.
3. If the plan is to abandon the 8" main and just install a service, a 20' easement up to and 10' beyond the meter is required. The service needs to be centered in the easement. The current location of the water line drawn would not allow for this and needs to be adjusted accordingly.
4. No permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are allowed within the utility easement.

General Conditions of Approval

1. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
2. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
3. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
4. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
5. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
6. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
7. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
8. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
9. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
10. Developer shall coordinate mailbox locations with the Meridian Post Office.

11. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
12. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
13. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.

C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=295656&dbid=0&repo=MeridianCity>

D. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=295701&dbid=0&repo=MeridianCity>

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=294813&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.

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 with a 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.

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.

9. Additional findings for the alteration or extension of a nonconforming use:

- a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and,

This finding is not applicable.

- b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.

This finding is not applicable.