

EXHIBIT A



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

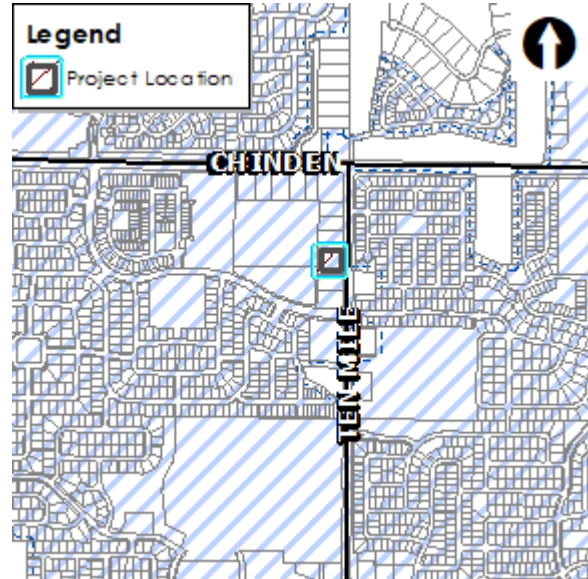
HEARING DATE: 3/4/2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0001
Lost Rapids Drive-Through – CUP

LOCATION: W. side of N. Ten Mile Rd., north of W. Lost Rapids Dr. (Lot 13, Block 1, Lost Rapids Subdivision – Parcel #R5330761300), in the NE ¼ of Section 27, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Conditional use permit for a drive-through establishment within 300-feet of a residential zoning district on 1.61-acres of land in the C-G zoning district.

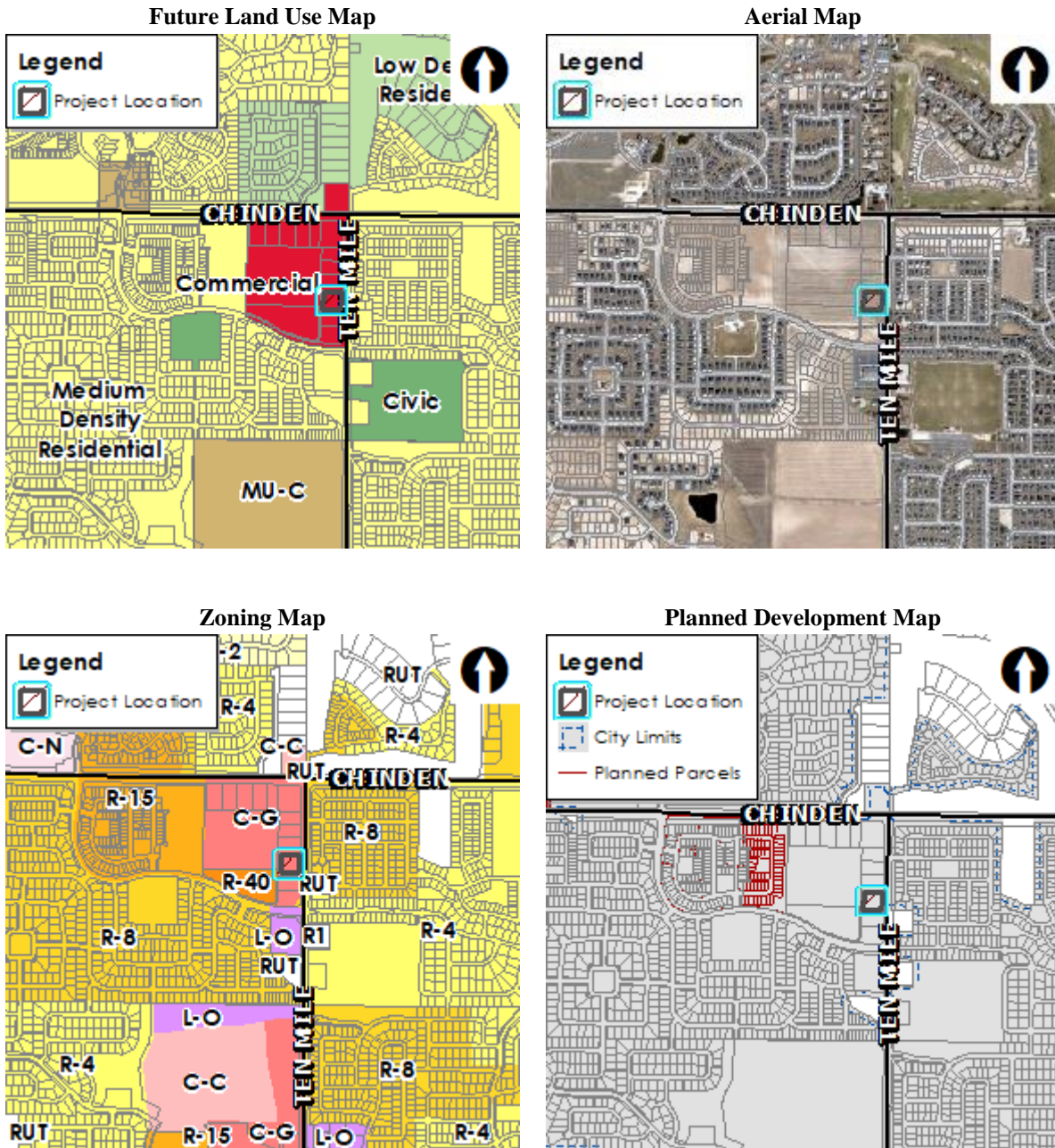
II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.61-acres	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped	
Proposed Land Use(s)	Restaurant with a drive-through in a multi-tenant building	
Current Zoning	General Retail and Service Commercial District (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	11/24/20; 2 attendees	
History (previous approvals)	H-2018-0004 (DA # 2018-079970 , Lost Rapids - GFI Meridian Investments II, LLC); FP-2020-0045	

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A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Lost Rapids Development, Inc. – 74 East 500 South, Ste. 200, Bountiful, UT 84010

B. Owner:

Lost Rapids Development, LLC – 74 East 500 South, Ste. 200, Bountiful, UT 84010

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C. Representative:

Derek Gasser, Lost Rapids Development, LLC – 74 East 500 South, Ste. 200, Bountiful, UT 84010

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	2/12/2021
Radius notification mailed to properties within 300 feet	2/9/2021
Site Posting Date	2/23/2021
Next Door posting	2/9/2021

V. STAFF ANALYSIS

The proposed drive-through is within 300-feet of a residential zoning district, which requires Conditional Use Permit approval (CUP) per UDC Table 11-2B-2. The residential zoning district that constitutes the CUP requirement is located to the southwest of this site where Lost Rapids Apartments are approved and in the development process. *There are also residential uses and zoning to the east across N. Ten Mile Rd. but because the uses are separated by an arterial street, these are not a factor in the CUP requirement per UDC [11-4-3-11A](#).*

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: *Staff's analysis is in italics.*

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

At 259' +/- from the drive-through window to the nearest drive-aisle that serves the row of parking in front of the building, Staff believes the stacking lane has sufficient capacity to serve the use without obstructing driveways and drive aisles by patrons.

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.

Although the stacking lane isn't a separate lane from the driveway that provides access to the site and access to parking, more than 13 vehicles would have to be waiting in the stacking lane before it would block access to the parking area (based on 259'/20'), which the Applicant doesn't believe will be an issue due to the types of restaurants being considered for this tenant space.

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

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The stacking lane exceeds 100' in length and an escape lane is proposed.

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

The drive-through is visible from N. Ten Mile Rd., a public street along the east boundary of the site, for surveillance purposes.

Based on the above analysis, Staff deems the proposed drive-through in compliance with the specific use standards as required.

The proposed restaurant is 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. 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 UDC standards.

Access: One driveway access is proposed to the site via the north/south driveway along the west boundary of the site from W. Lost Rapids Dr. from the south; a driveway access exists via N. Ten Mile Rd. on the adjacent property to the north. A reciprocal cross-access easement exists for lots in this subdivision as noted on the Lost Rapids subdivision plat (note #12) and in the Declaration of Easements, Covenants, Conditions and Restrictions (Inst. 2020-071547).

Parking: A minimum of one (1) parking space is required to be provided for every 250 square feet of gross floor area for restaurant uses; a minimum of one (1) parking space is required for every 500 square feet of gross floor area for other non-residential commercial uses in the multi-tenant building. A 9,392 square foot (s.f.) multi-tenant building is proposed with 2,596 s.f. proposed for the restaurant tenant. Based on the requirement, a minimum of 23 spaces are required; a total of 77 spaces are proposed in excess of UDC standards.

The recorded Declaration of Easements, Covenants, Conditions and Restrictions for this development establish cross-parking easements for lots in certain groups within the development (Inst. 2020-071547, Amended Inst. #2020-171404). This lot (Lot 13) is grouped with Lots 14 and 15 to the south and shares a perpetual, non-exclusive cross-parking easement with those lots.

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 shall be depicted on the site plan submitted with the Certificate of Zoning Compliance application in accord with the aforementioned standards.**

Pedestrian Walkways: A pedestrian walkway is depicted on the site plan from the perimeter sidewalk along N. Ten Mile Rd. to the main building entrance as required by UDC 11-3A-19B.4a. **Where pedestrian walkways cross vehicular driving surfaces, the walkways are required to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. The site plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.**

Staff recommends a pedestrian walkway, minimum 5-feet in width, is provided to the sidewalk in front of the building from the sidewalk along the west boundary of the site; and along the north boundary of the site between the sidewalk along Ten Mile Rd. and the sidewalk along the west boundary of the site for safe pedestrian access. The walkways should be distinguished from the vehicular driving surface as noted above.

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 in planter islands

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within the parking area as required. 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. This requirement may be reduced or waived at the determination of the Director where there is a shared driveway and/or recorded cross-parking agreement and easement with an adjacent property. Because there is a recorded shared access and cross-parking agreement between this property and the property to the south (Lot 12), the Director waives the requirement for a buffer along the southern boundary of this site. This will allow the trash enclosure to be located as close as possible to the southern property line and should reduce conflicts between trash trucks servicing the dumpster and vehicles entering the drive-through if service occurs during business hours of the drive-through. The striped drive-through lane should also assist in directing drive-through traffic outside of the area needed to service the dumpster. A hammerhead turnaround is depicted on the site plan that has been approved by Republic Services.

Street buffer landscaping, including a sidewalk, along N. Ten Mile Rd. was installed with development of the subdivision. **Because the drive-through lane and back of the building (with mechanical equipment) will be highly visible from N. Ten Mile Rd., Staff recommends additional landscaping (i.e. coniferous trees/bushes) is provided within the street buffer along to screen this area and these functions while preserving a clear view of the drive-thru window for surveillance purposes.**

Mechanical Equipment: All mechanical equipment on the back of 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](#).

Building Elevations: Conceptual building elevations were submitted as shown in Section VII.C that incorporate a mix of materials consisting of wood siding on the top portion and stone veneer on the lower portion of the building with glass store-fronts and a combination of flat and pitched rooflines. **Final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).**

The trash enclosure is proposed to be constructed of split-face CMU in a color to match the building.

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 VII, 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.

B. The Meridian Planning & Zoning Commission heard this item on March 4, 2021. At the public hearing, the Commission moved to approve the subject CUP request.

1. Summary of the Commission public hearing:

- a. In favor: Derek Gasser, DFG Development
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Derek Gasser, DFG Development
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

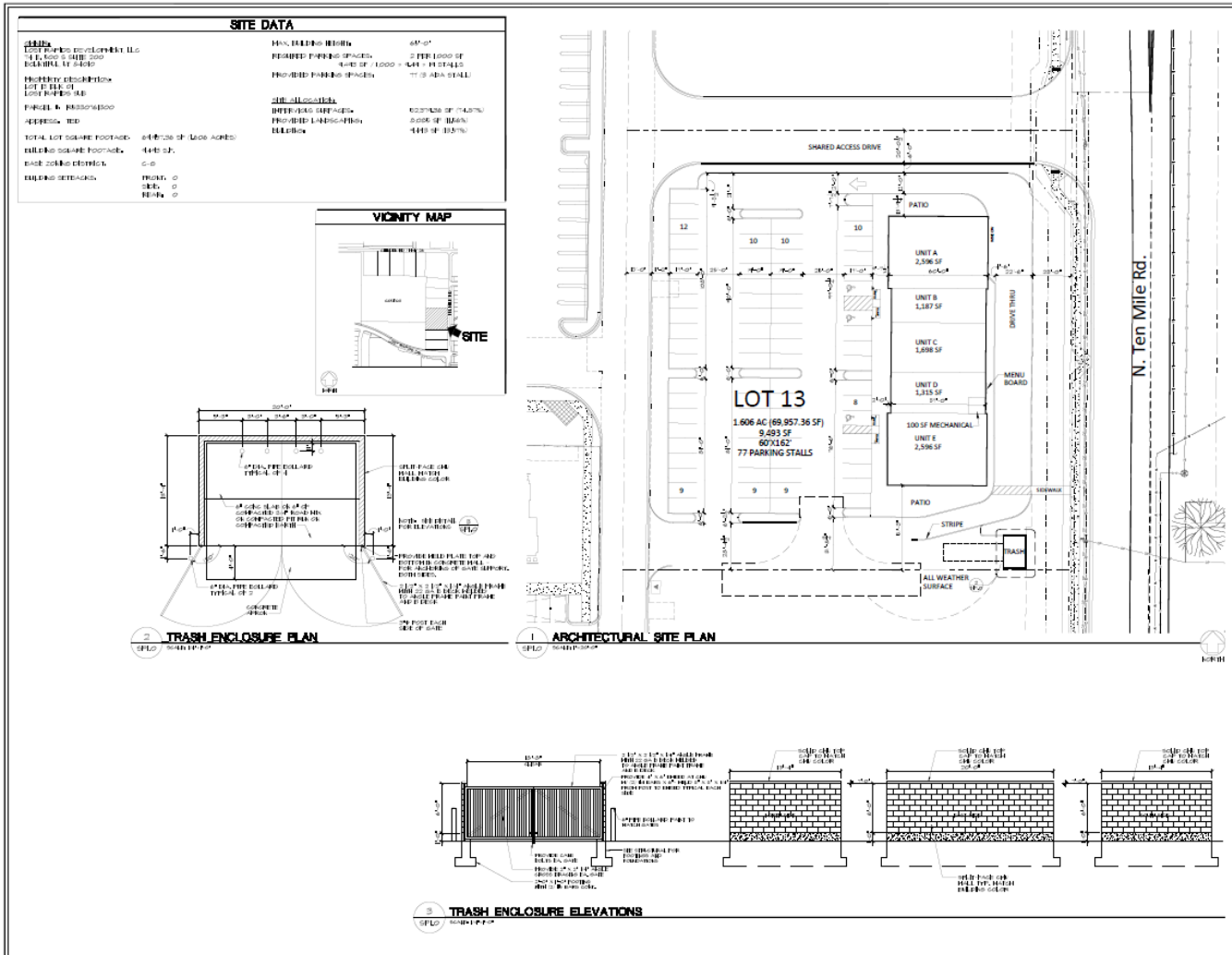
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2. Key issue(s) of public testimony:
 - a. The Applicant requested the condition requiring pedestrian walkways along the west and north property boundaries be waived based on the pedestrian circulation plan included in the Development Agreement which did not include walkways in these locations.
3. Key issue(s) of discussion by Commission:
 - a. Consideration of the Applicant's request for removal of pedestrian walkways.
4. Commission change(s) to Staff recommendation:
 - a. The Commission required the pedestrian walkway along the west boundary of the site but did not require the walkway along the north boundary of the site.

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VII. EXHIBITS

A. Proposed Site Plan (dated: 2/25/2021)



IN PROGRESS
NOT FOR CONSTRUCTION

LOUSON ARCHITECTS, P.C.
Architects and Interior Designers
1010 N. 10th St., Suite 200
Boise, Idaho 83714
(208) 376-7762

**A NEW MULTI-TENANT BUILDING FOR
LOST RAPIDS DEVELOPMENT, LLC**
MERIDIAN, IDAHO

DATE: 2/25/2021
BY: [Signature]
REV: [Signature]

SP10

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C. Conceptual Building Elevations



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VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the existing Development Agreement (Inst. #[2018-079970](#), Lost Rapids - GFI Meridian Investments II, LLC) and associated conditions of approval (H-2018-0004; FP-2020-0045).
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. The stacking lane, menu and speaker location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
 - b. Depict bicycle parking as set forth in UDC [11-3C-6G](#) in accord with the location and design standards listed in UDC [11-3C-5C](#).
 - c. Where pedestrian walkways cross vehicular driving surfaces, the walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#).
 - d. 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](#).
 - e. Include additional landscaping (i.e. coniferous trees/bushes) within the street buffer along N. Ten Mile Rd. to screen the back side of the building and mechanical equipment while preserving a clear view of the drive-thru window for surveillance purposes.
 - f. Depict a minimum 5-foot wide walkway from the sidewalk along the west boundary of the site to the sidewalk in front of the building; ~~and along the north boundary of the site between the sidewalk along Ten Mile Rd. and the sidewalk along the west boundary of the site.~~ The walkway shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#).
3. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required.
4. Compliance with the standards listed in UDC [11-4-3-49](#) – Restaurant is required.
5. 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](#) and the design standards listed in the [Architectural Standards Manual](#).
6. 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. CENTRAL DISTRICT HEALTH DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222769&dbid=0&repo=MeridianCity>

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C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223051&dbid=0&repo=MeridianCity>

D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222667&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222166&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222736&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.

The Commission 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.

The Commission 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.

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 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.

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

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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.

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.