

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



**In the Matter of the Request for Conditional Use Permit for Maddies Wine & Whiskey, Located at 835 E. Fairview Avenue in the C-G Zoning District, by Maddie’s LLC DBA Maddie’s Wine and Whiskey.**

**Case No(s). H-2024-0008**

**For the Planning & Zoning Commission Hearing Date of: June 6, 2024 (Findings on June 20, 2024)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of June 6, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 6, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 6, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 6, 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 June 6, 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 June 6, 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 June 6, 2024

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

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED \_\_\_\_\_

COMMISSIONER MARIA LORCHER, VICE CHAIRMAN VOTED \_\_\_\_\_

COMMISSIONER BRIAN GARRETT VOTED \_\_\_\_\_

COMMISSIONER JARED SMITH VOTED \_\_\_\_\_

COMMISSIONER PATRICK GRACE VOTED \_\_\_\_\_

COMMISSIONER MATTHEW SANDOVAL VOTED \_\_\_\_\_

COMMISSIONER ENRIQUE RIVERA VOTED \_\_\_\_\_

\_\_\_\_\_  
Andrew Seal, 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

# EXHIBIT A

## STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



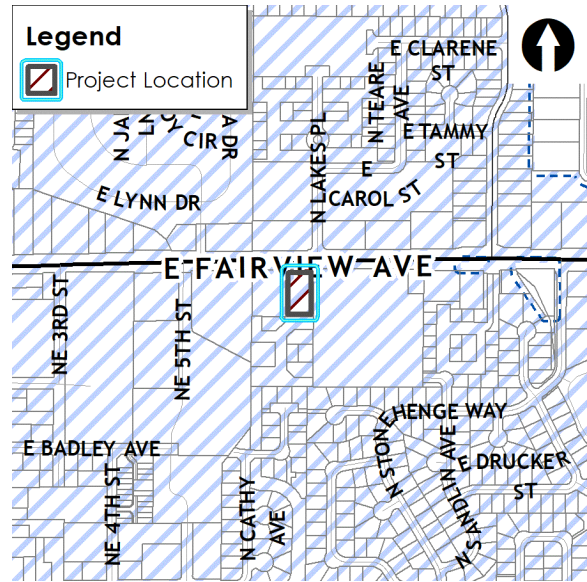
HEARING DATE: 6/6/2024

TO: Planning & Zoning Commission

FROM: Stacy Hersh, Associate Planner  
208-489-0573

SUBJECT: [H-2024-0008](#)  
Maddie's Wine and Whiskey - CUP

LOCATION: 835 E. Fairview Avenue



### I. PROJECT DESCRIPTION

The Applicant applied for a conditional use permit (CUP) to operate a drinking establishment from an existing 6,400 square-foot building on 0.867 acres of land in the C-G zoning district.

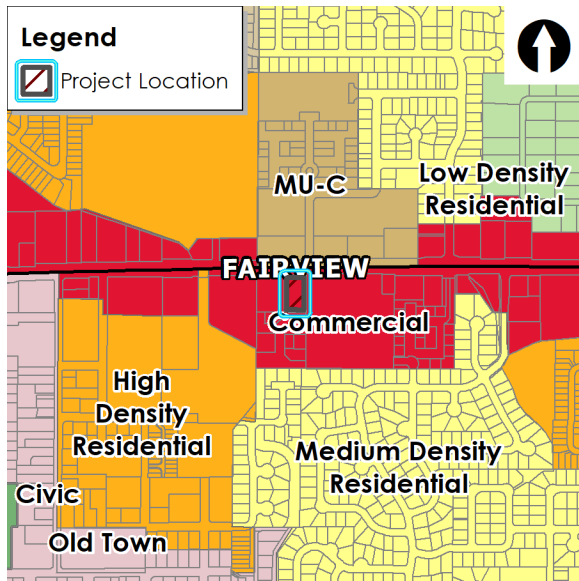
### II. SUMMARY OF REPORT

#### A. Project Summary

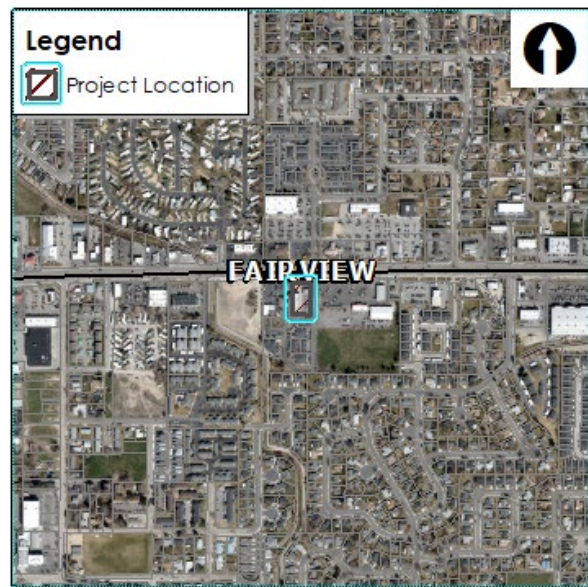
| Description                                | Details  |
|--|--|
| Acreage                                    | 0.867 acres (contains existing building)   |
| Future Land Use Designation                | Commercial   |
| Existing Land Use(s)                       | Indoor recreation facility. Previous use was a restaurant.   |
| Proposed Land Use(s)                       | Drinking establishment   |
| Neighborhood meeting date; # of attendees: | 02/28/2024   |
| History (previous approvals)               | CZC-04-073; A-2022-0070 – Maddie's CZC, DES; CZCU-2023-0026 – Maddie's Wine & Whisky Change of Use for an indoor entertainment facility. |

**B. Project Area Maps**

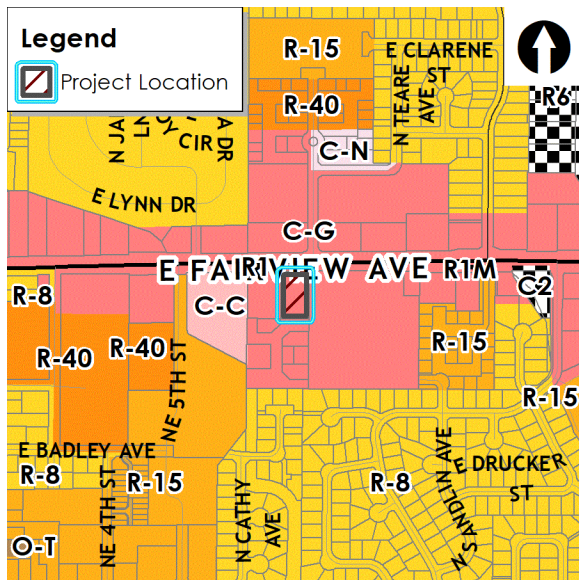
Future Land Use Map



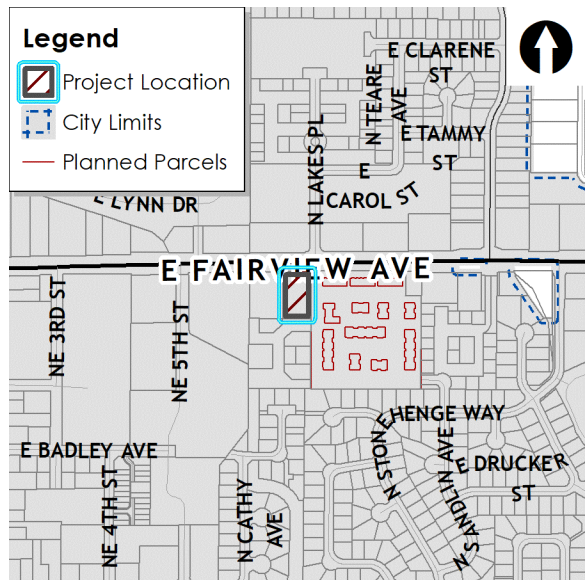
Aerial Map



Zoning Map



Planned Development Map



**III. APPLICANT INFORMATION**

**A. Applicant:**

Steve Bainbridge, Maddie's LLC DBA Maddie's Wine and Whiskey – 835 E. Fairview Avenue, Meridian, ID 83642

B. Owner:

Same as above

C. Representative:

Michael Amoureux, Maddie’s LLC DBA Maddie’s Wine and Whiskey – 835 E. Fairview Avenue, Meridian, ID 83642

IV. NOTICING

|  | <b>Planning &amp; Zoning<br/>Posting Date</b> |
|--|---|
| Newspaper Notification                                   | 5/21/2024                                     |
| Radius notification mailed to properties within 500 feet | 5/17/2024                                     |
| Site Posting Date  | 5/21/2024                                     |
| Next Door posting  | 5/20/2024                                     |

V. STAFF ANALYSIS

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

Commercial - This designation will provide a full range of commercial uses to serve area residents and visitors. Desired uses may include, retail, restaurants, personal and profession services, and office uses, as well as appropriate public and quasi-public uses. Multi-family residential may be allowed in some cases, but should be careful to promote a high quality of life through thoughtful site design, connectivity, and amenities.

*The subject site is already zoned General Retail and Service Commercial District (C-G). The proposed use will be located on a 0.867-acre parcel and located within an existing 6,400 square-foot building. The building and site improvements for the proposed drinking establishment were approved with a separate Certificate of Zoning Compliance (CZC) and Design Review (DES) application (A-2022-0070), see analysis below).*

**B. 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):

- **Encourage infill development. (3.03.01E)**

*The Comprehensive Plan defines infill as “development on vacant parcels, or redevelopment of existing parcels to a higher and better use that is surrounded by developed property within the City of Meridian.” The drinking establishment is proposed within an existing building in the C-G zoning district.*

- **Preserve private property rights and values by enforcing regulations that will prevent and mitigate against incompatible and detrimental neighboring uses. (3.05.01C)**

*The conditional use is a process to ensure any impacts associated with a particular use are mitigated. Based on the location, presently, if a drinking establishment or expansion of such use is located within three hundred (300) feet of a property used for a church or any other place of worship, or any public or private education institution, it may be allowed with the approval of the decision-making body per UDC [11-4-3-10](#). The proposed drinking establishment is not located within three hundred (300) feet of an existing church and/or any public or private education institution. If this is not approved by the City the applicant should operate in accordance with the arts, entertainment or recreation facility indoors and outdoors specific use standards (UDC 11-4-3-2).*

- **Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing city code.**

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

**Based on the analysis above, staff finds the proposed development is consistent with the Comprehensive Plan.**

#### **C. Existing Structures/Site Improvements:**

The proposed project is within an existing 6,400-square-foot building and the applicant is not proposing to further renovate the interior or exterior of the building at this time. The Applicant intends to submit a future Certificate of Zoning Compliance (CZC) application and Administrative Design Review (DES) to expand the dining area by adding a vinyl covering over the existing outdoor patio area to create more space during the colder months. During the review of the outdoor seating, staff will verify if the parking in this area meets the requirements of the UDC. Parking dimensions for any on-site parking need to meet the minimum standards of 9' X 19' feet as required in UDC 11-3C-5.

#### **D. Proposed Use Analysis:**

The proposed use will be a drinking establishment within the existing 6,400-square-foot commercial building which requires CUP approval. The drinking establishment will operate from 11 AM to 11 PM Wednesdays through Saturdays, and from 11 AM to 8 PM on Sundays. The proposed use is subject to specific use standards as listed in 11-4-3-10.

#### **E. Specific Use Standards (UDC [11-4-3](#)):**

*UDC-11-4-3-10 states the following:*

- A. The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
- B. If a drinking establishment or expansion of such use is located within three hundred (300) feet of a property used for a church or any other place of worship, or any public or private education institution, it may be allowed with the approval of the decision-making body set forth in Chapter 5 of this title.
  - *The property is not located within three hundred (300) feet of a property used for a church or any other place of worship, or any public or private education institution. A drinking establishment requires a Conditional Use Permit in the C-G zoning district.*

- C.

- C. A drinking establishment shall not be located within one thousand (1,000) feet of an adult entertainment establishment, as defined in Chapter 1, Article A, "definitions," of this title.
- *The property is not located within one thousand (1,000) feet of an adult entertainment establishment.*
- D. For properties abutting a residential district, no outside activity or event shall be allowed on the site, except in accord with Chapter 3, Article E, "temporary use requirements", of this Title.
- *N/A – This property does not abut a residential use or a residential district as defined in Chapter 1.*
- E. At a minimum, one (1) parking space shall be provided for every two hundred fifty (250) square-feet of gross floor area. Upon any change of use for an existing building or tenant space, a detailed parking plan shall be submitted that identifies the available parking for the overall site that complies with the requirements of this Title.
- *This property is zoned C-G and requires one (1) parking space per five hundred (500) square-feet of gross floor area. However, the change in use requires the applicant to meet the higher parking requirement listed above. **The parking analysis approved with the CZC and Design Review Approval (A-2022-0070) for this site, required one parking space for every two hundred fifty square-feet of floor space based on a restaurant use. The Applicant currently provides 51 parking stalls on this site, with a parking agreement established with adjoining property owners for cross-access parking after normal business hours. The Applicant meets the parking requirements listed in the UDC code.***

**F. Dimensional Standards (UDC 11-2):**

This use will occupy an existing commercial building. The applicant is required to apply for a Design Review Application approval to add a vinyl covering over the existing outdoor patio area to create more space during the colder months prior to building permit issuance. ***Additionally, the Applicant is required to meet all Fire and Building Department requirements for enclosing the patio.***

**G. Parking (UDC 11-3C):**

UDC 11-3C-6B requires one parking space for every five hundred (500) square feet of gross floor area for the C-G zoning district. As mentioned above, the Applicant has already allocated one parking space for every two hundred fifty (250) square-feet of gross floor area with their previous approvals. Therefore, no additional parking spaces are required at this time.

**NOTE: Both a restaurant and a drinking establishment required a parking ratio of 1 stall for every 250 square feet of gross floor area. Outdoor seating is not required to be included in the parking calculation.**

**H. Food Trucks:**

The Applicant is currently operating their commercial kitchen out of a food trailer permanently parked in a designated space on the property. The use of a food truck for this proposal cannot be approved under this conditional use permit as it is not an allowed use according to the unified development code. However; the applicant can apply for a temporary use permit (TUP) through



the City Clerk's office for the use of a food truck on the site. **Staff is currently processing a code change to allow food trucks as an accessory use with bars, breweries, and entertainment facilities. Staff anticipates the proposed code changes to be discussed with the Commission during the June 20<sup>th</sup> hearing.**

**I. Building Elevations:**

This is an existing commercial building on this site. Building elevations are shown below in the Section VII Exhibits.

**VI. DECISION**

**A. Staff:**

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

**B. The Meridian Planning & Zoning Commission heard this item on June 6, 2024. At the public hearing, the Commission moved to approve the subject Conditional Use Permit request.**

**1. Summary of the Commission public hearing:**

- a. In favor: Steve Bainbridge, Owner**
- b. In opposition: None**
- c. Commenting: None**
- d. Written testimony: None**
- e. Staff presenting application: Stacy Hersh, Associate Planner**
- f. Other Staff commenting on application: None**

**2. Key issue(s) of public testimony:**

- a. None**

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

- a. None**

**4. Commission change(s) to Staff recommendation:**

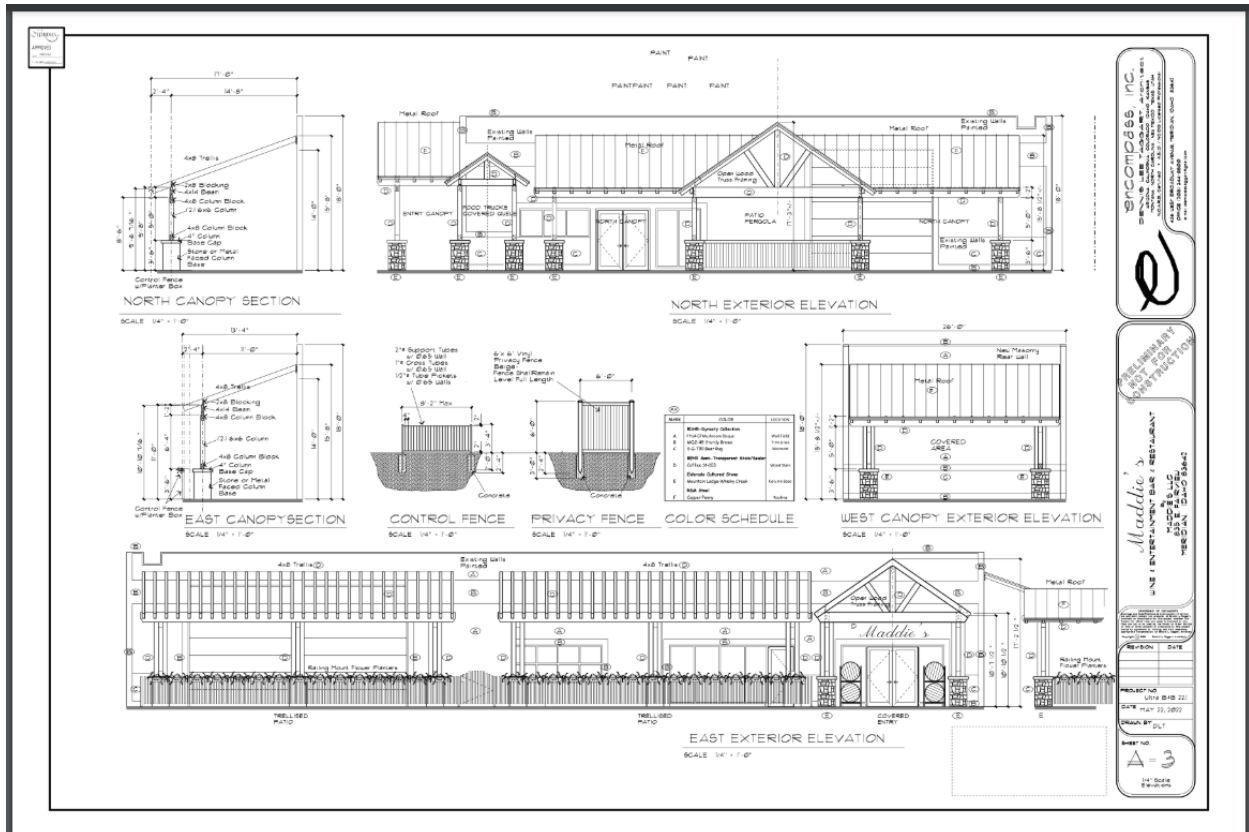
- a. None**







# D. APPROVED ELEVATIONS



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

1. A Design Review application is required to be submitted to the Planning Division and approved prior to building permit submittal to address adding a vinyl covering over the existing outdoor patio area to create more space during the colder months.
2. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.
3. Applicant shall comply with the standards as set forth in UDC 11-3A-12 for any outdoor service and equipment areas.
4. Applicant shall comply with all specific use standards required for a Drinking Establishment as set forth in UDC 11-4-3-10. All outdoor activity shall remain within the designated patio areas.

### B. ADA COUNTY HIGHWAY DISTRICT

*No comments provided.*

### C. IDAHO TRANSPORTATION DEPARTMENT (ITD)

Click on [link](#) to review comments

### D. NAMP MERIDIAN IRRIGATION DISTRICT (NMID)

Click on [link](#) to review comments

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

Click on [link](#) to review comments

## IX. FINDINGS

### A. Conditional Use Permit

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 proposed project is within an existing structure in the C-G zoning district. No expansion of the building or site is being proposed and therefore no additional site improvements are required for this proposal. Staff finds the site is large enough to accommodate the proposed.*

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 use align harmoniously with the Comprehensive Plan by offering an indoor/outdoor wine & whiskey bar, which will contribute to the desired mix of uses outlined in the Commercial Comprehensive designation.*

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 proposed project is within an existing building and is similar to other uses operating in the area. Operating hours will occur between 11 AM and 11 PM Wednesdays through Saturdays, and from 11 AM to 8 PM on Sundays.*

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 that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other properties 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 proposed use will be adequately served by all public facilities and services.*

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 any 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, if the use operates within the proposed hours of operation (11 AM – 11 PM) and all outdoor activity remains within the designated outdoor patio areas.*

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.

*The proposed use will operate within an existing commercial building and will not result in damage of any such features.*