



**STAFF REPORT**

**COMMUNITY DEVELOPMENT DEPARTMENT**

HEARING DATE: 6/16/2022

TO: Planning & Zoning Commission  
 FROM: Sonya Allen, Associate Planner  
 208-884-5533

SUBJECT: H-2022-0028  
 Slim Chickens – CUP

LOCATION: 3369 W. Chinden Blvd. in the NE 1/4 of Section 27, T.4N., R.1W. (Lot 7, Block 1, Lost Rapids Subdivision)



**I. PROJECT DESCRIPTION**

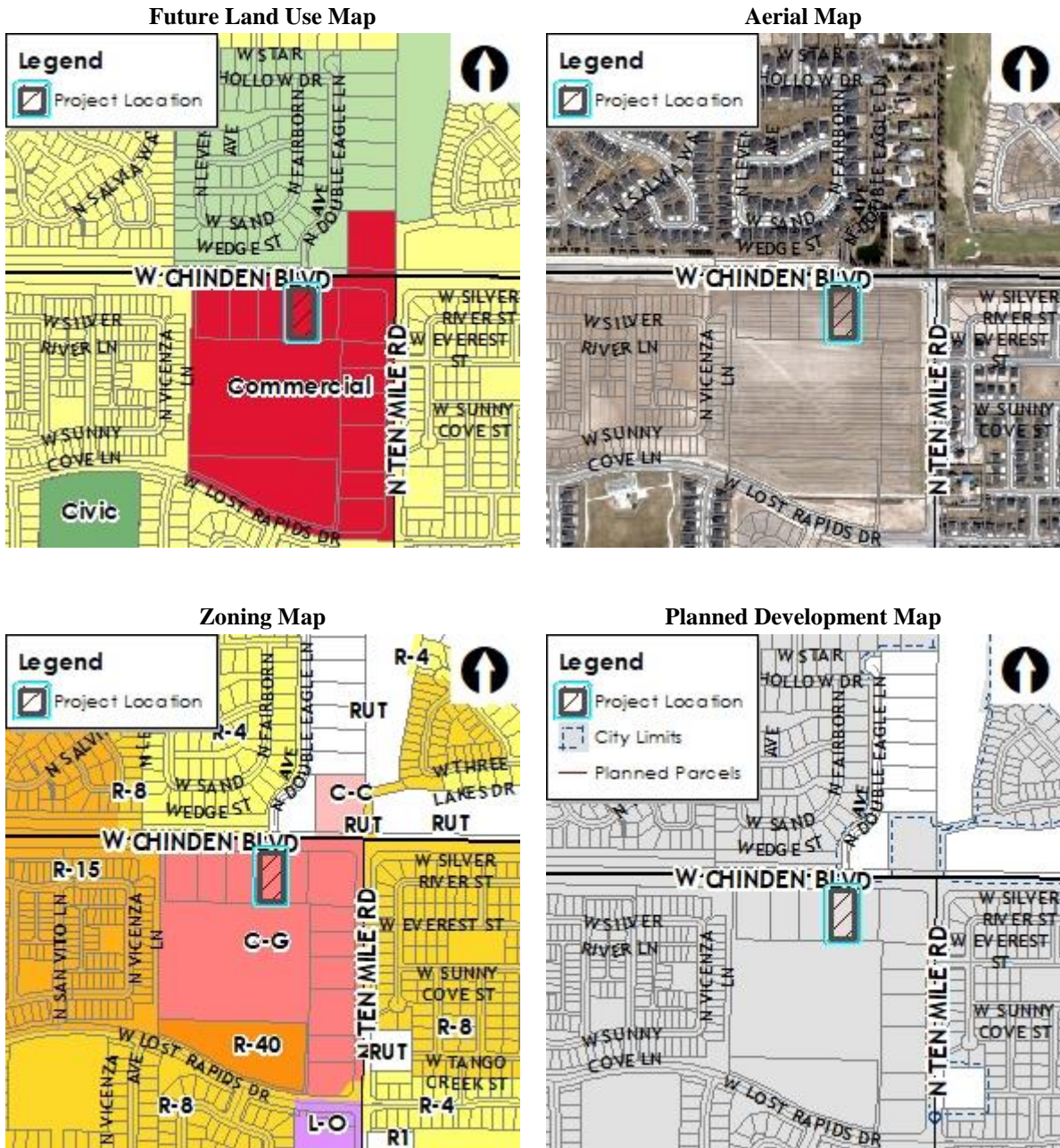
Conditional Use Permit (CUP) for a drive-through establishment within 300 feet of another drive-through facility on 1.13 acres of land in the C-G zoning district.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	1.13-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:	2/28/22	
History (previous approvals)	<a href="#">H-2018-0004</a> (CPAM, AZ, PP, VAR – Lost Rapids); <a href="#">H-2019-0056</a> (FP – Lost Rapids); Development Agreement (Inst. # <a href="#">2018-079970</a> – GFI – Meridian Investments II, LLC)	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Zell Cantrell, Galloway & Company, Inc. – 6162 S. Willow Ln., Ste. 320, Greenwood Village, CO 80111

B. Owner:

Chris Pengra, Vortex Holding Group – 2116 E. Falcon Ridge Dr., Draper, UT 84020

- C. Representative:  
Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>
Newspaper Notification	5/31/2022
Radius notification mailed to properties within 300 feet	5/26/2022
Site Posting Date	6/3/2022
Next Door posting	5/25/2022

**V. STAFF ANALYSIS**

The Applicant proposes to construct a 3,103 square foot (s.f.) restaurant with a drive-through for Slim Chickens on a 1.13-acre property in the C-G zoning district.

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, two other drive-through establishments exist within 300 feet of the property – Dutch Brothers Coffee (A-2021-0177) on the abutting lot to the west and Burger King to the southeast (A-2021-0208); there are no existing residences or residential districts within 300 feet of the property. ***Note: All (i.e. 6 out of 12) of the perimeter commercial lots in this development that have applied for development permits so far have drive-throughs associated with them.***

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

The configuration of the property depicted on the plans does not match that of Lot 7 shown on the recorded plat for Lost Rapids subdivision. **A property boundary adjustment application should be approved prior to issuance of a building permit for this property.**

**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. *A menu board and speaker are depicted on the site plan at each of the two proposed ordering points; the window location should be depicted on the plans.* The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. ***Safe pedestrian access should be provided to the adjacent property to the east in accord with this standard; shared vehicle access is proposed that appears to be safe. Staff is concerned with the safety aspect of having two (2) pedestrian crossings across the vehicle stacking area for the drive-***

*through – one is required from the perimeter sidewalk along Chinden to the main building entrance per UDC 11-3A-19B.4 and the other is proposed for access to the building from the east parking area. Staff recommends signage be installed ahead of each crossing warning drivers to watch out for pedestrians. The Commission should determine if this adequately mitigates the safety concerns associated with the proposed site design in order to approve this application.* 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 Applicant's narrative states the drive-through will provide queuing for 16 vehicles, which should be adequate to prevent obstruction of internal 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 stacking lane is a separate lane from the circulation lanes needed for access and parking.*

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

*The stacking lane is not located within 10' 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 overall drive-through length is 275+/- 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 proposed after the two ordering areas.*

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 driveway to/from Chinden along the west side of the property 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.

**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:** A north/south access driveway exists via W. Chinden Blvd. for this development that runs along the west boundary of this site. An east/west driveway runs along the south boundary of this site from which access is proposed; this access is shared with the abutting lot to the east. Direct lot access via Chinden Blvd. 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 parking standards for restaurants, which the site plan demonstrates compliance with. A minimum of 12 off-street vehicle parking spaces are required for the 3,103 square foot building; 35 are proposed, in excess of the minimum standards.

A minimum of one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). A bicycle rack is proposed on the east side of the

building which should accommodate a minimum of two (2) bicycles.

**Staff is concerned the two (2) northern parking spaces on the east side of the site adjacent to the drive-through on this site may present traffic conflicts between vehicles exiting the drive-through on the adjacent property to the east and vehicles trying to park or exit those parking spaces; therefore, Staff recommends either restricting those spaces to employee parking only, signed accordingly, or removing those spaces.**

**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](#). **At a minimum, all perimeter buffers are required to be 5-foot wide (measured inside curbs) and planted with one (1) Class II or III tree per 35 linear feet and shrubs, lawn or other vegetative groundcover, per UDC 11-3B-8C.1b (the northern portion of the buffer along the west boundary appears to be narrower than 5 feet and doesn't comply with the landscaping standards). Interior planters that serve a single row of parking spaces are required to be landscaped with at least one (1) tree and shall be covered with low shrubs, lawn, or other vegetative groundcover, per UDC 11-3B-8C.2d. The buffer along the south boundary of the site and along the east side of the drive-through should be widened to a minimum of 7 feet to allow for 2 feet of vehicle overhang in accord with UDC 11-3C-5B.4 – parking stalls may be reduced to 17 feet in length; or, wheel stops may be provided in parking spaces to prevent vehicle overhang. The landscape plan submitted with the Certificate of Zoning Compliance application should be revised to reflect compliance with these standards.**

**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 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 – the proposed striping of the crosswalk is not allowed and should be revised to comply with this standard.**

**Easements:** There are existing easements on this lot as shown on the Lost Rapids subdivision plat. The proposed structure shall not encroach within these easements, except as allowed in the UDC.

**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 for a single-story building that incorporates a mix of materials consisting of fiber cement board lap siding and trim, windows, brick, and metal roofing. **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:**

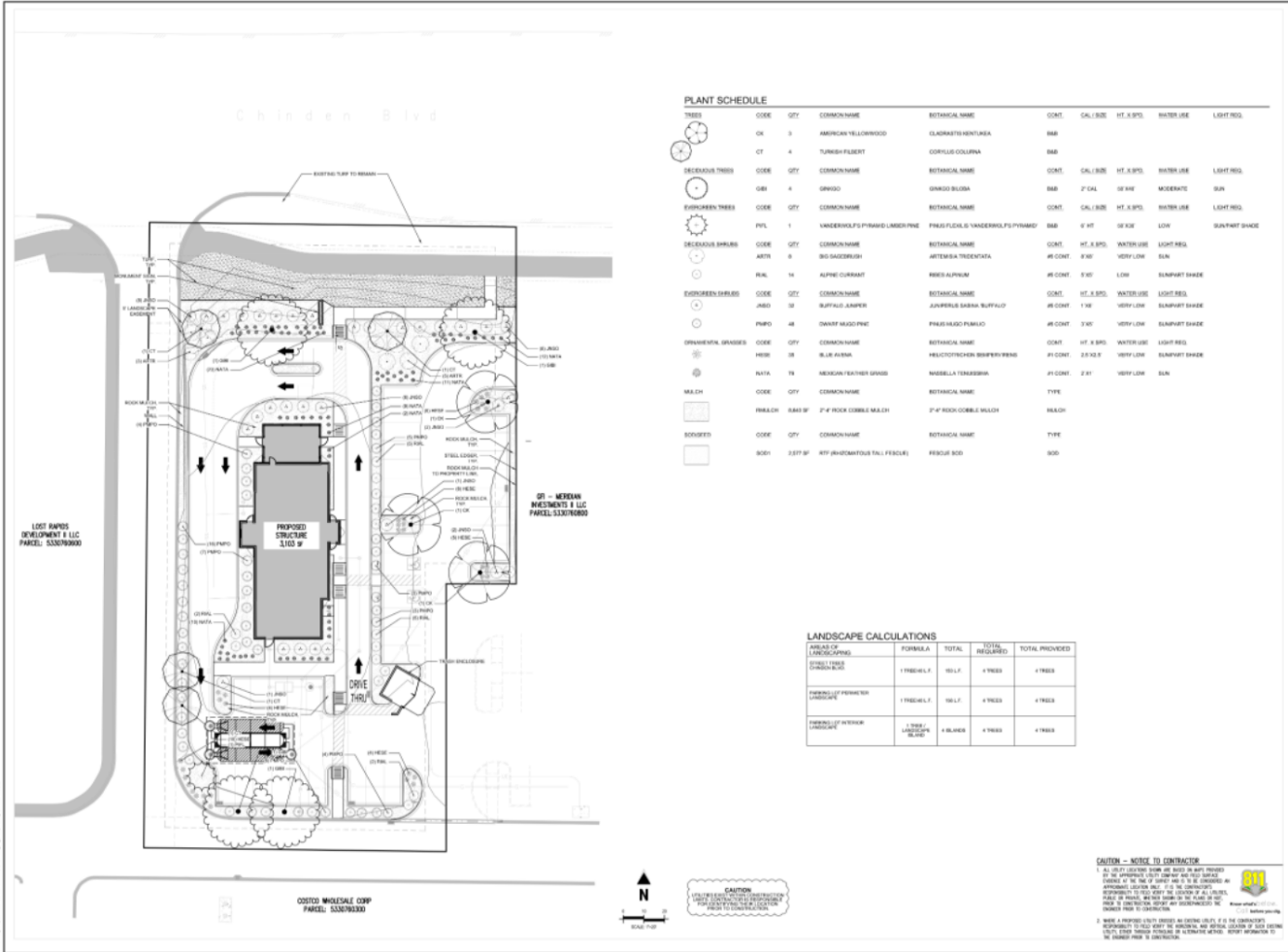
Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX.







# B. Proposed Landscape Plan



**Galloway**

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Meridian, Idaho 83421  
801.778.8800  
galloway.com

**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION

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PLANNING DOCUMENTS  
VORTEX HOLDINGS GROUP  
MERIDIAN STORE #1  
3389 WEST CHINDEN BLVD  
MERIDIAN, IDAHO

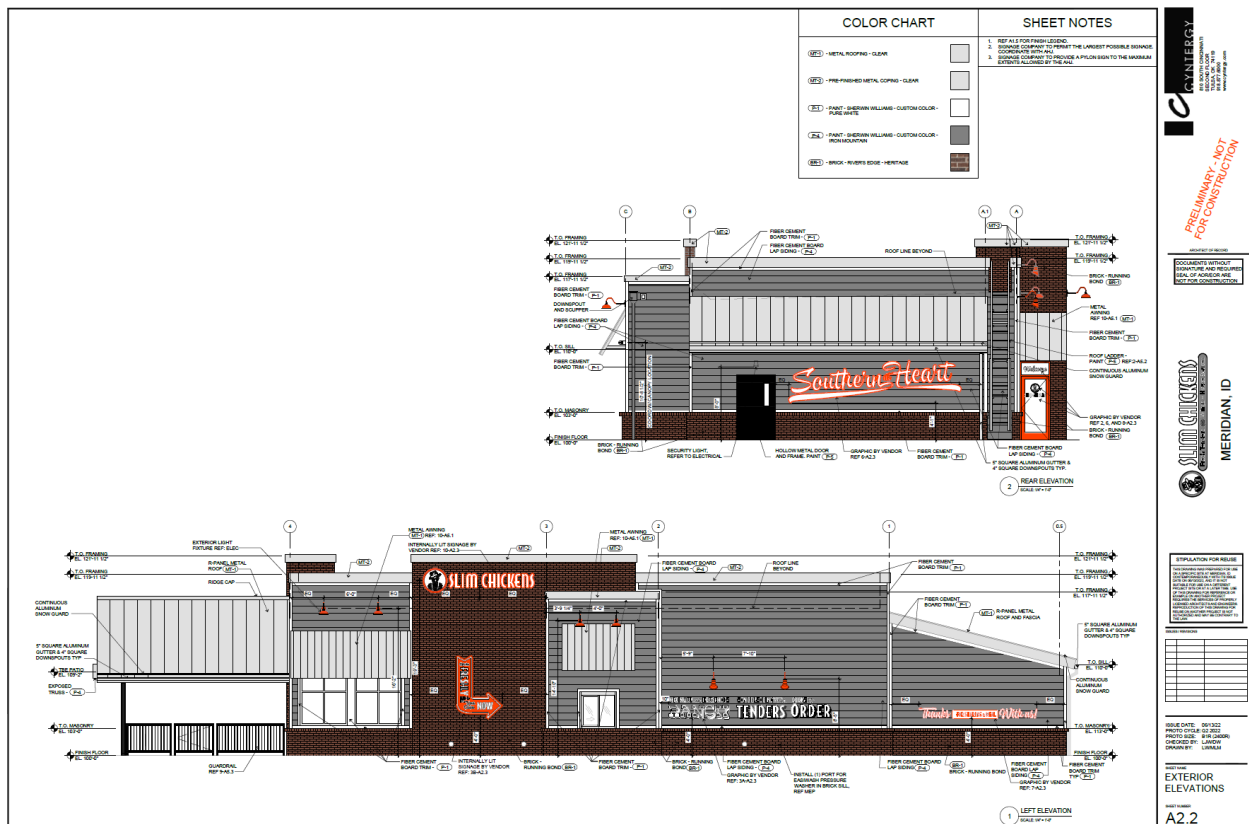
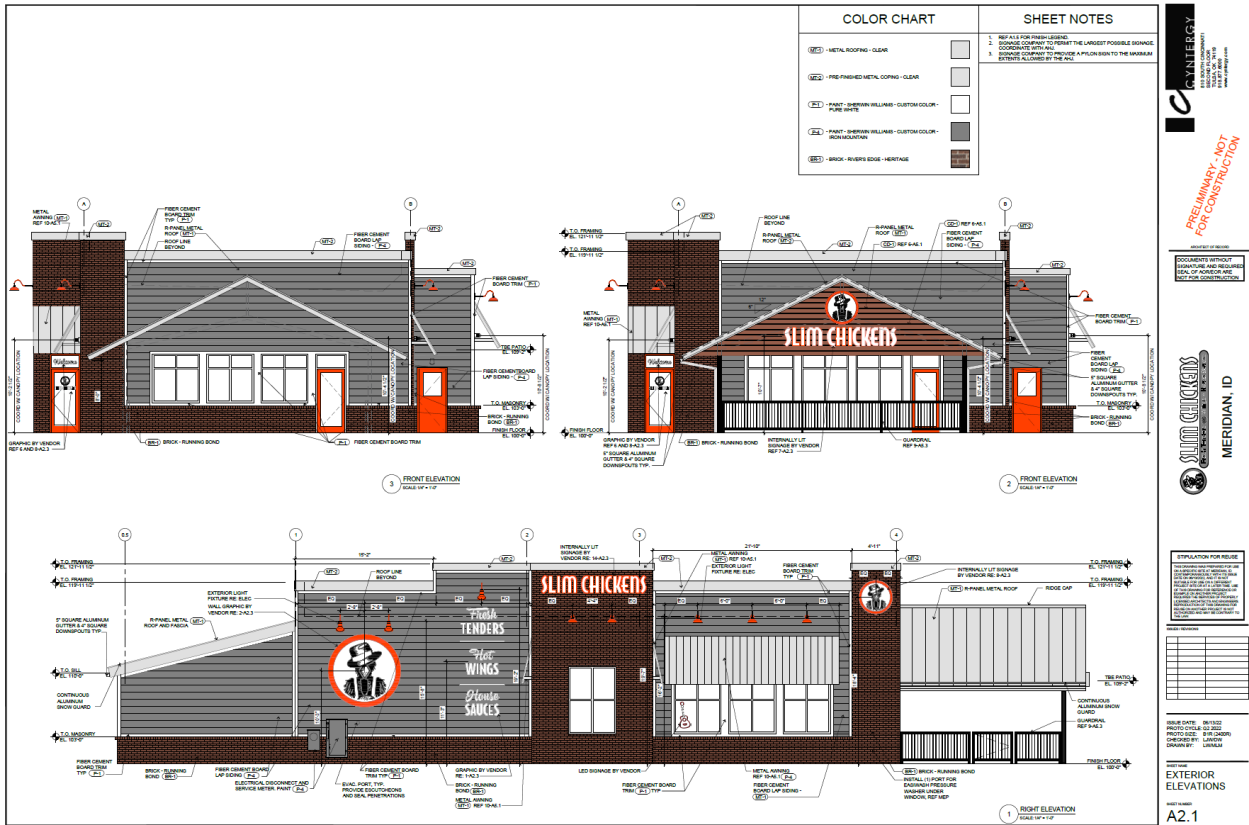
#	Date	Revised	Description	BY

Prepared by: \_\_\_\_\_  
Checked by: \_\_\_\_\_  
Date: \_\_\_\_\_

LANDSCAPE PLAN

**L1.1**

C. Building Elevations (dated: 6/13/22)



## 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);].
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. 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](#).
  - c. 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.
  - d. Depict all easements that exist on the subject lot per the recorded plat (Lost Rapids Subdivision). Any encroachments within existing easements should be permitted through the easement holder or as allowed by the UDC.
  - e. Depict landscaping in the perimeter buffer and within the parking area in accord with the standards listed in UDC [11-3B-8C](#).
  - f. Remove the northern two (2) parking spaces on the east side of the site adjacent to the drive-through on this site so that vehicles aren't backing out into drive-through lane on the adjacent site to the east; or, restrict those spaces to employee parking only, signed accordingly.
  - g. Widen the perimeter buffer along the south boundary of the site and along the east side of the drive-through to 7 feet to allow 2 feet of vehicle overhang (parking stalls may be decreased to 17 feet in length); or, provide wheel stops in parking spaces to prevent vehicle overhang, as set forth in UDC 11-3C-5B.4.
  - h. Widen the northern portion of the perimeter buffer along the west boundary to a minimum of five feet (5') and depict landscaping per the standards listed in UDC [11-3B-8C.1](#).
  - i. Depict safe pedestrian access to the adjacent property to the east as set forth in UDC [11-4-3-11C](#). Work with the property owner to the east on a common location for the walkway.
  - j. Depict signage ahead of each pedestrian crossing in the drive-through lane notifying drivers to watch out for pedestrians.
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. and the driveway adjacent to the west boundary of the site is prohibited.
5. A property boundary adjustment application shall be approved for the proposed configuration

of the property prior to issuance of a building permit for this site.

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. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=263101&dbid=0&repo=MeridianCity>

**C. SETTLER'S IRRIGATION DISTRICT (SID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=262708&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.*