

A Meeting of the Meridian City Council was called to order at 6:00 p.m. Tuesday, September 9, 2025, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Liz Strader, John Overton, Doug Taylor, Anne Little Roberts and Brian Whitlock.

Other Present: Chris Johnson, Bill Nary, Bill Parsons, Sonya Allen, Nick Napoli, Mark Ford, Steve Taulbee and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Brian Whitlock
☒ Anne Little Roberts	☒ John Overton
☒ Doug Taylor	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is September 9th, 2025, at 6:00 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next item is the Pledge of Allegiance. If you would all, please, rise and join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: We didn't have anyone sign up for the community invocation.

ADOPTION OF AGENDA

Simison: So, we will move on to adoption of the agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not any needed changes to tonight's agenda. Move that we adopt the agenda as presented.

Strader: Second.

Simison: Have a motion and a second to adopt the agenda. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the agenda is agreed to.

MOTION CARRIED: ALL AYES.

PROCLAMATIONS [Action Item]

1. Ovarian Cancer Awareness Month

Simison: So, the first item up is a proclamation and so I will go ahead and move down to the podium and if Tiffany Mecham is here, along with any members of the Ovarian Cancer Research Alliance that they would like to join us -- join me at the podium and do that now. I won't lie, I was kind of hoping everyone got up and walked up here just for the proclamation this evening. But they must be here for something else. But I'm glad they are here to hear this this evening. So, we are going to go ahead and do a proclamation, then, I will turn it over for any words that you guys may have, so -- whereas ovarian cancer is the fifth leading cause of cancer deaths of women in the United States and causes more deaths than any other gynecological cancer and whereas in the United States a woman's lifetime risk of being diagnosed with ovarian cancer is about one in 78 and whereas the American Cancer Society estimates 20,890 cases of ovarian cancer will be newly diagnosed in 2025 and 12,730 individuals will die from the disease nationwide, including 110 new cases and 80 deaths in Idaho and whereas the five year survival rate for ovarian cancer is 50 percent and survival rates vary greatly depending upon the stage of diagnosis and whereas there is not currently an effective diagnostic tool for screening and early detection does not exist. Therefore, I, Mayor Robert E. Simison, hereby proclaim September 2025 as Ovarian Cancer Awareness Month in the city of Meridian and encourage all citizens to come alongside the women and their families fighting against ovarian cancer by increasing awareness, expanding research and empowering women to reduce the risk of diagnosis, dated this 9th day of September 2025. So, on behalf of the City of Meridian, please, accept this proclamation and we would love to hear some words from you.

Mecham: Thank you. Good evening. Thank you, Members of the Council, Mayor Simison, for this evening. Thank you for the proclamation declaring September as Ovarian Cancer Awareness Month. It means so much to me personally and Camille, who I will introduce in a moment. I lost my mom and my great mother -- great grandmother to ovarian cancer at the ages of 54 and 33 years old and without their journeys it's the reason I stand here today. As a state advocate leader for the Ovarian Cancer Research Alliance I had the opportunity to go to Washington DC and speak on Capitol Hill raising awareness and asking for more research into this cause, because we need better development to catch this disease early and save lives. This proclamation helps raise awareness right here in Meridian. It reminds women to know their bodies. Sorry. Recognize the science and it says hope. I'm going to turn it over to Camille.

Oldenburg: No, that's probably the worst now, because -- so we have been partners for the last two years and I got involved four years ago, because I was diagnosed with ovarian cancer in 2021 and if you might recall we were in the middle of COVID, so not only did I get diagnosed, I was at a hospital by myself. The statistics for me surviving the two years was less than 50 percent. Two years passed. I survived. And I did recur, though, last year, which is part of -- and that's the norm. My statistics continue to be poor, but I hope by looking at me you see that we don't give up. Research is critical. I'm currently on a drug that didn't exist when I was first diagnosed four years ago. So, research -- when they talk about cancer research -- now I will start choking up -- it's absolutely critical as is the awareness. So, again, thank you and thank all the Council Members. It's so meaningful to us personally that other people are becoming aware of this horrible cancer. So, thank you very very much.

Meacham: Thank you so much. Thank you.

Cavener: Council, while the Mayor is putting the room back together I just -- I want to thank you both for being here today and showing tremendous bravery and sharing your story. Patients telling their stories make such a difference in the issues that you work on and just appreciate you both being here tonight. Thank you.

Simison: And I will just add you do not need to stick around for this evening. Feel free to go about your evening. Unless you really are interested in those next items.

RESOLUTIONS [Action Item]

2. Resolution No. 25-2534: A Resolution Establishing the Appointment of Wade Ramsey to Seat 1 of the Meridian Solid Waste Advisory Commission; and Providing an Effective Date

Simison: All right. Council, with that we will move on to Item 2, which is Resolution No. 25-2534, a resolution establishing the appointment of Wade Ramsey to Seat 1 of the Meridian Solid waste Advisory Commission and providing an effective date. Like normal I sat down with those that applied for the Solid Waste Advisory Commission and Wade was someone who -- he expressed an interest in serving the city. He applied for a couple different commissions, but when talking with the Commission President we know we were really looking for a residence voice on SWAC, not necessarily someone who was an industry expert that could provide that element, but one of the things we did have to happen was he was at the city of Boise when they rolled out their composting program. So, having the value and benefit of someone who has actually gone through a composting rollout, as we know that's something that our SWAC has been discussing that effort, that it would provide a real potential viewpoint on that. So, with that as someone who has shown a willingness to serve through HOA involvement, which we all know how much we appreciate that thankless job that many people take on that role, that put that -- that's why we are bringing forward Mr. Ramsey for appointment to the Solid Waste Advisory Commission. I would be happy to answer any questions.

Cavener: Mr. Mayor, I don't have any questions. I always appreciate kind of the consistent process you have in vetting and interviewing candidates and it's a good reminder for so many people here in our community that care there is always an opportunity to serve on a various commission or board and so stay plugged in with the city's website with all the available options that are out there. Mr. Mayor, with no questions I'm happy to make a motion that we approve Resolution No. 25-2534, a resolution establishing the appointment of Wade Ramsey to Seat 1 of the Meridian Solid Waste Advisory Commission, providing for an effective date.

Strader: Second.

Simison: Have a motion and second to approve Resolution No. 25-2534. Is there any discussion? If not all in favor signify by saying aye. Opposed nay? The ayes have it and the item is agreed to. A lot of people here I didn't -- Wade, are you here tonight? I don't know if you or not. Okay. He is not here, so we will not embarrass him and ask him to come up and say any -- any words for that.

PUBLIC FORUM – Future Meeting Topics

Simison: So, with that, Mr. Clerk, anyone signed up under public forum?

Johnson: Mr. Mayor, not under public forum.

ACTION ITEMS

3. Public Hearing for Proposed Fiscal Year 2026 Solid Waste Fee Updates

Simison: Okay. Then with that we will move on to our Action Items this evening. Our first item up is Item 3, public hearing proposed fiscal year 2026 solid waste fee updates. We will open this public hearing with comments from Mr. Freitag.

Freitag: Mr. Mayor, Members of Council, good evening. I was before you about three weeks ago. We presented the FY-26 solid waste fee schedule proposal. Following our process we have completed the two week notification process and we received no questions or comments. Following the hearing tonight we would anticipate bringing a resolution back to you guys next week for adoption and with that I will stand for any questions if you have them.

Simison: Thank you, Alex. Council, any questions? Okay. Thank you. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, not on this item.

Simison: Okay. Is there anybody present who would like to come forward and present testimony on this item this evening? And if you are online you can use the raise your

hand feature. Seeing no one raising their hand online or no one coming forward, do I have a motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move that we close the public hearing on the proposed fiscal year 2026 solid waste fee updates.

Strader: Second.

Simison: Have a motion and a second to close the public hearing. Is there any discussion? If not all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

4. Public Hearing for Ten Mile Flex (H-2025-0027) by Jeff Hatch, located at 4255 N. Ten Mile Rd.

- A. Request: Annexation of 5.55 acres of land for the construction of approximately 15,900 sq.ft. of flex space and 70,250 sq.ft. of self-service storage (storage condos) in the I-L zoning district.

Simison: With that we will move on to Item 4, which is a public hearing for Ten Mile Flex, H-2024 -- H-2025-0027. We will open this public hearing with staff comments. Good evening, Nick.

Napoli: Good evening, Mr. Mayor, Members of the Council. Next item on the agenda is the annexation for Ten Mile flex. So, the applicant is requesting annexation of 5.55 acres of land for the construction of approximately 15,900 square feet of multi-tenant industrial building and 70,250 square feet of self-service storage or storage condos in the I-L zoning district. The site is located at 4255 North Ten Mile Road and as shown on the screen the existing zoning is RUT in Ada county and the FLUM designation is mixed use nonresidential. There is the annexation exhibit. So, the purpose of the mixed use nonresidential designation is to designate areas where new residential dwellings will not be permitted, as residential uses are not compatible with the planned or existing uses in the area. For example, the mixed use nonresidential areas near the city's Wastewater Resource Recovery Facility and where there are heavy industrial uses or other hazardous operations that need to be buffered from residential. So, the applicant is proposing two different uses on the site. Self-service storage or storage condos on the rear of the property and a multi-tenant industrial building fronting on Ten Mile. The self-service storage condo or the self-service storage -- or storage condos are hardened -- heightened use for storage as it will be bought individually for luxury storage. The applicant intends to condo these, which means making them each on their own so they

can be bought once they have begun construction. The multi-tenant industrial building will be allowed to develop with all the uses listed in the UDC, except for storage facility, self service, and storage outdoor and the intent in restricting these type of uses in that building is to promote -- promote employment uses within these tenant spaces. Access is proposed off a North Ten Mile Road through a single curb cut. The applicant has condensed the two existing curb cuts into a single one for this property. The curb cut on the north side is currently Doc Lane, which is a private street in Ada county. The existing proposed access is a 30 foot access easement that runs along the northern property boundary. However, in this case it will be constructed as a 26 foot paved private street with five feet of landscaping on the north side and ten feet on the south, including a sidewalk. So, the -- and the applicant is requesting City Council waiver to reduce the landscape buffers to the existing residential uses to the north, south and to the west. They are proposing -- or they are requesting to reduce to the south and to the west from 25 feet to ten feet and to the north they are proposing to reduce it from 25 to 15 feet and a letter was submitted from the abutting property owner to the west and to the south agreeing to the reduced buffer and a letter was not provided -- provided from the property to the north. So, staff and the Planning and Zoning Commission are recommending approval with conditions and have not received any written testimony on this application. I did want to touch on one -- one thing here for Council tonight. As far as the road network -- so, they are going to have a direct access off of Ten Mile. However, with the future application to the north we have talked with a developer for that property to the north. We will be actually having a backage road that runs along Ten Mile, which is why we are getting the cross-access that will be -- or will be a cross alignment with Bell Tower and that will be used as the primary access in the future and may be signalized as -- depending on the trip generation that will be from ACHD in the future. So, just for your guys to see a broader overview of the -- the area and what the transportation network will look like in the future. And I will stand for any questions you have at this time.

Simison: Thank you. Council, any questions for staff?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Nick, so what we are seeing at the north end of the property is Doc Lane. Is that like intended to be improved? What is --

Napoli: Mr. Mayor, Council -- Council Woman Little Roberts, that is correct. It will be paved and there will be landscaping on both sides of it, so it will be improved. It is not going -- it's going to be a 26 foot wide street with curb, gutter, sidewalk -- or curb, gutter, and, then, sidewalk will actually be provided on the south part and not on the north, but on the south part. That will connect to the property to the west for when that does redevelop.

Little Roberts: Thank you. Follow-up?

Simison: Council Woman Little Roberts.

Little Roberts: How far is the current resident that's closest to the potential facility? Because it looks like one's really close.

Napoli: Mr. Mayor -- Mr. Mayor, Council Woman Little Roberts, that's correct. So, just off the screen here -- let me go back to one of these. I will show you a little bit better. Potentially. So -- yeah, it's hard to see in this aerial. But, yes, there is a house right on my cursor that's right pretty much on the boundary. The applicant actually did get a letter from that property owner agreeing to the reduced landscape buffer to their residence. So, they didn't have any concerns at this point. I actually talked with the gentleman about it and there was no concerns as far as the reduced landscape buffer for it.

Little Roberts: Thank you.

Simison: Council, additional questions for staff? Would the applicant like to come forward?

Hatch: Good evening. Jeff Hatch with Hatch Design Architecture. Our address is 200 West 36th Street, Boise, Idaho. 83714. Good evening, Mayor Simison and Council Members. Thank you for your consideration of our annexation application this evening. I do have a brief presentation. Maybe. Okay. Here is a vicinity map of our location, which I think Nick did a great job recapping. The overall current uses of the properties around us are residential to the east, we have residential and self storage to the south, residential to the west and residential to the north. Based on the zoning we are proposing I-L, which is consistent with this area with the sewer treatment facility being to the southwest. We have this -- this road here and so in talking with staff, part of the use of these is to create a buffer between the industrial nature of that sewer treatment facility buffering the residential to the north. As far as the future land use map, we are in agreement with the mixed use nonresidential as well and as far as our amenities, having the flex building along Ten Mile is visually engaging, it's pedestrian friendly and provides that connectivity to the sidewalk. We also want to have promotion of businesses and many of the businesses in these areas can utilize storage as a feature to their businesses and so we wanted those to be amenable to each -- to each. In addition as coordinated with staff and what Nick had presented to the north, these access easements are vital for the future, especially as access points along Ten Mile will continue to be reduced and so we were in favor of that, as well as the roadway improvements. Although it runs the length of our project, which is a fairly substantial improvement in regards to this project, we feel that as far as future expansion in this area this gives a great versatility both for us and, then, also future development. As Nick had discussed we do have written consent from the property owner to the south and the west. Since P&Z, that hearing, they had questions about the property owner to the north, we continued to reach out to them. We physically went to the site yesterday, knocked on the door to try to see if we could get any feedback from these folks. We have invited them to our neighborhood meeting. We have written, you know, a formal

letter acknowledging and requesting a buffer if they so choose. We haven't gotten any contact from these individuals. So, we feel there doesn't appear to be any concern. The other consideration is the other two properties to the west and the south have a reduced landscape buffer. This will actually have a road as a physical buffer as well to the north. So, as an example of the flex product that we are looking at putting along Ten Mile, here is the exhibit that we are utilizing and, you know, if Council so chooses for annexation we prepare documents for the CZC, DR, so this will have further scrutiny to make sure it's code compliant. And into the back more simplified version for the storage component and I will stand for any questions.

Simison: Thank you. Council, any questions for the applicant?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: It's kind of a simple question about the self storage and kind of the -- I have never heard of sort of a condo style storage. What's a typical user for something like that? Because you are envisioning them buying it. Would it be for themselves or users buy this and, then, turn around and lease some space to others. I -- help me understand kind of what that business model looks like.

Hatch: Mayor Simison and Council Member Taylor, the storage condo model is something that is attractive from a tax basis standpoint and so instead of having one property owner who owns a large stretch of land and has essentially rental property, which you are paying for the land, this condominiumizes the individual buildings and allows taxation on each of those individual condos in such a way the rental cost of a typical rental unit is relatively low, whereas the point of entry for purchasing these is more or less a commercial product. So, you are -- you have a premium type of use. So, people are intending to use these for storing luxury vehicles, RVs, historic cars and, then, in other cases, you know, with that flex space you may have like a HVAC company that needs additional storage for like duct work and so there may be a complimentary use where you need kind of a warehousing component to your flex space. You can't find, you know, a large tilt up building or something, you want to be on Ten Mile, this gives that flexibility for people to have kind of a point of entry to grow their businesses

Simison: All right. Thank you very much.

Hatch: Thank you.

Simison: Mr. Clerk, anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, not on this item.

Simison: Okay. Is there anybody present who would like to provide testimony on this item this evening, either in the room you can come forward or online use the raise your

hand feature. Seeing no one coming forward and no one raising their hand online, would the applicant like to make any final comments or they waive final comment? Applicant waives final comment. Council?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move to close the public hearing for application H-2025-0027.

Overton: Second.

Simison: Have a motion and a second to close the public hearing. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe just one quick question for Nick and, Nick, I'm supportive of the application, appreciate yours and Planning and Zoning's work. The question is more hypothetical in nature. I'm just interested in your perspective. Eagle Road has kind of become the home of casual chain restaurants; right? If you need a casual chain restaurant Eagle is just fine. Ten Mile is starting to shift in kind of the land of storage and I'm just curious, do you have a perspective on how much self storage in Meridian is enough? Is too much? Obviously, there is -- there is a need, because we continue to have these applications come before us and I'm -- I'm not going to penalize this applicant tonight, but I'm -- I'm starting to become more and more worried about the loss of industrial space just being kind of co-opted into -- into self storage. I think this is a unique model. I'm super interested in it. But I'm just more thinking long term, like what is a saturation point when it comes to storage units?

Napoli: Mr. Mayor, Council President Cavener, it's a great question and, actually, when the applicant came to us originally it was all storage and we worked with them to get some employment uses out here, because, correct, we -- we need employment. Employment is crucial for the city to survive and for the residents to be able to work in this city, as we are the center of the valley. As far as storage and how much is too much, without putting my own personal opinion, yes, you know, it's -- it's a balance. It's -- the mixed use nonresidential allows storage outright in the comp plan. It's a permitted use in the I-L zoning district. So, those type of things, yes, as we get more applications in and we will be seeing a lot more industrial applications in the next probably year we are trying to get as much employment as we can in these industrial areas and try to get these developers to go away from some of the storage, because, correct, I feel as if

there is adequate storage, but, obviously, people continue to move here and people have a lot of things and like to store them. So, you know, as staff we are encouraging as much employment as we can you know, so I don't know if that fully answers your question. I think that there is a -- there is a line that we need to, you know, at some point make a decision on if more storage is appropriate in the city versus employment, because employment is crucial and -- from the staff's perspective Nick, I think you and I share that, so I appreciate your very diplomatic and pragmatic response. It's something that continues to concern me. So, I appreciate your insight. But Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't have any additional comments. I think this is a pretty straightforward application. I'm happy to make a motion, unless anyone else on Council has anything they want to say. So, after reviewing the staff -- staff report and hearing all staff and the applicant testimony, I move that we approve application H-2025-0027 as presented in the staff report for today September 29th and include all applicant and staff feedback.

Taylor: Second.

Simison: Have a motion and a second to approve Item H-2025-0027. Is there --

Johnson: Mr. Mayor, I don't know if the council member wants to update the date to December -- or, sorry, September 9th. You did say 29th.

Cavener: Did I say 29th? Geez, Louise. Yes. September 9th. Thank you. Mr. Overton. Thank you, Mr. Johnson. My motion meant to the date of September 9th, not the 29th.

Simison: Second agree? Okay. With that clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: ALL AYES.

5. Public Hearing for In-N-Out Burger (CR-2025-0002) by In-N-Out Burger, located at 5985 & 6037 N. Ten Mile Rd.

- A. Request: Council Review of the Planning and Zoning Commission's decision of denial on the conditional use permit (H-2024-0058) for a drive-through establishment within 300 feet of another drive-through facility, existing residences and a residential district on 2.22 acres of land in the C-G zoning district.

Simison: Okay. With that we will move on to Item 5, which is public hearing for In-N-Out Burger, CR-2025-0002. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you is a request for City Council review of the Commission's decision of denial on the conditional use permit for a drive-through establishment for In-N-Out Burger. This site consists of 2.22 acres of land. It's zoned C-G and is located at the northwest corner of North Ten Mile Road and West Lost Rapids Drive at 5985 North Ten Mile Road. The applicant submitted a conditional use permit application for a drive-through establishment in the C-G zoning district within 300 feet of another drive-through facility, existing residences and residential district, which was denied by the Planning and Zoning Commission on May 15th. The stated reasons for denial are as follows: The hours of operation are not compatible with the residential area to the west and there are substantial traffic conflicts, including -- excuse me -- traffic concerns, including traffic conflicts that will have a negative impact on the north-south private drive aisle that serves the surrounding commercial area. This is a de novo hearing where the City Council decides all issues of fact and law anew. Thus the issue before the City Council is whether to grant the conditional use permit for In-N-Out Burger's proposed drive through, not whether the Planning and Zoning Commission erred in its decision. In response to discussion at the commission hearing the applicant has submitted additional material to supplement the record, including a revised site and landscape plan shown there. The one on the left is the original plan. The one on the right is the revised plan. They have submitted updating queuing observations of the three existing Idaho locations, a photometric plan and an operational noise study. A change to the business hours of operation are also proposed from 10:30 a.m. until 12:00 a.m. every day with delivery hours from 6:00 a.m. until 10:00 p.m. Finally, the applicant proposes conditions of approval that they will operate within -- in an effort to mitigate or resolve any impacts from the proposed drive through on adjacent neighbors and the public. Changes to the site and landscape plan consist of enhanced landscaping within the western perimeter buffer of the site to ensure privacy, reduce noise and soften ambient light adjacent to the residential uses to the west. These changes include increased tree density to provide continuous canopy coverage with overlapping foliage extending from six to 20 feet above the finished grade with additional shrub density with dense to semi dense leafy plantings to enhance the visual and functional experience of the place. A sidewalk was also added along the west and north perimeter boundaries of the site for enhanced pedestrian access and connectivity. Lights from vehicles waiting in the drive-through queue will not be pointed towards residences. However, lights from vehicles exiting the drive through will be pointed towards existing adjacent residences. Landscaping is proposed to minimize these impacts. Minimum lighting for public safety and security purposes will be utilized on the site at night after the business closes. The proposed photometric plan depicts the light trespass beyond the boundary the subject property to the west. It's unclear if light trespasses on the adjacent residential property or just the driveway in between the properties. In order to comply with the outdoor lighting standards in the UDC the effective zone of light shall not trespass on abutting residential properties. The noise study finds that noise levels would not result in a three or five DBA, A what -- A weighted decibels increase above the measured daytime

evening, nighttime and 24 hour community noise equivalent level, ambient during both operation and delivery activities. The traffic study submitted by the applicant does not anticipate the proposed use will negatively impact the intersection of Lost Rapids Drive and Ten Mile Road. Additional information was provided by the applicant on this topic these --

Simison: People.

Allen: -- no changes are proposed to address the traffic concerns, including traffic conflicts that, will likely have a negative impact on the north-south private drive aisle that serves the surrounding commercial area. The internal driveways were not part of the traffic study submitted for this development, but were part of the traffic study done with the Lost Rapids development back in 2018. A traffic study was not required for the proposed development by ACHD or ITD. In order to approve the request and overrule the decision of the Commission the City Council must determine the updated application meets the required findings for a conditional use permit in the UDC. If the request is determined to meet the findings Council should consider including the conditions proposed by the applicant as conditions of approval of the conditional use permit, along with any other conditions or modifications determined appropriate by City Council. Alternatively, the City Council may wish to continue the project to a later date in order for staff to draft appropriate conditions of approval as the staff report prepared for the Commission hearing omitted conditions of approval, since staff's recommendation was for denial. Written testimony has been received. There was -- several hours ago. There was at least 192 letters of testimony on this application and they are all included in the public record. Staff will stand for any questions. The applicant is here to present tonight.

Simison: Thank you. Council, any questions for staff?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I had asked a couple questions or sort of given a heads up to Sonya. One question I had was just her opinion, you know, having been a planner in the city of Meridian for a long time, if she could think of other uses that are in -- in close proximity to residential that are comparable to this that we have approved. That was kind of a question I had. Just in her past history if she had seen that before, as well as just trying to understand the hours of operation of some of the other surrounding businesses that are in close proximity to residential use.

Allen: Mr. Mayor, I can go ahead and address that. So, our UDC -- our city code does limit business hours of operation in the C-N district from 6:00 a.m to 10:00 p.m. and in the C-C and C-G districts from 6:00 a.m. to 11:00 p.m. when the property abuts a residential user or district. Extended hours may be requested through a conditional use permit. When extended hours are requested the proximity of residential uses and the

intensity of the proposed use is considered, as well as public testimony from those affected. This is really the most intense drive through use I think the city has experienced thus far. We couldn't really think of any other ones that compared. This one is fairly unique in that we do have residential uses just directly across -- 40 feet away across the drive aisle to the west. Typically when we approve zoning on properties. We try to transition the zoning and uses, so that there -- we don't have these issues right next to residential -- incompatible land uses. While the -- while the district allows such uses, it's -- it's something we try to stay away from in our -- in our zoning when we zone land. So, we don't run across this a whole lot, but when it does, then, we have the ability through a conditional use permit to restrict the hours further than our code or possibly extend the hours if we feel it's appropriate.

Strader: Thank you.

Allen: Does that answer your question?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It does. Thank you. I did have one more question --

Simison: Council Woman Strader.

Strader: -- for Mr. Nary. I thought that memo was very helpful in understanding that this is a de novo hearing, we are not determining whether the Planning and Zoning Commission made a correct or incorrect decision, we are making a -- an independent decision, but I wanted to make sure that even though it's a de novo hearing we can still consider the previous testimony and previous information that came out?

Nary: Mr. Mayor, Members of Council, Council Member Strader, absolutely. So, it's all part of the record, but, yes, this is an independent decision. It's not a review of a typical appeal that my people might think of. So, it is independently and separate from that. But, yes, you may consider all of that.

Strader: Perfect. Thank you.

Simison: Council, any additional questions for staff? Okay. Then I will invite the applicant up to present. And I was going to do this before the applicant came up, but you guys already -- you can come on up. You can come on up. But since you guys already kind of -- I think expected to come from the staff, but just ask everyone to -- you know, my job is to protect everybody's rights in the room. The developer's rights, your rights, the Council's needs and the best way to do that is to be polite, considerate and decorum. Let everyone have their time to say their piece and to hold applause, cheers, et cetera, out of the conversation, so that we can get through this process this evening. Everyone's put in a lot of time. I guarantee you everyone up here has put in a lot of time

from -- as well as everyone out there, as well as the applicant and staff and we just want to give everyone the opportunity to say what needs to be said and hear what needs to be heard so decisions could be made, so with that we will have the best decision for our community this evening. So, with that I will turn it over to you.

Reese: Thank you. Good evening, esteemed Mayor Simison and Members of Council. My name is Cassie Reese. I am a senior development manager within In-N-Out Burger and I'm honored to be with you this evening. I want to thank you for your time, diligence and attention in hearing our application. This application has been quite a while in the making. Two years, dozens of site plan variations, many meetings, data collection, various professional studies and out of consideration for everyone's time -- I know we have quite a few speakers tonight. I am not intending to go over too much of the history of our application or the basic information, but am available for questions if any of that comes up. Our comprehensive appeal letter as provided in the application. All right. I'm sorry, as -- as provided in the agenda and part of the official record was carefully written and we do stand behind all the points contained in that document. I will not rehash it again out of respect for time, but I hope to add background and context to that document this evening the emphasis of this presentation will be on the findings that are required to make a decision tonight. Under the city of Meridian's Uniform Development Code there are a number of design guidelines that must be met for any site plan. I have listed some of them here. I won't go through reading them in every detail, but as you can see we meet all the city's design criteria and in some cases exceed the requirements, such as for parking, landscape buffers and building height. We are not asking for any variances or exceptions this evening. It is our drive-through uses proximity within 300 feet of residential zones that brings us before you this evening, as that -- as that proximity is what's requiring a conditional use permit. There are nine findings that the city of Meridian requires as -- for all conditional use permits, one of which has been determined by staff as not applicable. So, the remaining eight are listed here. Staff found our proposed development to comply with three of those pursuant to their original staff report as presented at Planning and Zoning Commission. I will focus on the remaining five throughout the presentation. In summary that our site is large enough to accommodate our use, that the use is harmonious with the Meridian Comprehensive Plan, that we are compatible with the intended character of the general vicinity, that we will not adversely affect other property in the vicinity and that our use will not involve activities that will be detrimental to your community. Our site is located in what was originally known as the Lost Rapid Subdivision and part of what is now the Costco anchored shopping center at the corner of two major arterials, North -- North Chinden and North Ten Mile Road. The original application that created this project was the Lost Rapid Subdivision annexation and rezone of over 66 acres of property. The retail portion was originally proposed to be mixed use until right before the planning hearing where it was decided, supported and recommended by staff that the C-G commercial zone specifically as the largest scale and broadest mix of retail office service and light industrial uses was the most appropriate designation for this lot. The Olivia apartment site was zoned R-40 purposefully as a higher density residential and cited specifically to act as the transition between the commercial uses and the single family uses. The comprehensive and thoughtful process to approve the annexation and

rezone, which ultimately resulted in a unanimous approval of the subdivision, shows that we are compatible with the Meridian Comprehensive Plan per finding number two and the intended character of the subdivision was for this large scale commercial to exist on this property with the Olivia apartments as the appropriate transition to the existing single family residential development to the west as required in finding number three. In-N-Out's success has been a discussion point on this application for the potential of traffic impacts. The original rezone application included a full scale transportation impact study performed by Kittelson and Associates. This comprehensive document studied the proposed project plan of 166,000 square foot Costco warehouse retail store, a gas station to include 30 fuel pump islands, a proposed 162 unit single family residential development, 115 apartment units and 60,000 square feet of additional retail uses. After careful analysis, including the project uses, the proposed access points and internal circulation routes and public road capacities, the study concluded that this project would require a number of public -- public improvements to mitigate its impacts, doubling the, then, width of both Chinden and Ten Mile respectively, installing two signalized intersections, installing a double left turn lane from westbound Chinden to southbound Ten Mile were the major components of that. This resulted in an adopted, signed and recorded development agreement by unanimous decision by the City Council requiring the installation of all of the traffic studies recommendation and full street improvements. The million of dollars worth of improvements were the mitigation for the entire scope of the project. The Costco, the single family residential, the apartments and the additional 60,000 square feet of retail and these improvements have all been installed in good faith as agreed to. Now, let's take a look at the original proposed plan and what has ultimately been built and approved within the subdivision property. Costco is 157,000 square feet, with 24 fuel pumps. Cadence at Bainbridge is 165 unit single family residential and the Olivia apartments is a 102 unit apartment complex. This is largely congruent, even slightly under the original plan assumptions. For the retail portions of the site -- of the subdivision -- excuse me -- okay. So, for the retail portions of the shopping center, including the recently approved El Pollo Loco, the shopping center contains 33,000 square feet of retail, almost half of the approved 60,000 square feet. Our In-N-Out application would represent the final piece of development on the last two lots available in this shopping center and if approved would result in about 37,000 square feet total retail, leaving a delta of 23,000 square feet of undeveloped retail uses that were studied as part of the traffic study. The traffic study overestimated the retail uses by over a third. The original study stands as originally analyzed and approved. While we are on the topic of size, I would like to touch on the size of the land. We are proposing to utilize 2.2 acres for our development. In comparison I'm showing on the screen here the relative sizes of each of the nine developments of the center, as well as the sizes of other comparable, high demand quick serve restaurants in the city of Meridian. None of these developments come close to the size of the land we are proposing to develop with our project. You will see here that multiple developments, such as the Key Bank, Swig and El Pollo Loco combined would nearly all fit within our proposed development of an In-N-Out Burger. Similarly you can take both Sonic Burger Meridian locations and add a Dave's Hot Chicken and that would fit within the proposed site area. This provides a more than adequate finding for item number one. The site is large enough to

accommodate the proposed use. In summary, the adopted transportation study analyzed the potential for more impacts than what is shown in actual conditions today and all the required improvements are complete. ACHD and ITD did thorough reviews of our application and determined that no further improvements or studies are required as part of our project specifically. Findings number three, four and seven are met via this data. To help give context for the build out of those improvements I have included here as historical satellite view from August 2017 and May 2024 respectively. You can clearly see the extent of the widening of Chinden and Ten Mile Road, which this development has effectuated in anticipation of building potentially 60,000 square feet of retail shopping on this corner. Now, let's talk about In-N-Out Burger specifically. In-N-Out has provided two separate analyzes. In December 2024 our location in The Village had a peak queue length of 46 and the analysis determined the 95th percentile queue of 27. A second study performed in May 2025, just a few months ago, analyzed all three existing Idaho locations, Boise, Meridian at The Village, and Nampa and in that case our peak drive through length decreased by nearly 25 percent down to 35. This data proves that as we open more locations within Idaho each of these stores operates in harmony with each other to reduce the demand from having just one store for customers to visit resulting in shorter lines and no impact on the surrounding areas for each of the stores as they operate within their designated land. So, let's take a look at how that data compares with our site design layout. As you can see the original 95th percentile analysis of 27 cars is shown here. This means 95 percent of the time we are operating our drive-through lane is anticipated to be at this length, well within our design drive-through lane, far from any circulation road and not anywhere near any public right of way. The maximum observed queue back in 2024 -- December 2024 of 46 is shown here, still well within the confines of the site, not affecting any circulation for any other users. And car 35, which was the absolute max seen in May, shown here, which is still accommodated within the project site area. In each instance this site design accommodates our entire drive-through queuing expectations. Staff made a handful of recommendations in their original staff report to Planning and Zoning Commission. In-N-Out Burger has offered to limit its operating hours to close at midnight, which matches the open and operating Burger King in this very same center and we have added full pedestrian walkways addressing the first two staff comments. Staff also expressed traffic concerns which were addressed this evening. The private access road between our site and the apartment development to the west is a -- is a privately owned and is subject to the rights of the owners within the plat. Circulation is required here and governed by recorded documents. No user, Costco, Olivia apartments, nor In-N-Out Burger, would have the right to block this area to through traffic. Internal circulation was studied in the original traffic study as well and confirmed as adequate. There is no other data or professional study provided in the record refuting these facts. Lastly, staff recommended planter islands be added to the end of rows of parking abutting the southern driveway. While we can comply with this condition we prefer Council to consider the benefits and flexibility to the operation of allowing the striping instead of full planter islands. These are excess parking stalls that are not required of the project and the benefits of allowing the striping would assist in addressing any lingering community concerns about drive-through overflow operations. However, if Council agrees with this recommendation In-N-Out can and will -- and will comply. Our proposal -- our project

proposal meets all of staff's recommendations. Sorry. One second. Thank you. In-N-Out has offered several conditions of approval in response specifically to community feedback. As discussed we are limiting our hours of operation from closing as late as 1:30 a.m. to closing at midnight instead. This store would be one of less than a handful in our entire portfolio of 424 stores to limit its hours of operation and the only one in Idaho to do so. We understand this was a major community concern and are willing to meet that concern with an agreement to match the hours existing in the center. We also reduced our delivery hours. The earliest we will deliver at this location is 6:00 a.m. a full hour after Costco begins their deliveries and after Dutch Brothers is open to the public. Our primary delivery access will be from the North Ten Mile driveway. We added the pedestrian connectivity along the west and north. We enhanced our landscaping, especially along the western boundary to mitigate any concerns about light, noise or emissions from our site. Our signage and parking lot lights, except those required for safety and security, similar to any retail user on this pad, will be turned off at closing and no stacking will be allowed in escape lanes to ensure the safety and general welfare as provided in finding number seven. Our appeal application added the supplemental queuing data and also provided a noise study that confirms a lack of noise impact from our operations to neighboring residences by placing our menu board, speaker box and pay and pick up windows along the Ten Mile arterial highway away from the -- away from the residences. Can I get the next slide? Circling back to the required findings. One, is a site large enough. In-N-Out proposes to take two separate lots and develop it as one In-N-Out Burger development reducing the originally envisioned density here. We meet and often exceed dimensional and development regulations. Our site is one of the largest sites for a drive-through development in all of Meridian. Three separate drive through developments within the shopping center alone would fit our one site area. Our project meets this finding. Number two. Is this site harmonious with the Comprehensive Plan? Our project meets many Comprehensive Plan goals. Our added pedestrian connectivity around all four sides of the project promotes the community vision by fostering walkability in the neighborhood. Our family friendly businesses nearby -- our family friendly business nearby to neighborhood parks and homes promotes Meridian's evolving theme of encouraging mixed use areas that provides benefits of being able to live, shop, dine, play and work in close proximity and you can't forget Meridian's premier comprehensive goal of attracting high quality businesses with high wage jobs. Our project meets this finding. Three. Is the design construction, operation and maintenance comparable -- compatible --

Simison: If you can wrap up.

Reese: There are -- there are three other findings that we do meet as well and I think I can get over that in response -- in the rebuttal portion of the presentation. I do want to get to -- there is a couple renderings that I would like to show to City Council and also the -- the public. So, these are just a couple renderings both day and night of the site to just show the enhanced landscaping, show some of the views from the apartments and from Lost Rapids. And thank you for the time. I'm available for any questions, concerns and available to elaborate on anything you have heard today.

Simison: Thank you. Council, questions for the applicant?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Cassie, could you -- I don't know if you can show it on the map, but the -- when staff was recommending putting planters and you were wanting some striping instead for the drive through, can you show me visually, if you have any demonstration, of kind of where that is and what you are specifically talking about?

Reese: Sure. So, if you can see just to the left of the entrance to the drive-through lane there is some striping there and there is striping a little bit further where that -- where that bank of four stalls is and as well as a striped island on the other side of that driveway. So, we have done this in the past. We have several stores that have done this. It does help for greater flexibility if we did want to use these areas for overflow. As mentioned we are over parked on this site. We have 73 parking spaces versus the required 16. So, if we needed to take over those four wouldn't be an issue for us. It just allows for that flexibility of being able to add cars in that area, keep them out of circulation areas.

Taylor: Mr. Mayor, quick follow up.

Simison: Councilman Taylor.

Taylor: Kind of keeping this in view, that sort of entry point there, the southern most entry point, do you envision or do you have a plan if queuing needs to extend beyond that would you rope that off, put some cones, how would you kind of manage that if it were to exceed that?

Reese: Absolutely. So, we do allow for a lot of flexibility. Our store managers are great and they handle the situation on a case-by-case basis day by day. They like to see what the conditions are in each individual store and respond accordingly. We absolutely have seen stores that will rope off -- or cone that off and continue a drive through line. Other store managers prefer to have two entry points and would rather keep that entry point open, have -- we do have associates that are in the parking lot once our drive-through lane gets passed our menu board, which in this case is car ten, so they can keep that entry point open and re -- and have the line start up again further down, so that there is still circulation. We can handle both situations. I have seen both of them in action. They both work well. It just depends on what the community needs are and how the store manager and the store associates can handle that.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: This might be a question for our fire department or for even legal, but it -- roping off an access point like that to kind of manage some queuing, is that a concern in terms of public safety, access for fire or legal is that something that we are allowed to do? Whoever wants to answer that.

Taulbee: Mr. Mayor, Councilman Taylor, typically not. Our fire department access design would still have to meet with -- with its restrictions with signage and if there is anything that's roping for queuing it would have to be out of the way of that -- that continued access loop.

Taylor: So, just to clarify, Mr. Mayor. So, what you are saying is there -- they would not be allowed to rope off that access point or -- I'm not sure if I quite followed what was -- what's allowed and not allowed when it comes to that.

Taulbee: So, they wouldn't be able to rope off the actual fire department access route to within -- we would still have to be able to get within 150 feet of all exterior portions of the building. So, if we could get to that from a main drive aisle, then, we would be okay

Taylor: Oh. Okay.

Taulbee: Yeah.

Taylor: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Cassie, a couple additional questions. Can you go back to your image that kind of shows your -- that last slide that you were on previously.

Reese: Oh, I can do it.

Cavener: So --

Reese: Sorry.

Cavener: And -- one more forward. And I may have you move to another one as well. But particularly I'm interested in the -- in the slide that also showed kind of your queuing plan. So, as I -- as I look at this real quick -- this is fine. Okay? So, if I'm looking at it the -- the escape lane is there off to the right and this image shows, okay, where the menu board and speaker is and so what I'm seeing from this is at -- at most you can get 30 cars into your drive through before it starts to impact queuing in the parking lot. That -- is that an accurate number?

Reese: I believe it's 31. But yes.

Cavener: Thirty-one. Okay. I'm good with that. And so, then, if I -- as I look at your -- your image here, you actually have cars -- you know, car 32 and beyond that are queuing up in the parking lot.

Reese: Correct.

Cavener: So, as -- again, big In-N-Out fan, but I would be less of an In-N-Out fan if I was unlike most of your customers that actually went in and ate and, then, came out to my car and now I can't get out, because you have got -- you have got queuing that has blocked my access to get out. So, when you start talking about being able to work within the site, I start to question that a little bit, because a site should function as -- as I think a normal resident would expect.

Reese: Absolutely. No. That's a completely fair question. So -- and it's a condition that we can see. This situation has been replicated a couple times across a couple stores. What we do as a general practice -- our associates, as mentioned, are in the parking lot area taking orders anytime we are passed menu board ten and they are communicating with -- with the kitchen via headsets and wireless communication to also ask for additional traffic help. When we are in situations where cars need to back out of these parking stalls that may have been blocked, most of the time I will say this is going to be associate parking, we encourage all our associates to park the furthest away from our customer doors. We want our customers to have the upfront parking. But in the event that a customer is parked there and does need to back out, our associates are trained to help hold the line, let them back out, it doesn't take more than ten, 12 seconds, they back out, they are out and we continue the line. It is something that functions very well across a lot of our stores. I know that's kind of a harder concept to -- to kind of envision, but it's something we are really practiced in and has worked well for us.

Cavener: So, then, Mr. Mayor, maybe a follow up.

Simison: Councilman Cavener.

Cavener: It looks like car 50 -- that's probably me if I was coming to your drive-through. I always show up at the worse time. But if I'm car 51, now I'm starting to back up on Lost Rapids and you have already blocked access to one spot for our fire truck and now car 51 is going to block access for our fire truck through access number two. We don't want there to be fires; right? And, hopefully, there is not, maybe --

Reese: Absolutely not. Our fire -- we love our firemen. We want them to come in.

Cavener: But this happens and so what -- what occurs in that situation? You know, I hear from our fire department all the time -- time is tissue and if they can't get in because both of your accesses are blocked, what do we say to our residents?

Reese: Absolutely not. So, I will go back to -- we don't anticipate anything beyond car 46, which was our max queue that we saw in Meridian in December, which we only had two stores available in the city of Meridian -- or in this area to service the customer

base. But if that were to happen, yes, we would absolutely keep clear any driveways -- or -- again, our associates are out there for that purpose, for that traffic control, and if need be -- and I think I see where you are going with this. If there needs to be a condition that we cannot queue beyond -- or block any public safety measure or public right of way, we have -- we can comply with that. But, again, I'm -- all the data is showing that this -- that situation is not -- is not expected at this location, especially the fifth -- what would be the fifth in Idaho.

Cavener: I think you are tracking with me and -- and I would look at public right of way as -- as both of those entrances and so I would -- I wouldn't -- don't think that I could be supportive of -- of anything more than I guess -- being very generous maybe that's car 36, 37 and I guess, then, my question would be to you is -- you say that you wouldn't do that. How do we enforce that? How do we -- how -- if I'm a resident that lives over there, what is -- what confidence do I have that that's not going to happen? Because when and if that inevitably does happen they are not calling you, they are calling us to say, hey, Council, you approved this and you approved this because the applicant made some pretty strong commitments and now they are not following through. So, help me understand how would the city enforce that?

Reese: Let me backtrack to the original. So, I think what you are saying is you don't want to approve shutting down this access point on this --

Cavener: I don't think we can.

Reese: And that's fair. If we didn't we would keep that access point open. So, would stop the line and, then, continue it on further north within the next drive out. So, we would keep -- keep a -- keep clear basically area for the driveway and, then, continue the line that way. Is that our understanding?

Cavener: Certainly. But, then, I start to wonder -- you have -- you have, essentially, ate up then --

Reese: Four cars.

Cavener: I'm not concerned so much about the cars, I'm concerned about your parking.

Reese: But we are -- so, we are over parked on this site by over four times.

Cavener: Yeah, I -- I understand -- I understand that you are over parked, but there, again, I'm coming back to -- I have parked in that parking spot and now I can't get out; right? Again, wildly successful. I'm just -- I'm trying to visualize not how this site would function in a laboratory, but how it's going to function at Wednesday at 7:30 p.m.

Reese: And that is absolutely what we would be concerned about as well; right? We want to keep an operation that our associates and that our customers are happy. It does not behoove us to not have happy customers or happy residents around us.

That's just not a great business model. So, I will -- I would go back to -- and I hate to do this, because I'm going to -- I'm going to encourage you not to -- not to compare the original Meridian at The Village to this location. Completely different set of circumstances. But I will say that at The Village at Meridian, even with the immense success of our grand opening, we kept all of those drive aisles clear. We kept every single one cleared. There was not one -- there was not one complaint by anybody at the mall that we were blocking access points.

Cavener: But -- Mr. Mayor?

Simison: Councilman Cavener.

Cavener: You had a much longer runway at The Village and I guess where I'm coming from is -- and, again, your locations that have been open for 20 years are more popular today than they were 20 years ago; right? I mean stacking lanes -- again I went to college in Las Vegas and the location is right by campus. I could walk to In-N-Out of -- almost got to make an appointment to go there. Which I do. I'm happy to do it. But what I'm saying is that I think that you are a more successful brand now than you were five years ago, way more successful than you were 20 years ago and so I only see more use coming out of this site. More use -- certainly the Meridian -- the Eagle Road location was an anomaly for a peak, but it too will be continued to become more popular. Now, same with your Nampa one. So, I'm not looking at it in terms of how this would also function if it's open two years from now, it's what's the impact on our residents five years, ten years, 20 years from now, which is where some of these questions are coming from.

Reese: It's a very generous statement that you made. I appreciate it. We certainly are grateful for the success that our stores have had. I think that's a testament to our store associates in all honesty for creating a good customer experience across all of them. But it starts with that drive-through lane. It starts with creating a parking lot that circulates and flows and associates that are helping people back out and get through the lane -- if there are problems, which, believe it or not, it's actually not a prevalent situation, unless we have some of our -- and completely discounting some of our, you know, stores that have been open 75 years that are -- that are a whole different beast. But in order to create that success is to have the customer experience that's great and those stores are doing that. Those stores are keeping access ways open for us. Those stores are allowing for customers to queue and not affect our neighbors across the board, whether retail, whether residential, both are important; right? We -- we don't want to be affecting any residential user as much as we wouldn't want to be affecting any retail user that we are next to and that situation has been universal across all of our stores. We are preserving everyone's right to circulate, while still giving our customers an area to queue.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: And I -- respectfully I'm going to challenge on that.

Reese: Okay.

Cavener: I think of literally every In-N-Out that I have visited, outside of the one by the Boise Town Square Mall, where when I have gotten in line I'm queuing up on a public street and -- and as a city council member I'm -- I'm ashamed that those city leaders allowed that to happen. I won't let those types of things happen in our community. I appreciate the words you are saying. I think we are trying to get to the same place, which is you don't want to impact the residents. I don't want to impact the residents. I'm just having a really hard time wrapping my head around about how this site layout won't have a negative impact on the surrounding residents.

Reese: I appreciate and respect your -- your position on that. I will turn back to the queue analysis that we provided. That doesn't have that data and I will turn back to also -- I think this -- that could become a code enforcement issue and -- and in other cities that's where it goes. Is if there are queuing on the street the police department and/or the city has a code enforcement that doesn't allow that to happen.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Sorry to jump in front of any other council members, but I want to kind of stay on the line of thinking with the queuing and the numbers. Could you go to your slide where you did a -- kind of analysis of the number of -- like at peak how many cars were queuing? I want to ask you a couple questions.

Reese: Is it -- do you mean this one or the actual data?

Taylor: Numbers. The number page. So, not this one. Yeah. This one. So, what we are looking at here -- the one on the left is -- shows 46 cars at your busiest time of the week. That was the Meridian one originally. Now the one on the right shows 35 is really kind of the maximum so -- and I understand your argument. The more In-N-Outs there are you are spreading your customers and your fans out. I agree with Councilman Cavener, though, the more accessible they are, the more people will go; right? I haven't gone to the one at The Village because I'm not going to wait in line, but, you know, if I can wait less I might go. My son will go. He is there all the time when I track him on his phone. I know where he hits In-N-Out all the time.

Reese: We appreciate him. Yeah. Well, I have to give him money so he can go. So, I guess my question is -- I challenge the assumption here that -- that this -- that what you would see here at the Costco would be 35 or maybe less. It's your maximum. I don't live too far from here. I go there quite a bit. It's already very congested kind of getting In-N-Out. It is a large lot. I appreciate your analysis and I think I'm -- I agree with some

of your arguments. But, again, you are putting it in a rapidly growing part of town. So, the availability, accessibility to new patrons makes me think it's going to be a popular spot. So, why are you so sure that these numbers are accurate?

Reese: I think -- I think for sure the numbers are accurate. I think the question is whether the argument's going to flow through all the way; right?

Taylor: That's what I mean.

Reese: So -- so, that -- I think that the data does show it. I think when you look at the success of the Meridian -- of The Village location no one was not coming. Everyone was willing to do it and, again, ever so grateful, ever so humble for our customers. There were plenty that came and still were willing to make that -- make that wait. This is the data that shows the only difference in circumstance between what happened in December 2024 and May 2025 was the opening of additional stores. You are talking about May 2025 I think there were a lot of public comment on this that you -- a lot of your residents felt like December would have been a time where no one was coming. It was cold. Everyone was doing Christmas shopping. They weren't going to come to In-N-Out Burger. Springtime would be a better time to come out. This is springtime, May 2025, when everyone's supposed to be out, when everyone's having -- baseball is starting, all of the stuff that tends to bring people out to a hamburger restaurant and we saw all three locations -- not just -- it wasn't an anomaly on one -- all three locations are trending in the 30-ish range for drive-through queuing during the Saturday dinner time. If you look at the rest of the numbers -- and we are just highlighting peak on this slide. If you look at the rest of the numbers midweek lunch, midweek dinner, Saturday lunch, we are talking 18, 22, 28 cars in the drive-through lane. That's a really healthy number and at some point you keep adding these new locations to serve -- I understand what you are saying. There are going to be those people that are automatically, okay, now I can go. There is going to be that measure of that. I'm not going to sit -- going to sit -- stand here and deny that. But you have a whole other location to handle this customer base that's open -- not 15 hours a day, but now, you know, a little bit more limited, but that can handle that demand all throughout the day, all throughout the week.

Taylor: Mr. Mayor, just one last question, then, I will be quiet.

Simison: Councilman Taylor.

Taylor: Do you have some data that shows how quickly cars move through your drive through? So, if I was car 20 how long would I have to wait?

Reese: So, generally speaking, when we are at peak time we have -- we have opted to -- to use our third grill. We have three grills in our -- in our restaurants. That gets us the peak optimization. We are pushing cars through our drive through lane about every 35 to 45 seconds is the average. That doesn't necessarily count the one car that, you know, decided to order 20 burgers at once. That might destroy -- that might disrupt that -- that statistic a bit, but at peak that is our capability to be able to move cars every 35 to

45 seconds through the drive-through window. And that is -- to be clear, I'm not saying you are ordering and you are getting your burger at 35 seconds. Every 35 seconds a car is leaving our drive-through pickup window -- 35 to 45. Self metered.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: When did your Village location first open?

Reese: Great question. I believe it was December of '22.

Strader: What was your peak queuing at that time?

Reese: That -- I don't have that data for -- we don't keep it for opening.

Strader: That's unfortunate. Let's talk about your queuing analysis. So, if I'm understanding this right -- and I just want to make sure I'm understanding. So, this is at the 95th percentile. So, that means five percent of the time the queuing actually exceeds 46; right?

Reese: No. No. No. The 95th percentile was 27. So, 27 is the amount of cars that are in our drive-through lane 95 percent of the time of our operation. Forty-six is the absolute max peak during the peak hour.

Strader: Right. But that's what I'm getting at. So, you are saying 95 percent of the time the maximum peak queuing on a Saturday is 46 95 percent of the time.

Reese: No. Ninety-five percent of the time for the entirety of our operation is at 27 cars. This is one period of 15 minutes during our peak hour showed a drive-through lane of 46 and I can -- I can have my consultant come up and explain that a little bit better.

Strader: And I think that's a good idea.

Simison: State your name and address for the record.

Ganddini: Giancarlo Ganddini. 555 Park Center Drive, Santa Ana, California. Yeah. Sorry. To clarify, I think I -- I probably do need to clarify Cassie's statement there. The 27 figure I believe is the average. So, during the peak period that's the average that was observed and, then, the 46 would be the -- representative of the 95th percentile. So --

Strader: Mr. Mayor?

Ganddini: -- that's a very common statistic in terms of evaluating traffic queues.

Simison: Council Woman Strader.

Strader: Yeah. So, like in statistics if we are talking about like confidence level, right, or if we are looking at distribution curve, to me what this is saying is that 95 percent of the time the peak observed queue is at 46. So, 95 percent of the time that is the most you would see and, then, five percent of the time you could see more. Is that accurate?

Ganddini: During that peak -- either lunch or dinner period.

Strader: Uh-huh.

Ganddini: So, the reason that that typically is excluded -- it could be, you know, when somebody's standing there making an observation that queue it might last ten, 15 seconds before the vehicle moves up and so it's such a nominal figure that it's generally -- in terms of the queuing assessments typically that's why we rely on the 95th percentile. It's a more realistic kind of design parameter or design standard.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And certainly we are not typically making City Council decisions based on grand opening, but I find it a little odd that we don't have any data from December of 2022. So, do you have any analysis of like comparable openings of locations and kind of what that peak queuing looks like 95 percent of the time within the first month of opening?

Ganddini: I can't say that we do. Most of our efforts have been focused on trying to kind of identify what kind of your normal operations and that's what typically it's designed for. I don't know, Cassie, if In-N-Out has anything kind of in-house of -- in terms of, you know, when they do their parking management, queueing management for the openings I know they have a whole team of specialists that come on site and help get their stores going.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Maybe what would be helpful -- are you the right person to address questions about the traffic impact study as well or would that be Ms. Reese?

Ganddini: Well -- so, there is two. I think the main focus that Ms. Reese spoke to earlier was the comprehensive traffic study that was done, the official impact analysis prepared by Kittelson, which was another firm, and that's the formal --

Simison: Just make sure you speak into the mic, so everyone can hear. Thanks.

Bandini: Would you like me to repeat that?

Simison: Yes, please.

Bandini: The formal and official traffic study of record is the one that was prepared by Kittelson and Associates, which was a separate firm. But if there is any questions to the -- certainly the queuing analysis that you are seeing here from Table 7, that came from kind of a supplemental assessment that we prepared in December.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, my next question for either you or Cassie, whoever -- or Ms. Reese. Excuse me. Whoever is most appropriate. Is going to be whether you concede that the traffic impact study projected approximately 700 daily vehicle trips. Do you agree with that?

Ganddini: I should have that number off the top of my head for you, but --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just for reference while you are looking that up, so that was staff testimony during the Planning and Zoning Commission minutes. So, that's where I'm honing in on that from.

Ganddini: Seven hundred daily trips is that what you --

Strader: Yes.

Ganddini: I -- my recollection -- I'm not sure where that figure came from. I do believe I recall one of the commissioners was kind of doing kind of back-of-the-napkin sort of estimate, but for In-N-Out we do project closer to -- closer to -- this is rough estimates -- just gross trips entering and exiting the project site driveways is closer to about 20 -- 2,400 daily trips. That would be two way trips. So, you know, one vehicle entering the site going through the drive through, that's one trip inbound and, then, when they leave the site that's a second trip exiting. There is also credits typically that are accounted for both in the formal -- or the official traffic study of record, which is a relatively conservative assessment in my -- in my opinion, a ten percent estimate of what's referred to as internal capture. Those will be trips that are already within the shopping center, either visiting Costco or the gas station or the bank and, then, on top of that there is another adjustment typically that takes into account vehicles that are already

passing by the site, especially during the peak hours, the morning and evening commute times as people return home from work, for example, they decide to make that pit stop at a fast food restaurant, that trip would already have been on the street with or without the project. According to the Institute of Transportation Engineers that's approximately 50 percent for fast food restaurants with drive-through use. So, that 2,400 number -- I know it sounds high, but when you look at the actual impact of how many new vehicles are actually being added to the surrounding street system, it really does come much lower than that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: But don't you agree that that is considerably higher than we would see for a typical single drive through restaurant use? I understand you have a larger site, you have mitigating factors, but just from a pure traffic perspective of trips that to me -- and there has been much testimony to that effect -- is significantly higher than a standard drive through.

Ganddini: Off the top of my head I don't know the daily percentage, you know, how that compares to like an average, you know, non-In-N-Out type of fast food restaurant. I think that was the intent of that focused traffic study that was prepared by our firm back in December was to kind of take a closer look at, you know, what sort of effect that might have and that's part of the record when we looked at the adjacent intersection.

Strader: Thank you. That's helpful. Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think it would just be helpful for Ms. Reese and for you to understand that in terms of the findings that need to be met for a conditional use, at least from my perspective, the thing that I am struggling with the most is really condition number three, whether it's compatible with the adjacent uses, which I think is the appropriate place to have that discussion. So, that's kind of where I'm hung up. Thank you.

Ganddini: Thank you.

Simison: Council, any additional questions for the applicant? Okay. Then with that we will go ahead and begin our public testimony for the evening. Just a reminder Council has read all your letters and if you have -- if someone comes up and says something that speaks to you, just do me a favor, raise your hand if it's your testimony. That way we can try to get through as much without repeating the same stuff over and over. But we have the people that view -- that support that person's comments, because it reflects what you believe as well. That would be helpful for us all for this evening. So, we will just go down the list of those that have signed up in advance and, then, everyone who -- else will have an opportunity to speak if there is a desire. So, Mr. Clerk.

Johnson: Mr. Mayor, first is Steve Elliott, representing Bainbridge Homeowners Association.

Simison: And you will be recognized for ten minutes.

Elliott: I will be very frugal. Good evening, Mayor and City Council Members. My name is Steve Elliott. I reside at 4718 West Lost Rapid Street in the Bainbridge Subdivision. I'm the duly elected vice-president of the Bainbridge HOA board, which represents 572 homes and 1,200 potential voters in City Council District 1, represented by -- represented by Councilman Whitlock I believe. First I want to say we -- we harbor no ill will towards In-N-Out. I could echo what I have been hearing up here. They have a good reputation for providing premium food, friendly and clean fast food environment. I also recognize and commend them for agreeing to the shorter hours of operation and more reasonable delivery times. It does show a willingness to cooperate and it didn't go unnoticed. However, we as a board remain unanimous in our opposition to the In-N-Out project and are confident that we represent a large majority of Bainbridge and the surrounding residents. I intend to be brief as there -- as you said there was 190 some written comments. So, I don't need to rehash all that and -- but I did read all of them. During the Planning and Zoning process in April there were 264 unique submitted comments from Meridian residents to the city and they ran 74 to 26 percent against the In-N-Out at this location. For the neighborhoods within a half mile location that jumped to 96 percent opposed. That's the residents that know this Costco development area the best and they are almost unanimous in their opposition. That opposition is strong enough they took the time to write, call and show up tonight again. It's very important that you understand our opposition is about this location. We do not oppose In-N-Out in different locations. There is location available in a mile -- mile or less in every direction. These locations could offer a lot better traffic infrastructure and almost no neighborhood impacts. We have no question that In-N-Out can handle the traffic once it's on their site. We have no question that the food is good and they will employ a dozen of our young folks. We don't doubt that In-N-Out is clean. We don't doubt that the city wants the tax revenue. All these things will be true someplace else in the northwest Meridian also. You know, the lineup of cars in the queue -- man, what a problem that would be to have. I'm in a business where car -- car count is king and they have -- they have showed that they can handle it on their property, but she just mentioned every 45 seconds a car leaves their drive through. If you have ever been to that Costco on a Sunday afternoon or a Saturday afternoon that escape lane there that comes -- spills out to Las Rapids is lined up back to Costco. Where are those cars going to escape to? There is -- there is only two places to go right and try to get to Ten Mile southbound or one of the directions on Lost Rapids, which is what concerns most of us, because Lost Rapids -- or Lost Rapids turns into Tree Farm at Chinden and it's not a very big street, you know, it just -- that's what we are hung up on. This discussion had its origins in a request for a conditional use permit for a drive through within 300 feet of another facility, along with existing residences in a residential district. Those are the key words. Residential district. This is taken directly from the project description on the public hearing notice. Let's not let those two words fade away in these ongoing discussions. In regards to the

drive through discussion itself, there are currently 11 or more drive throughs in this area, at least six of which are fast food and/or beverage sites. This does not factor in the Costco fuel lanes. I did notice that none of them are 300 feet apart. However, when is 12 or 13 or 14 or 24 drive throughs too many in an area this size. At some point a line -- a line needs to be drawn in the sand. Are there any guidelines to that as far as when -- when is enough enough. I did do some Google Map searching of In-N-Out locations across the west and I couldn't find a single location in a residential district. Not one. Now, I didn't look at every site, because I didn't have that kind of time, but there could be some out there -- and I'm sure there are -- but it's not the norm by a long shot. To me it kind of begs the question is this an experiment by In-N-Out? Are we the residential district case study? They have referenced traffic studies by a private firm that concludes there are no current traffic problems and further stated that the site won't overly increase traffic or safety issues. Respectfully if I were building a fast food place on this site and was told it wouldn't increase traffic I would look somewhere else. My daily drive takes me home to Lost Rapids, the street. I don't take McMillan, as the light at that intersection with Black Cat can be a nightmare in itself, but we will talk about that in a year or two probably. But many times a week going north on Ten Mile to get to the turn lane to go left at Lost Rapids I'm parked in the traffic lane, the left traffic lane at 4:30, 5:00 o'clock at night, because it's stacked and they can't get across. So, traffic is going to be a huge problem in and out In-N-Out. I did that accidentally actually. Lost Rapids corridor, as I said, it's a -- it's a feeder street, but there is bus stops within like 60 feet of that site. It's also -- sometimes it can be a one lane street, because during several evenings a week Keith Bird Park is packed with people. There is soccer, there is dog events and the people -- there is, what, ten spaces to park in that park, so they park along the roadway. They block the roadway actually. Also we can't overlook Adero Park, the new development that's approved and it's coming in south of Bainbridge on Ten Mile and it's right across from the entrance to Heroes Park. This will add traffic to Ten Mile and Lost Rapids, as Adero Park will connect to Bainbridge on the south side with two streets. The increase in traffic between Chinden and McMillan on Ten Mile will be dramatic with adding Adero Park. Add in the potential In-N-Out traffic and it will be problematic. It really will. I have heard about ACHD -- ACHD testifying that the roads are fine, but when they did that study I don't think any of us dreamed of an In-N-Out coming into Idaho. Didn't exist. Took, what was it, four years later. As far as the traffic and the safety, in Bainbridge we have a total of four crosswalks. I don't know how many miles of streets are in Bainbridge, but there is a lot. There is a lot of kids. There is a bunch of kids on these electric bikes that shouldn't be doing what they are doing, but they are doing it and they are everywhere and we can't get any traffic calming devices -- any additional crosswalks, speed bumps, or humps or whatever they are called and that street is going to be the main escape route. I know that's where I would go if I came out In-N-Out and so it's going to go to Black Cat, Chinden, Lost Rapids, all the way and pedestrians, bike -- bicycles, kids -- they are going to be at risk. All of these issues and more are why Planning and Zoning, your delegated experts for the city, voted four to one to deny this project. It's why the city staff urged a deny vote. In-N-Out has made that vote easier by taking a questionable attitude on some of the stuff with city staff, Planning and Zoning, and nearby residents. They made it easy by insisting on being open past midnight, which has changed. I grant that. I have read

their appeal letter. Do they have a valid claim? That's not my question to answer. However, even if they do that doesn't make it right. If they build it and it results in gridlock, unsafe roads, accidents, injuries, what do we do then? I implore the fine folks at In-N-Out to, please, consider these items as if they live there, because we all do. As you may recall, I have testified before you and I boiled it down to a simple statement. At the end of the day it's all about kids and cars. Still is. For these reasons we ask you to continue to support our neighborhood, our kids, your own Planning and Zoning Commission and your city staff. Please deny this appeal. Thank you for your time. Thanks for your service to our little town. Any questions?

Simison: Thank you, Steve. Council, questions?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Steve, thank you. You gave us quite a few numbers at the beginning. How many residents in your subdivision?

Elliott: I don't have the residents. There is 572 houses. We estimate 1,200 adults. I don't know how many kids, but there is a passel of them.

Little Roberts: Great. Thank you.

Simison: Council, additional questions? Okay. Thank you very much.

Elliott: Thank you.

Johnson: Mr. Mayor, next is Sean Sunwall.

Simison: Appreciate the -- again, come on up. Yeah.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe just a request for those of you that are in attendance. Recognize there is lots of enthusiasm. I know when you are -- I think maybe you are raising, shaking your hand, saying we are in agreement on that. We are really trying to focus on the speaker and hear them. So, when you shake your hand I'm like -- I'm like the dog from Up, I'm like, oh, squirrel. So, if you could just do me the favor of not raising your hand so I can give my attention to the speaker and give them the time that they deserve I would appreciate it.

Simison: Yeah. Then after they are done you can raise your hand if you agreed with that person's comments, so --

Sunwall: Don't worry, there won't be any clapping after this one.

Simison: Okay.

Sunwall: My name is Sean Sunwall. Meridian resident for the last five years. I live at 5416 North Assisi Avenue here in Meridian. I am in the Bridgetower West development that directly abuts Bainbridge. I appreciate you visiting -- revisiting this proposal. In-N-Out has been a good partner during its relatively short -- short time in the valley and they are a great place for my teenagers and many others to gain valuable work experience. As I mentioned last time in May I'm very familiar with the drama. From my four years on city council in a rapidly growing western Washington city, lots of NIMBY. What I quickly realized as I sat where you guys sit is that those against something always managed to muster more volume, making it appear they were the majority, when, in fact, they were not. That is exactly what is happening here tonight. Most people don't take the time to read positive reviews, just negative ones. So, when an HOA president -- HOA president comes up and tells you that 80 percent of its 573 members voted against the restaurant's location, that seems pretty overwhelming, until you find out that 41 percent of its membership responded. So, 80 percent of 40 percent is about 32 percent, since we are in the math tonight disagree with the location of the restaurant. That's far less instructive and nothing like a mandate at all. And, by the way, this is not a vote for the citizens, that's why we hire you. This is not a popular vote. Sort of like me super popular right now in this room. We hire you to make those decisions, because you, theoretically, will be less emotional and have a bigger picture in mind. As a reminder this is a hearing for a conditional use permit. The scope is legally required to be limited to whether or not you should let another restaurant within 300 feet of another drive through exit. That's the scope. And while traffic at a stoplight or a neighborhood or hours of operation might be existing, they are not things you can consider in this decision. Just as a jury cannot consider evidence made nonadmissible by a judge. Since the meeting minutes -- since a meeting a few minutes ago -- or a few months ago with the planning commission without need substantial goodwill concessions that have been mentioned previously that they did not have to make, they were smart to make them. If memory serves correctly the Costco complex originally approved for -- to have three to four drive throughs, there are now seven -- eight if you count Costco gas. So, exceptions were made for those businesses. So, why not bring them out and I don't know where exceptions made to the number of drive throughs, but exceptions were made to the 300 foot rule, too. As mentioned earlier I don't think a single drive through is 300 feet away from a single drive through. In closing I will put on my former city council hat and remind and ask you to remember the scope of the evidence that you are allowed to consider here. Based on that scope -- I'm almost done. It is unclear to me on what grounds we can legally deny In-N-Out Burger approval. To do so would potentially be deemed by courts to be arbitrary and capricious, a dreaded phrase for any city council or city attorney to hear. Please save taxpayers and yourselves a headache and unnecessary expense of having to fight this in court and approve it -- and approve this conditional use permit as you have for many others. Thank you.

Simison: Thank you. Council, any questions? Okay. Thank you.

Johnson: Mr. Mayor, next is Robert Johnson. Robert Johnson? Okay.

Simison: Go ahead and move on.

Johnson: Tom Wilkerson.

Simison: Good evening.

Wilkerson: Mayor Simison, Council Members, I'm a bicyclist. I risk my life every time I go to any type of fast food restaurant, particularly here in Meridian, because the roads are atrocious. I would like to have an In-N-Out Burger closer to me, so I would be less likely to kill myself. I have been knocked down already enough. I have already escaped cancer, so, gee whiz, I would like to escape some of these drivers out there. Give me a chance to go and be a little bit closer to an In-N-Out Burger when I want to go get something to eat. Yeah. These high density subdivisions, what are they putting on the roads, huh? Thank you.

Simison: Council, any questions? Okay. No -- no questions.

Johnson: Mr. Mayor, I can't read the next name. Mark Vick. Any Mark with the last name --

Vickery: Mayor.

Simison: Good evening.

Vickery: Council, fellow citizens, hi, my name is Mark Vickery. I live at seven -- I don't know which one to do here.

Simison: Either one.

Vickery: Either one. All right. I talk loud anyway. I live at 7091 West Petrie Street in Boise. I'm retired. I travel all over. I have friends and family in Eagle, so I go by that -- that way quite a bit. I also like In-N-Out, but I just -- I don't know anything about the queues and all that fancy stuff, but I thought I would share with you what I have found and I have found that when I go to In-N-Out -- I stayed away from the grand opening. I didn't want one that bad. But when they opened up the Town Square Mall I was able to go to Town Square, reasonable wait time, no problem. And now when I go to -- to the town -- to The Village area it's a lot shorter, the time for me to get a hamburger are regular ten minute wait. No issue. So, that's been my experience and I would like you to approve the application. Thank you.

Simison: Council, any questions? No. You are good. Thank you.

Vickery: Thank you.

Johnson: Mr. Mayor, it looks like William E. Beye.

Beye: Good evening.

Simison: Good evening.

Beye: My name is Bill Beye. I am a former Arby's franchisee, 12 locations, 270 employees. We are gathered here tonight -- this is not the Spanish Inquisition. We are gathered here tonight to make an intelligent decision as to whether an In-N-Out Burger is feasible on this location or not. It kills me to say this, but I feel based on my experience this location is not feasible. I don't say this with malice. I love In-N-Out Burger. I admire their operations, their food, the incredible people they hire and the training that they go through. Two -- two -- just two questions have never been answered from my perspective. You have the drive through, the queue. I would like to know what In-N-Out Burger -- how many cars they have per day, average day, average sales, also the number of cars peak. Christmas time and so forth. Because it's my feeling that the south entryway to Costco cannot handle the traffic. That road is inadequate as it is. It should be called the Costco bicycle lane under the circumstances that exist. If we know the number of cars -- and I'm guessing In-N-Out -- I have no idea -- drive through is probably 75-25 to dine in, something like that, 80-20 --

Simison: Just make sure you speak --

Beye: -- I don't know. But you can take the number of visitations for drive throughs and dine in and multiply it, the number of left-hand and right-hand turns that I will turn on the Costco bicycle lane, it cannot be handled. That's all I have to say, that this site is rejected and turned down by the Council, would you, please, expedite the process to find them another site, because I will be their biggest customer. This site is not suitable for In-N-Out Burger at this time. Thank you.

Simison: Thank you. Council, any questions?

Johnson: Mr. Mayor, next is Conrad Brinkler. Brinker. Sorry.

Brinker: Good evening, Mayor and Council. I am a resident of Bainbridge community.

Simison: State your name and address for the record.

Brinker: Oh, I'm sorry. Conrad Brinker. I'm at 3761 West Reinhold and I'm in the Bainbridge community. I am here tonight in support of In-N-Out. I think they have actually said a lot of concerns that I had. I see the numbers. It seems pretty convincing, you know, data driven research on this and I don't think that we have such a problem with this. I think it's getting a little overblown. I think that we are turning into

the territory of NIMBYism. I'm not a big fan personally. I just want to say that I'm a YIMBY, so yes in my backyard and I approve. Thank you.

Simison: Thank you. Council, any questions? Thank you.

Brinker: Thank you.

Johnson: Del Draney. Brian Haenszel.

Haenszel: Hi. My name is Brian Haenszel of 4192 West Sunny Cove Street, Bainbridge community. It was nice to have a condescending tone and a threat of court to smooth things over with us today, but if you recall back in our May meeting the attendance was overwhelming and it was great to see the community, both for and against -- mostly against this proposition. Anyway, the popularity of In-N-Out is without question. They say they have contingency plans to control the flow inside the property. But what about those who just want to go to Burger King, Costco or the others? Will we be able to get in or out of those places? It's going to be difficult. The size of the lot is not in question. It is the location we are opposed to. Please find another location, not near the residential areas. We are not -- oh, I'm sorry, I wrote all this stuff down while I was just sitting here. But, anyway, if you have -- if you are car number 20 you are going to be 15 minutes in line idling. If you are car number 50 it will be 37 and a half minutes idling. In-N-Out has made these types of meetings many times with other cities, council members and so on and so forth, but do they know what they are doing or are they just telling us what they will do and what we want to hear? I'm not impressed. Anyway, put a hardware store in. Thank you.

Simison: Thank you. Council, any questions? All right. Thank you.

Johnson: Mr. Mayor, next is Joseph Meyer.

Simison: Can you speak up?

Johnson: Joseph Meyer. Okay.

Simison: Okay.

Johnson: Steve Lozano. Good evening.

Lozano: Good evening, Mayor and Council. Steve Lozano. 2727 West Lost Rapids, Meridian. I'm not going to rehash a lot of stuff that was brought up already. I just kind of want to give my perspective on the west side of Lost Rapids closer to the back end of Heroes Park area, that corner, we have been dealing with traffic there already for the last four years, worked a lot with PALs tried to put speed bumps, tried to put four way stops in that corner of Lost Rapids and Wolf Rapids. All denied. They did a street study on Lost Rapids on the west side. We were off by ten cars. So, it was denied. I almost got hit in front of my house two times. It's just because -- just -- I'm right in the corner,

so it's just going around. Putting this In-N-Out here I think will make the problem worse, because right now we have high school students heading through that road every day, so that would increase that traffic there and make it a lot dangerous. Kid almost got hit two years ago there. I mean I don't want to wait until it actually happens. We have worked with PALs and just trying to find a lot of resolutions there, you know, with the traffic just from the folks coming -- you know, bringing their kids to soccer. That's helped a bit. But even when we try to get help -- resources in that brought up that, hey, we can just call an officer to take care of any infractions. I mean they can't come for that, why would they come for In-N-Out, you know. So, I doubt that's going to help. The -- the traffic studies that they have brought -- I mean they are really old traffic studies. I think the -- there has been changes in the last couple years. If you look at Chinden how, Ten Mile, they are like quadruple -- they are like Eagle now. So, Eagle, they expanded it, they put lights, they are doing variable speeds. It -- none of it's helping. It's just -- you know, city that's growing. So, the gentlemen that brought up, you know, Washington, brought that, hey, this is going -- you are going to sue. Okay. Let them sue. But when I ask In-N-Out, you know, and in business school they ask you you owe -- you know, you owe to the community. This is one thing that they should owe to the community that if it's not the right spot, look at all the letters sent to the city and sent and everybody here, In-N-Out should respect that. That's all I have to say. Thank you.

Simison: Thank you. Council, any questions?

Johnson: Mr. Mayor, next is Robyn Sellers.

Simison: Good evening.

Sellers: Good evening, Mayor, Council. My name is Robyn Sellers. I live at 2255 West Grassy Branch Drive in Meridian. I'm also the economic development director for Nampa and wanted to speak to our experience with the opening in Nampa for In-N-Out. It is a much smaller site than the one that is being considered here. It doesn't abut residential, but has many condensed neighbors that are commercial and so we had to work with our commercial neighbors opening that In-N-Out and how -- how In-N-Out worked with those neighbors and, then, worked with the city to make that opening go well. They are professionals -- like queuing. We had to work with streets, on public streets, working with other commercial people there. So, it worked really really well and wanted to also say that our experience there was -- was a good experience. The size there was 1.4 and our queuing on the opening day was 61. Our average was more like 37, 36 and so even with that queuing they were able to have that all condensed to the property and work with our police and our fire. I live less than a mile away from this site in Meridian. I'm excited about having an In-N-Out located near my home. So, thank you.

Simison: Thank you. Council, any questions?

Johnson: Mr. Mayor, next is Elwood Kleaver.

Kleaver: Good evening, Mayor, Members of the Council. My name is Elwood Kleaver. I live at 3855 West Sunny Cove Lane. In light of the discussion tonight I got to change my remarks considerably so I don't be repetitive. My first encounter with the In-N-Out situation was on April 15th when I was the, then, president of the HOA association and there were approximately 50 members in attendance and the first -- and I had an opportunity to ask Mr. Smith a question and how many locations had you looked at in Meridian and he said only one. I was a little bit surprised and I said where was that and he said, well, at Chinden and Ten Mile. So, as an applicant looking at one location you certainly limit your locations, your opportunities and your discussions going forward. In light of the discussion tonight I had to change some of my stuff around. The real issue that I have, frankly, doesn't evolve around what happens once they are on the site of the In-N-Out location, it's frankly what happens out on Lost Rapids and we talk about emergency vehicles. It's already somewhat crazy many times of the day -- not 24 hours, seven, but it -- it gets pretty busy. But with adding this -- and In-N-Out is, obviously, a high volume -- they had their business model as a high volume applicant -- or application and I certainly respect that and I think there is room for everybody. The problem that I have is the traffic out on Lost Rapids is already not in -- in great shape and with emergency vehicles trying to get through, the school vehicles trying to get through and, God forbid, residents trying to get back and forth between work and home, I think it's going to be an absolute nightmare. When you look at that situation there is not a whole lot you can do to expand Lost Rapids. On the south we have the LDS church. I don't know if the bishop is here tonight, but if he is -- I don't know if he is interested in giving up some of his parking lot. I doubt it. On the other side it would be the In-N-Out location itself. Other than that there is no way that I understand or I can understand how one could accommodate the additional traffic that goes through. Speaking about traffic, I'm a data person by nature and one of the suggestions I have, although I have not used it in this exact situation, is that I look at things by days of the week, hours of the day and we -- we could probably determine what the traffic right now is at that location and, frankly, other locations for that complex and, then, also have the applicant provide for us traffic, if you will, by days of the week, hours of the day and we can compare those together to see how that can be accommodated. 🛎 With that magic bell I will end my comments and I thank you very much for your time and your attention this evening.

Simison: Thank you, Mr. Kleaver. Council, any questions?

Johnson: Mr. Mayor, next is Brick Oliver. And I believe Ms. Oliver is representing a different HOA.

Oliver: Good evening, Mr. Mayor --

Simison: You are recognized for ten minutes.

Oliver: -- and City Council. Can you hear me okay? My name is Brick Oliver and I live at 3879 West Silver River Lane in the Cadence Bainbridge Subdivision in Meridian. I'm the elected president of the Cadence at Bainbridge Homeowners Association. Tonight I'm here to represent the 165 homes and their owner occupants that live in our

community. Cadence at Bainbridge is a 55 and up gated community and our neighborhood is located west of Costco and the Olivia apartments across Lost Rapids from Bainbridge and the Keith Bird Memorial Park and along the south side of Chinden Boulevard. The association understands that drive throughs require conditional use permits and, in fact, this location is no stranger, as other people have told you tonight, to drive throughs. Currently there are seven approved existing drive throughs in the Costco complex. In addition to the In-N-Out application we have been notified of another drive through, Pollo Loco, that has started the process. Early on the In-N-Out proposal had come up at some of our HOA meetings and eventually it became a pretty hot topic. Many of us participated in the phone meeting with the representative from In-N-Out last fall. Even then it was obvious that this was a very bad and unpopular proposal. I did do a survey of our residents and not to submit myself for ridicule, because I have a small neighborhood, but 98 percent of the participants in the survey were opposed to this project. I also asked for comments and they were often with repeated themes. Ridiculous. Too congested. Hell no. There are better locations nearby. Traffic nightmare. Can't believe it's even a consideration. Light pollution. Safety issues. I could go on. However, I will let the Cadence residents speak for themselves. Many of them have written letters, left voice testimony and will speak here tonight. We had a very large turnout for the Planning and Zoning Commission hearing and our opinions have not changed. Many of us moved to Cadence because we have children and grandchildren living in the area. This proposal concerns us greatly for their safety, while playing and driving in this area. There is a church directly across the street from this proposed site. There is a very actively used park a couple of blocks away where kids are playing soccer and baseball, basketball. There are walkers and dog groups. There are school bus stops along Lost Rapids. There are bike lanes on both sides of Lost Rapids. It's a residential area, yet just a short distance away, in almost any direction, there exists more appropriate sites that do not have any of these dangers. I find it stunning that In-N-Out dismisses these concerns by stating that as they build more locations the traffic at each one will eventually settle down. I would encourage them to be more responsible to the communities they want as customers. In discussing the findings the Planning and Zoning Commission used to base determination on the In-N-Out conditional use permit only eight of these were relevant to the In-N-Out proposal at Ten Mile and Lost Rapids. Of the eight relevant findings only three were deemed acceptable. However, given new information I disagree with one of the findings. That is finding number six, which states: The Commission finds 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. My reason for disagreeing with this finding is a ridiculously concerning situation about a similar In-N-Out proposal in Richfield, Oregon. Sorry, I lost my place. The following has been reported in the Portland, Oregon, suburbs by KOIN news in Portland, Oregon. I am quoting from their news article. In-N-Out devotees will have to wait a bit longer before they can order a double level animal style at the chain's new location in Richfield, Washington. Fans of the restaurant had hoped the new Ridgefield Union Ridge Town Center location would open by mid July, but that deadline has passed and the location is still a work in progress. The city plans to have its staff monitor traffic using the temp traffic cameras, which are also available to the public on its website and this is because if the number of

cars exceeds the space available on the In-N-Out location customers will not be permitted to join the lane according to the city statement. To ensure the safety of all travelers and maintain emergency access vehicles will not be permitted to park or line up on any public roadway. The city plans to staff -- to have staff monitor traffic conditions using live traffic cameras, which are also available to the public on its website. As one person commented on Facebook, this is ridiculous. I'm not going to check cameras every time I want to leave my house and head towards the freeway. The city should have considered the ramifications of an In-N-Out not -- before not after the business is ready to open. In-N-Out confirm to KOIN 6 news that no opening date has been set, but they hope to be up and running by late September. The Ridgefield city manager did not immediately respond to requests for comment. Mr. Mayor and Meridian City Council, please, don't repeat these mistakes. I believe the majority of the people here tonight and throughout the city of Meridian would not want their tax dollars being used to install traffic cameras, build a live website for traffic viewing and use city staff and local and state law enforcement to monitor and control the traffic congestion so that In-N-Out can sell burgers at this completely inappropriate site. Hopefully we are too smart for that. While we have been accepting of the commercial uses adjacent to our neighborhoods, we believe In-N-Outs popularity and excessive draw will be detrimental to the residents living nearby. There are several more appropriate sites only blocks away. Let's cancel this order for double double animal style trouble. Finally, thank you, Mayor and Members of the City Council, for your service to our city and for giving me the opportunity to speak here tonight on behalf of the Cadence at Bainbridge community.

Simison: Thank you. Council, any questions? Okay. Thank you very much. Council, are you good to go? You need to take a break. It has been about two hours. Mr. Clerk.

Johnson: Mr. Mayor, there are two more that signed -- that marked they wanted to speak. I'm sure there is others, but there is two that presigned up.

Simison: Okay. All right. Then we will go -- move on to the next one.

Johnson: Next is Jonathan Walker.

Walker: Good evening. My name is Jonathan Walker and I live at 4102 West Silver River Street. I want to make an attempt to rebut what the gentleman said as far as the legal requirements for the city to pass this. If you could put up -- I'm going to reference VPNA, the city of Boise, the Idaho Supreme Court case from 2025. Sorry. I'm -- that's it. Could we -- could you move that to page 12 for me, ma'am? And this is the same case that was provided by the applicant in this, so that's -- I'm going to use that to refer to as well, because it deals with essentially the same situation. I'm just going to do -- go to one key phrase when they were discussing as far as setting and imposing conditions for applicants. It says the zoning committee's ability to impose conditions is a misassumption, not a mandatory one. Neither the Zoning Commission, nor the Council is required to create, consider or impose conditions when it finds an application for a CUP is deficient. I'm not a lawyer, but I feel like it's pretty clear. I looked through all

their case law and I found nothing that would require. It is always a permissive and a discretionary issue as to whether -- to approve a conditional use permit. Could I also -- something I want to talk about is the queue analysis. Is there a way we could look at that page again?

Simison: Just make sure you speak good into the mic so everyone can hear.

Walker: I'm sorry. I was asking to look at the queue analysis one more time. While he is bringing it up I will kind of discuss one of my concerns about what was said by the gentleman from In-N-Out tonight -- and I could be wrong and he can correct me later, but I believe he said they used the 95th percentile to build out the queue analysis for this drive through. I believe that it's industry standard to use the 85th percentile. I may be incorrect, but that's just what I believe it to be. And if you kind of -- if you look at these here you will kind of see what my point is is that the -- in most cases the 85th and 95th percentile are almost exactly the same. If you look at that Saturday dinner period on the right box there in Table A, the 95th is 33, the 85th is the -- 85th is 32. They are almost identical and I think that that's a theme through all of the -- this analysis that they have done and I would be curious if they did use the 95th percentile to build up the queue analysis and the 85th percentile is the industry standard, what would the traffic analysis look like then if they went by the industry standard? So, I could be wrong, but I thought that's what I heard tonight. So, I just -- I wanted to bring that up. I also think there is a significant -- I think everyone kind of knows this, but that there is a lack of data here. There is not much as far as how many occurrences, how many days this was done. I think each one of these studies was one day at a time or two days at a time. It's very little data, so it's hard to get a better understanding and I would just think that if you are putting this together for two years and spending all this money that you would have a significant amount of data and it's -- I think it's very obvious to say why is there not more data to these studies. Thank you.

Simison: Thank you. Council, any questions? Okay. Thank you.

Johnson: Mr. Mayor, Clayton McCormick. Clayton. Oh. There.

Simison: Good evening.

McCormick: I will try to make it quick, but Clayton McCormick. I live at 6040 North Ten Mile. So, I'm directly east of the proposed site just right across the road, some I'm -- there is a couple residences on the east side and I would just say on like -- there is a lot to talk about traffic, which is -- has been talked about already, but just from the -- if you go to that neighborhood at night at 11:00 p.m. it's dead quiet, because it's mostly residential. I mean there is not business going through that place. Costco shuts down. All those other businesses shut down. You know, when you go down my driveway I'm literally looking straight across at the apartments and it's hard to imagine how out of place that place will be in -- in the -- in the current plan location. Definitely not opposed to In-N-Out, although I'm kind of more of a Five Guys person. But when -- when you really look at the location it's just hard to imagine that there couldn't be a better location.

We are not opposed to the other businesses across the road. I don't think anybody is. So, I hope it's a denial. I would hedge my bets and hope that if -- if it is approved -- I don't know exactly how that works in this one. I know it's not a statement -- not a question time, but I hope that it's restricted even to the C-G hours of 11:00 p.m. I know every time Cafe Rio closes, because they drag a giant plastic bin out to a dumpster and make a racket, but -- so, anyways, yeah, I hope it's denied, but -- yeah. That's all I got. Thanks.

Simison: Council, any questions? Okay. We have reached the end of those that have signed up in advance. If you would like to provide testimony go ahead and -- there is some seats right here in the front row, go ahead and come on up and take those seats as you come forward or if you are online use the raise your hand function and we will continue to take testimony. So, just come right on up your first one.

McLaughlin: Good evening. My name is Paul McLaughlin. I live at 6811 North Maple Stone. This is about a mile west of this location. Just a couple of comments that I wanted to make. One is there is absolutely nothing as far as fast food or anywhere to go west of Ten Mile in -- for miles. I mean you have to go all the way out to Caldwell going west. As it is right now I do go to the In-N-Out -- usually the Meridian -- the other Meridian location probably once a month or so -- is about an eight mile drive. I would love to have one closer. I feel like, you know, there is a lot of people that -- that would, you know, be able to enjoy a much shorter drive to go to that. The other point I want to make is almost every objection to this is based on the huge amount of traffic that this is going to create and I find that to be a little disingenuous in a Costco parking lot. It's -- if you are looking at a queue of 46 cars and you are letting one car out every 45 seconds, which I feel is a little optimistic even at that, but if you are sending out 60 cars an hour from this location or even 70, Costco is sending out that many in five minutes and I just feel like the -- some of these traffic estimates have been a little overblown as far as the impact that it's going to have. Also I don't think anybody you know is -- the people that are -- this is on two major streets, so the people that are going to be coming here are largely going to be coming from those two major streets. I -- as far as the traffic that's going to be on Lost Rapids, yeah, it is going to increase, but I don't think it's going to even be a fraction of what the Costco produces. So, I would just like that to be kept in mind that, yeah, it is going to be more traffic than some of the other fast food locations there, but it's not even going to hold a candle to what Costco does. And that's all I have.

Simison: Thank you. Council, any questions?

McLaughlin: Thank you.

Simison: Thank you very much.

Barbie: Council Members, Steve Barbie. 3313 Cherry Lane, Meridian. There is clearly lots of passion in the room tonight and when you are passionate against something it's very easy to demonize that thing and in the interest of fairness I think it's important to acknowledge how In-N-Out makes positive contributions to the communities that it's in. In-N-Out has a long track record of being a good neighbor in the communities that they

join. Through the In-N-Out Burger Foundation they have provided millions to nonprofits that support abused and neglected children. In-N-Out Slave To Nothing Foundation works to fight substance abuse and human trafficking. On a local level In-N-Out consistently partners with schools, churches and youth groups on fundraisers that send real dollars right back into the community and In-N-Out supports education with college scholarships for their associates and their families. Mayor, Council Members, I have a bit of a unique perspective in that I visited In-N-Out on the opening day at all three of the local locations, Meridian, Boise and Nampa. In Meridian of the news and the photos and the videos with the hundreds and hundreds of cars certainly scary, but having seen the Boise and the Nampa openings and seeing how much more moderate those were, I think the initial release impact may not be as significant as some people think. It was commented earlier about the queue and if the fire department has to come -- I think it's worth noting that these would be vehicles with drivers in them. They are not parked vehicles. So, if a fire truck came up the back part of the queue it looks to me like there would be an easy way for those vehicles to make way and, then, finally, in some elsewhere I have seen where -- where the queue did begin to become a problem where there is extra parking, as there seems to be here with the parking having more spaces than is required. I have seen those stores actually use cones to block off the back part of the park -- the parking space to accommodate the extra queues. So, I have seen a lot of the stores operate and they seem to do so very efficiently and that's all. Thank you. Questions?

Simison: Thank you. Council, any questions?

Barbie: Thank you.

Bender: Hi. My name is Derek Bender. I wasn't planning on speaking or I would have dressed like an adult, but I thought our HOA president was going to be here, but he is not and there is something -- I also hope this is not repetitive, but it wasn't brought up during the Zoning Commission testimonies and the thing that I really think is getting missed with a lot of this -- because logistics get talked about with -- in the nuts and bolts with the In-N-Out people and what you guys are supposed to focus on, but this is really a neighborhood and a lot of people, you know, didn't sign up for a Costco originally and there is people I know who were thinking about buying in that area in 2018 that were totally ramboozled by a Costco and I know you guys approved one of the smallest Costcos that they build, but that's actually one of the higher grossing Costcos in the country. They are in like the upper tier. They have to do four million in sales a week to be able to carry the certain products they do. It's pretty impressive. They do a really good job at what they do. But that being said we already endear that -- oh, actually, I live in Bainbridge. I don't know if I mentioned that. But -- so, I'm there all the time and I see this and, then, we endure the Costco and so an average Costco that -- people aren't spending more per visit at Costco, they are just going to Costcos more and year over year it's increasing, that foot traffic, about five to six percent and we are experiencing that. But they get about 900,000 visits per year, you know, so we are dealing with that. The lower end In-N-Outs around the country around 700,000. But I compared some of like the residential population density data of some of their newer

restaurants and the -- around Denver was some of the closest ones I could find, but it's far -- the residential density is far more greater in this location that they are proposing and they are getting about 990,000 visits per year. So, we are going to be doubling the traffic through and around our neighborhood and my biggest concern is that through part, because people are cutting through our rather large neighborhood to get to Costco from McMillan, from Black Cat, to get to their ultimate destination. I get that. It's quick, you know, jot right through. But now we have newer, higher density developments building up right behind us, 550 some homes on the corner of Black Cat and McMillan. I can't remember the name of the development. There is a bunch of duplexes going up over that surround those developments and, then, there is a new development that's within the stone's thrown away by Toll Brothers, another 700 homes. So, just using common sense, there is going to be people -- or a significant number of people who are not going to go down Black Cat and hit Chinden or go all the way down McMillan to Ten Mile, route around, you know, do this blocky route to get to In-N-Out, they are going to be cutting through the neighborhood. Now, this is going to sound like total hyperbole, but it's not, but I literally don't let my seven year old daughter go out front and play by herself without me being in -- somewhere in some sort of ten foot, you know, kind of range, because people are racing through our neighborhood now. Different people in Bainbridge have different experience, because of offshoots and stuff, but there is certain roads, like Bolsena and Lost Rapids -- I know you hear that a lot. You think Lost Rapids just connects from Ten Mile to Chinden, but it actually weaves the neighborhood, too, and that's actually like a major access road that people use to cut through to go to Costco and, obviously, In-N-Out would be the -- the next thing. So, I hope you guys do represent us as like residents, you know, and I know you have to think about business, too, and bring in sales tax and I heard the beep, can I have --

Simison: Your time is up.

Bender: Okay. So, here is the one thing about that, though. What -- let's ask us what that In-N-Out really is going to bring to that area and to Meridian as a whole, because they have so much brand equity they could move somewhere else and they are still going to get the same amount of business, but they do about five and a half million sales a year --

Simison: All right. Thank you, sir.

Bender: -- but Costco, it does that in about three days.

Simison: Thank you.

Bender: Just saying. I mean what about what do they bring? What are you bringing to us --

Simison: Thank you.

Moore: My name is Nancy Moore and I live at 3939 West Sunny Cove Lane in Meridian and I have one question and it's for you as representatives of the city of Meridian. If this project is approved and goes forward and all of the rosy projections that, you know, this is going to be wonderful and it's not going to affect the traffic, everything's going to be fine, but what if it isn't? What is the city of Meridian prepared to do to remedy it if we start having accidents, you know, things that don't happen normally there, just because people want a hamburger, you know. I just would like to think that you guys will take into consideration, you know, the responsibility to the citizens to protect us. That's it. That's all I need to say. Thank you.

Simison: Thank you. Council, any questions? And if you are online watching and want to speak use the raise your hand feature.

Gasser: Good evening, Mayor and Members of the City Council. My name is Walt Gasser. I reside at 2299 Woodhollow Way in Bountiful, Utah, and my sons and I are the owners of that property that we have been talking about. We have worked with In-N-Out now for two years. We were the ones that brought Costco to the location and some millions and millions of dollars of improvements go on Chinden Boulevard and other roads as a result of that development that's benefited the community of Meridian greatly. Couple of things I would like to mention to you is we have heard a lot of emotional testimony this evening from residents -- good residents, good people. We understand that. But we have also listened to a lot of professional testimony and this young lady Cassie, I have been developing real estate for 50 years, commercial real estate, and I have built over 45 Kmart stores, a number of Albertsons stores and a number of other businesses over that 50 year period of time. I have been to many city council meetings and had a lot of emotional contact -- or listened to a lot of emotion from city residents that are concerned about something, but really don't have the experience to make some of the comments that they have made. Now, there has been a traffic study made on the property. Some have mentioned, well, Costco drives more business in just a few minutes than what In-N-Out will drive all day long. Those are all true statements. But the thing that I think is important that you hear -- I try and be reasonable. If I'm pulling up to In-N-Out and they have got a long queue line I'm not going to stop there. I'm going to go to Burger King or I'm going to go to Cafe Rio or El Pollo Loco, which has already opened and -- the wait time is important. The other thing I would say is that we were very pleased to work with In-N-Out in that they would accept going to both one acre -- 1.2 acre pads and the other one acre pad. So, we have doubled the size. Now, we keep talking about that, but we somewhere lose in the discussion -- does that help at all? Well, of course, it helps. It's double the size of any of the other locations that have opened in this area. So, we also have visited the In-N-Out at The Village, which is the one I can understand that. If you got -- went to Village when it opened you had a lot of negative long waiting times and you saw what it was doing to Village, that's totally changed. Since the other locations have opened that queuing is not like it was before. So, there is some things that are more common sense to me that we have to look at as we think about approving this operation or not. The other thing I would say is that we have our REA -- this has not been brought up -- with Costco. Costco and our development company have agreed that if any user blocks that access way we have a

way of stopping that and In-N-Out has agreed to that. So, we have that regulation. Costco is not going to permit In-N-Out to block these accesses. We are going to get with Costco and work with In-N-Out and make sure that doesn't happen.

Simison: Sir, if you can please conclude.

Gasser: Thank you. I think I have made all the points that I need to make. I appreciate you listening to me and giving me two minutes to talk to you.

Simison: Council, any questions? I got a question for you. This -- yeah. I'm an anecdotal person. I live in south Meridian. I have been to three In-N-Outs in my life and I have been to this Costco probably ten times. I have never once been able to get through -- and I haven't learned. I'm dumb. Okay. I come in off of Lost Rapids and I take the right and I get stuck at that stop sign -- it's what seems like five minutes. I know it's not, but all the other traffic that's coming in, you know, is right off a Ten Mile come in is stopping and I'm not the only one, they are all queuing behind me right passed this area. So, as the developer of this property -- you mentioned the REA, you go through this, how -- how do you stop or prevent that from happening when you are going to put more people into that very short space -- one way or the other. Because they are going to come in and turn left and keep me at that stop sign, because I won't be able to make the turn, because they are free flowing, or they are going to come in on the other side behind me and maybe not be able to get access to the second one

Gasser: What -- what I would do if I were having that problem is I would go through the development and end -- and exit on Chinden where I can go down and have a stop light that gives me the right to go take a right-hand lane turn if I'm going down --

Simison: I'm asking also to recommend that to me. How are you making me the consumer take those paths and not do those if I'm trying to move --

Gasser: If it's creating a problem for Costco and they are that concerned about it, they would come to us and talk to us. Now, we recognize there is peak times where there is a lot of traffic, but the project has been designed to accommodate that -- that traffic. There is a -- there is -- I would look at it and I would say when do I go to Costco? I go to Costco in Bountiful, Utah, when it's not busy. I will go there early in the morning or I will go there at 10:00 o'clock or -- or times when I'm not going to wait and that's what I would do if I were going to In-N-Out. I wouldn't go to In-N-Out and wait in line. There is an In-N-Out that opened in Centerville, Utah, that had a grand opening, it was great for a month and after that it's just died down. It still has good queues, but it's not blocking our roads at all and I thought it probably would. Never has. They have handled that properly. I have been at In-N-Outs in California that they have opened where there is long queues and I have seen signs come out and people have stood there from In-N-Out and have just said, I'm sorry, but right now you are not able to come through right now or can you park over here and walk over? There is plenty of places to sit. But they were having long queues. So, there -- I have seen them handle some of the problems that we have talked about tonight. I believe they can be handled properly by someone

as responsible as what In-N-Out is and I think we are just talking about a lot of things that are what if what if, but I think we have got a project that's been approved. It has the zoning for this type of use. We have worked with these people. They have done traffic studies. You have heard a very impressive report from Cassie from In-N-Out and, you know, we are -- we are those that have had experience in this type of development and we are not concerned and we know that we have got ways within our REA with Costco to solve any of those problems if they do -- if they are created by In-N-Out.

Simison: Okay. So, to follow up on one of your comments, do you think that there is pedestrian -- if they are so busy and they got to turn people away to go park someplace else, is there pedestrian access to the In-N-Out that you think would be safe and adequate to walk over from one of the neighborhood -- any place else that you would park and I just think about where I would park. I would still have to get through that stop sign to go in and park, so I got to come back that way.

Gasser: I do. I think -- a lot of people walk through the apartment complex and cross the street just straight into In-N-Out. So, I don't think that they are going to be crossing that pedestrian walkway as much. Maybe if they are coming from the east they would, but for most are coming from the residential area if they are walking. You know, we all like to get in our cars and drive, but there are a lot of people who still bike and walk. Those walkers, I think, can be satisfied very easily once they understand they can walk it through an apartment complex that allows them to go right across the street to In-N-Out without running into the --

Simison: I was going to talk about the complex. I'm talking -- basically from Costco to this site. Is there a good pedestrian connectivity in your mind?

Gasser: I think there is, but I'm going to have to defer to one of my sons.

Simison: Okay. That's just my --

Gasser: Trevor.

Simison: We can wait until -- Cassie seems ready to be able to speak to it as well. That's why -- I'm just trying to get --

Gasser: I think there is. I haven't ever seen that be a major problem, but I don't live here, but I have come often and tried to observe what's happening. We watched queuing tonight coming north on Ten Mile. We saw lines that were down 30 or 40 cars, but only two or three cars waiting to turn left to go down Lost Rapids, which was a big surprise to us, but, then, when the lights changed the signal that is in between Chinden and Ten Mile -- at Ten Mile there that stopped the queuing. Those cars come in easily.

Simison: Okay. Thank you.

Gasser: Any other questions I could answer? Thank you very much.

Simison: Thank you.

Gasser: We appreciate your -- there has been a lot of professional wonderful comments that you as Councilman and the Mayor have made. We appreciate your looking at this and --

Simison: Thank you.

Gasser: Thank you very much.

Okay. Come on up, ma'am.

Huff: Hi, there.

Simison: Good evening.

Huff: I'm Darlene Huff and I live at 5876 North Vicenza Avenue. I wasn't going to speak tonight, but I do need to address something. Mr. Gasser failed to share with us that he built and owned the apartments that are right across that road that is in such trouble and I believe that's an omission that should -- shouldn't be overlooked. The other thing -- I have talked with -- I have talked with Trevor, so I want to meet you, Trevor. But I noticed that he -- they do have other land that I think is a much better location. So, I don't understand why they need to be so close to our neighborhood. That's my question.

Simison: Okay. Thank you. Just come on up. Yep.

Catanzaro: My name is Pat Catanzaro and I live at 5884 North Carlese Avenue in the Bainbridge Subdivision. I didn't intend to speak tonight, but I will be very quick and I'm very practical and I do live there and I do see the traffic that comes out of the Costco and I do see the traffic that turns left from Ten Mile onto West Loss Rapids. I -- all I can say that Costco road is almost like an alley if you want to know the truth and I think there is going to be huge traffic issues right there at West Lost Rapids and the Costco alley or whatever you want to call it and eventually -- and I don't even think it will take long. They almost need it now. They will need to put a traffic light there. There is already a traffic light at Ten Mile and West Lost Rapids. It's like 300 yards away and in my -- in my -- I guess opinion when you put two traffic lights that close together you have terrible gridlock and I don't know how you can avoid that if you put that In-N-Out there.

Simison: Thank you. And I won't speak for ACHD, but I don't think they would ever allow a light at that location. They are probably more restrictive turning movements is what they would go towards eventually. Justin's kind of smiling, so I don't know if I'm right or wrong, but -- is there anybody else that would like to provide testimony? Good evening. State your name and address for the record.

Weatherly: My name is Adrian Weatherly. I live at 2889 West Lost Rapids Drive. I'm about 14 houses directly east of this site. I have just been making notes tonight. Didn't really want to say anything, but we were doing some math. So, from stop sign at Lost Rapids on the drive aisle inside the Costco parking lot to stop sign on the north side -- stop sign to stop sign on the drive aisle inside the Costco parking lot there is about 590 feet. 590 feet can fit between 30 and 40 cars depending on if they are trucks or cars. So, if you have got 30 and 40 cars that can go there that's bumper to bumper and you have got 95 percent of the time max peak queuing is 27 cars. If you have got 27 cars coming out of the In-N-Out parking lot per minute that leaves about 13 extra cars that can move throughout that Costco drive aisle at the same time those 27 cars are exiting the In-N-Out area. So, that's just some math that I was thinking about. The other thing is living on the east side of Rocky Mountain High School is about -- from my driveway to their driveway is about a mile. So, you have got maybe a mile and a quarter between Rocky Mountain High School and the driveway to In-N-Out. All the Bainbridge kids that go to high school on that side of town, they figured out how to sneak through the neighborhood. It's increased ever since Bainbridge. I have lived on Lost Rapids since 2012, so traffic has increased since the time that I have lived on that street, but all the kids know how to sneak through there. They are just -- they have 30 minutes between bell ring to bell ring and everybody wants to go to In-N-Out. They love the place. So, it's just going to increase -- obviously, it's going to increase traffic, but it -- it's going to compromise the safety of the neighborhood between Linder and Ten Mile through Lochsa Falls, through Silver Leaf. There is lots of kids. Heroes Park is right there. Kids are everywhere. Anyway, those are my two points. Thanks, guys.

Simison: Thank you. Council, any questions? Is there anybody else that would like to provide testimony? Okay. Then we are going to go ahead and take a ten minute recess. Oh. I'm sorry.

Dwyer: I'm Diane Dwyer and I live in Cadence and I just have a couple of comments. I know money is a big issue and I think to myself that the developer could very well find another business that doesn't require that type of traffic that would still give him benefits. The city of Meridian -- there is places like Scheels, that big shopping center by the freeway, and I have always seen a lot of -- and in traveling through California and different states where In-N-Outs are really big along the freeways and I don't know if all that land has been appropriated yet, but to me it would make more sense to have it in an area that is much more commercial and industrial than a residential and still get the benefits for Meridian. Thank you.

Simison: Thank you. Council, any questions? Is there anybody else that would like to provide testimony? Okay. We will go ahead and take a ten minute recess. When we come back the developer -- or the applicant -- sorry. The applicant will have the opportunity for final comments and closing. So, we will reconvene at 8:50.

(Recess: 8:40 p.m. to 8:50 p.m.)

Simison: All right. Everybody, in -- in order to keep us getting out of here to -- or getting either Council to make a decision or out of here at a reasonable time we are going to go ahead and continue our meeting. So, we will go ahead come back from recess and before we do get to the last -- to the applicant's comments, Council, we do have Justin Lucas here from ACHD and I thought I would invite Justin up to the podium, because I'm sure some of you will have a question or two for Justin regarding the transportation system and ACHD's role in this system at this location. So, I -- Justin, I won't put you on the spot for any comments. I will just open it up for questions from Council.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: To kick us off with just an interesting question. So, when ACHD reviews traffic studies, do you take into account the use? So, for example, when their original traffic studies came through for the site overall, right, Lost Rapids, all of this, was this intensity of use something that was contemplated at that time?

Lucas: Mr. Mayor, for the record Justin Lucas. Business address is 5800 Meeker Avenue in Boise, Idaho. Glad to be here tonight. And I will do my best to answer all the questions. Thank you, Council Woman Strader. The answer is -- is we don't take into account -- this is referencing the traffic study back from 2018 we don't take into account specific tenants that are unknown at that time. Certainly we knew at that time about the Costco and the traffic studies included all of the information related to a Costco, the fuel pumps. The other pad sites, as accurately was described by the applicant, were listed as approximately 60,000 square feet of commercial space in a C-G zone. So, we, essentially, have ways to estimate in general on average what those sites would develop as and what they would generate and that's the process we went through. I can say I think the applicant's representation of the validity of that traffic study was accurate tonight.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Justin, one -- thanks for being here tonight. I know -- while we love having you here you are not normally a fixture in our council meetings. You haven't been for a while. So, one, it's great to see you and I appreciate you being here.

Lucas: No problem.

Cavener: A lot of the testimony that we heard tonight was about kind of the stacking that's occurring on Lost Rapids. From a highway district perspective at what point is there a tipping point where the highway district says, wow, we really need to take a look at this intersection and see what types of improvements, if any can be made like. What -- walk me and the Council through and the public through the district, the science side

of traffic engineering, what those thresholds or tipping points are when you start to say, well, maybe this intersection wasn't built out to what we intended or what has occurred is not necessarily what we had intended to happen.

Lucas: Yeah. Thank you, Mr. Mayor, Councilman Cavener. You know, there is a lot of data we collect, including regular traffic counts at specific locations through other development applications and traffic impact studies. Intersections are also analyzed on a pretty regular basis, especially in a growing area like this. Those types of analyzes include turning movement counts, overall volumes both daily and peak hour. At this time I'm not aware that that in a specific intersection is operating at a level of service that is below our thresholds. That is not to say that there may not be times during the week or maybe during a specific short period of the day where there is excessive stacking, but that can be caused by all kinds of things, including emergency vehicles tripping the light and recycling it. That's one of those things that people don't think about that often. It actually happens pretty regularly where through the Opticon system the light gets recycled and there may be one movement that gets kind of punished by that and you experience it. I have experienced it. I'm sitting there going, man, I drive through here all the time and this thing today is just broken and it feels pretty bad, but, then, it gets movement and it -- it moves through. So, I'm not here tonight to provide like a live analysis, but what I can say is at this point the highway district has not identified any further needed infrastructure improvements associated with this development site in this vicinity. The applicant once again accurately described the improvements that were made when this was platted and was developed by -- primarily through -- I believe it was Brighton Corporation and the Costco development. There was substantial improvements that were made, including the light at Lost Rapids that -- that did not exist at the time and a lot of other infrastructure that was put in in support of not only the Costco, but the future pad sites that were going to be developed.

Cavener: Mr. Mayor, maybe one more.

Simison: Councilman Cavener.

Cavener: Justin, as I understand that -- that -- excuse me. I know you called a private road essentially from where the site is planned to Lost Rapids. Talk to me a little bit about what -- the highway districts policy is on the amount of cars that should be accessing a private road onto -- onto a public street.

Lucas: Good question. You know, we look -- we look at that and that was anticipated as part of the overall traffic index study. We essentially look at volumes coming in and out of those. For us, essentially, it's a driveway access. What happens outside the public right of way, the circulation within the development, which is -- I think has been primarily discussed tonight, is outside of ACHD's purview. We don't comment on how a drive through or stacking would operate on a private site. But we do look at those kinds of things. On occasion -- it's pretty rare where the volumes at a private driveway would necessitate some type of control. I can also say this tonight at this point, including with

this application, ACHD's initial review would be that there would not be any further improvements required on Lost Rapids associated with this development.

Cavener: Thank you. Council, additional questions?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor, if you will indulge me. My questions have been asked by my fellow council people, but I just wanted to thank Justin for being here. You used to be with us every Tuesday and as you have moved up the ranks we haven't seen you much, but thank you for filling in for your team tonight.

Lucas: Glad to be here and good to see you, Council Woman.

Simison: Well, thank you, Justin. Since we are talking about Costco, the one on Cole, the left hand turn out needs a full barrier. People are so -- people are making illegal lefts out of that one.

Lucas: Good point. We actually have a project there to modify and fix the bad pavement condition there also. We are working on that coming up here in fiscal year '26. Got a project there. Amongst many other projects, many of which are in the city of Meridian that we are working on.

Simison: Thanks, Justin. All right. With that we will invite the applicant up to close.

Reese: Thank you. Could I get my slide put back up, please? There is a couple slides I might need to reference. I'm going to go a little out of order. Thank you again to ACHD for coming out and speaking, you know, on behalf of our little project. I want to -- while we are on that topic one of the things we did not discuss is -- discuss is the future Highway 16 expansion and the potential for traffic alleviation. Through that project. I have been focused more on the past. That seems more of the future. If -- I would love ACHD's interpretation or analysis of what that could potentially do, but we have been told anecdotally by residents and supporters and other community members that this might have a pretty big impact on Ten Mile. I understand that's hypothetical. I think ACHD would be better suited to address that, but I would -- I would be interested to see what their take is on that. But going back to some of the notes I have, I want to correct the record. I think I said Meridian opened in December 2022. Meridian, The Village, it opened December 2023 I believe. Mr. Kleaver from the Bainbridge HOA mentioned that only one location was considered. This location. I want to clarify that, no, we have -- our real estate team has analyzed and looked at a lot of different properties in the area. The ones that are available, even ones that are not. This is the only one that has been approved however. I can't get into why. That's real estate proprietary information unfortunately. But this is the only one that's approved. I want to make that clear. We have looked at a lot of different locations. This is the only one that at this time has been

approved for a second Meridian location. Ms. Oliver also mentioned our Ridgefield location. I actually was really intimately involved in that -- in that opening. I want to make sure that it is very clear everything that was contained in that article about what the city was needing us to do for that opening was In-N-Out's election to do. In-N-Out had paid for all of the traffic control that was needed for that opening, as -- which is very similar to what happened at Village at Meridian. We paid for that control and we are happy to do that at all of our locations. We provide traffic control for our openings and we want to make sure our customer experience and the community experience is a good one and, therefore, that is on our responsibility list to do, not on the city's responsibility list to do. I want to acknowledge Mr. Elliot's comment about -- I think I'm going to get this quote correct. No question that we can handle the traffic once it's on site. Not sure everyone agrees with that. I -- certainly we do. But I do want to acknowledge that, although he, you know, had his concerns, there was one point where we do handle the traffic that we have on site. We staff this well. We do it well. We are experienced in being able to do that type of traffic control within our lot and handle the customer demand for this location. One of the questions, again, is In-N-Out near residential? There are several, if not dozens, of instances where we are near residential and that is in cities where commercial developments are zoned on arterial highways and residences are also zoned neighboring to arterial highways and commercial zones. We do look for the zones that cities have designated in their comprehensive plan, in their general plan, that are suitable for a drive through use and that's where we go, because that's what the cities are telling us that's where you want them is per your zoning map. And with that -- oh, there was a conversation, Mr. Mayor, about the intersection of the Ten Mile entrance and the Lost Rapids entrance for the Costco shopping center in the private area of that development. I will say to the extent that that is an existing condition, regardless of whether In-N-Out goes on this location or any other user goes on this location, it does seem like that intersection is a problem. I believe -- and if you could follow me here. I believe that anyone entering off of the Lost Rapids intersection for this lot turns in before reaching that intersection. So, we are not contributing to that backup, which we are turning in right as you get in off of Lost Rapids. But to the extent that it is a condition today and it's not helpful for Costco, nor us, nor anybody in the shopping center that a backup exists, happy to talk to Costco and the property owners. As we mentioned this is a private area that is governed by a private document. We have the ability to take a look at it, have those discussions. I don't think the property owners here would be against that and we certainly would be open to the idea of just at least having a conversation with the -- with the users in this area and say, you know, what can we do to this intersection to help it? But, again, for this particular lot being far south of that intersection, we are not contributing to that stop sign. Our guests are coming in and turning in directly into our lot before that happens. I want to go back to the original -- my original remarks about the findings and it looks like I'm stuck again. If I could get back to one of the -- the 12th slide I think. I stopped at finding number three, the design construction, operation and maintenance, is it compatible with the intended character of the vicinity. The original intended character of this general vicinity was to propose, again, 60,000 square feet of additional retail in the shopping center. With us we are only actualizing 37,000 square feet and by taking two separate lots, developing them as one cohesive comprehensive development, we will

be reducing the density and the impact from this intended vision of the shopping center and we will be -- finding number four is we will not adversely affect the other property. I think it's a similar conversation. As discussed at length, all of the studies, all of the queuing observations show that we will contain all of our operations within our own site. The original traffic study assumed more traffic than would be produced by our development. Our enhanced landscaping with additional trees would mitigate the concerns about lighting and noise, as will our self-imposed condition of turning off lights at closing. Our noise study also provides data in the record of not impacting the surrounding uses. We will not have an adverse effect on the surrounding properties. Finding number seven. Will our proposed use involve activities that will be detrimental to any person by excessive production of traffic, noise, smoke, fumes, glare or odors. In addition to all the points made in findings three and four, this site is zoned C-G. Allows the largest variety of uses from retail to even light industrial, without any restrictions on the hours of operation. To the extent that these two lots are not an In-N-Out Burger and are developed as two separate lots allowable by right without any conditional use permit, the density, the traffic, the noise, the smoke, fumes, and odors generated by what could be as much as 12,000 square feet of retail on this lot would be -- would far exceed what we are proposing with our development, especially when you consider the restrictions we are self imposing on ourselves regarding our restriction of hours of operation, restricting our deliveries, increasing landscape buffers by -- in some cases double of what is required by the design guidelines imposed by the city. So, I believe our project meets all of these findings. We are here before you imposing anything we can to say we are coming to you as a -- as -- as a member of this community. We want to continue to establish the partnership that we have seen from our original Meridian store. We want to establish high -- more high wage jobs. We want to continue to contribute to your community. We are foundations. We are donations. That's where our mission statement comes in. We want to make communities better places to live. We are committed to that. That is in our mission statement. It's on my paycheck every -- whenever I get paid. It's on my business card. It's something we live everything single day. We live by treat our customer and it's our most important asset. Having an atmosphere where our associates are valued and respected and treating better -- treating communities for better places to live and we are trying to do that with this application and I hope that consumers and residents -- again if there are any questions that was kind of all over the place, but I wanted to address as much as I could as we heard a lot this evening.

Simison: All right. Thank you. Council, questions?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I do have a question on -- I'm glad we have this up -- that first southern access point that you are drawing here shows the queuing in front of that. Would you be okay if one of the conditions of approval was that you are not allowed to queue cars in front of

that southward exit and that you would have to have a plan in place to have staffing or some traffic control to ensure that that access point is always open?

Reese: The short answer is yes. The long answer is we prefer to have that flexibility if -- if the store manager has seen that that is a -- that the benefits are -- outweigh the concern there, especially -- I believe we can show full turning movements for fire trucks and delivery trucks. That's important to us, even without that driveway. But, again, if that is a condition we won't have an issue with that.

Taylor: And, then, a second question -- my last question, Mr. Mayor. On the -- the northern access point you -- the exit point for the drive through feeds right into that and this might even be a question for staff, Mr. Mayor, but is there any way to require the exit to be a right-only exit there, because my concern would be is if on that driveway -- drive through there -- or dry alley, if traffic is backed up, cars can't turn left and it just starts backing up through the drive through. Is that something that we can implement on a private property? Is that a condition we would require? I'm just -- to me that seems like a reasonable --

Simison: Your legal counsel are shaking their head up and down yes.

Nary: Yes. Yes, you can. Since this is a CUP -- pardon me, Mr. Mayor, Members of the Council, Council Member Taylor. Yes, because it's a CUP you could create that condition -- or that site that that has the right-in, right-out only.

Taylor: I'm not sure how you would do that, unless you modified your site, because you can't put some right-in, right-out on the drive through, because, then, you are impacting that traffic. But could you modify your site to require that right exit only, which would kind of cut off that corner and would you be open to that?

Reese: Council Member Taylor, I think I would prefer that we limit a condition of that nature to be only when there is an actual backup. In other words, at 11:00 o'clock at night when Costco is closed, when most -- you know, when it's -- Burger King and In-N-Out Burger open in the shopping center, to make that left wouldn't be an issue. I think that if we said that if -- if conditions are within that drive aisle prevent a left turn, we have associates make sure that this gets coned off and force everyone to turn right. I don't think that will be an issue. When we have done that in other locations and actually it helps us, frankly, because we can get cars out of the site. I don't think that would be an issue, but I would like to say that there are definitely times where that's -- that particular condition is not present on that road and it would make more sense to not throw everyone on the other three entrances to try and get -- exit out and make the easier exit off of Lost Rapids as the project was originally envisioned.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: So, what you are -- you are saying is you would do it with your own cones, whatever staff, to require that they can only turn right, but you are -- because you -- you know, when those conditions permit, instead of modifying the physical layout of your property.

Reese: I would prefer it. Again, it would be unfortunate to take that out when, you know, there is a lot of times that that movement would work, but -- but, otherwise, if it was a condition of approval I -- let me rephrase. I'm not -- I am low on the totem pole at In-N-Out Burger, but I think that's something that our management could consider.

Simison: So, maybe just to piggyback off of a little -- sorry. Just looking at this -- looking at the area, going back to my other comments, there is really no pedestrian connectivity. You have several different points. There is no crosswalk anywhere in this area. In fact, even the crosswalk coming from Costco stops and doesn't extend into these parcels down here. In addition, based on what we are seeing on this site plan, you are going to have no connectivity to the property to the north. Is that not correct?

Reese: I'm so sorry. This particular site plan doesn't show it. It was part of our appeal document where we added the pedestrian connectivity.

Simison: Sorry. Do you have that visual? Because I'm -- I'm looking at all the access conflicts in this 590 feet, if that's what it actually is, between the -- between the Costco, the apartments, the business to the north, Costco and you are asking for two, one of them maybe is a right-in, right-out request and one is maybe being asked to never be blocked and no pedestrian connectivity in this area that I can see, because you don't have any natural break points for people to get around.

Reese: So, we do have -- and it's hard to see on this plan, so I apologize for not having a better visual here, but -- so we do have -- if you can see on the bottom left corner, the pedestrian sidewalk that --

Simison: That's not coming from Costco, but --

Reese: No, but it definitely --

Simison: That's what I'm talking about.

Reese: It does extend all the way to the north to the Cafe Rio development, which also has a landscape planter and if I'm not mistaken

Simison: But that doesn't connect to anything. There is no -- there is no crosswalk to get across the -- the entrance off a Ten Mile. There is no cross -- there is really no place for anyone to stop, because the stop sign that's there doesn't allow you to walk into anything that's a pedestrian. The pedestrian connectivity is further back. So, I'm going to go back to your statement that you said that you would be willing to work with people. I feel like if -- if this is ever going to function there is a lot in this area that needs to be

worked out for it to function for both pedestrians and people or pedestrians and cars. The -- at least in what I'm seeing doesn't really work well. That's my two cents. I will leave it at that. And I'm just going back to your comments that you would be happy to work to find solutions, but I see more problems than solutions with the connectivity of traffic and people.

Reese: I will say that I -- I am going to have to go back and do a little bit of, you know, research into it, but I do think that Costco has connectivity to Ten Mile. They must for ADA.

Simison: So, you come out of Costco and you want to walk over to here, come up -- you drop your car -- car off, say I'm going to go grab a burger at In-N-Out or you put your car at the -- do they do another at -- I don't know if they do. You put your car in for tires, you don't want a hot dog, you want to go wait for -- there is no -- there is no connectivity that I can see on a visual aerial that allows you to walk from Costco to this without going through the apartment complex and even, then, you don't have a place to cross that -- what I would consider to be an appropriate crossing point.

Reese: I don't --

Simison: In this location.

Reese: Fair. I don't have control over Costco property to the extent that I can talk to them and see if they would be willing to consider adding pedestrian connectivity. I think we have done everything we can on the property that we control to add for as much pedestrian connectivity as possible. All four sides, connecting Ten Mile and Lost Rapids, public right of way, public sidewalks. So, we have -- we have -- I have met the extent of what I can do physically based on the property that -- that is granted to us. Outside of that am I willing to have conversations and see if other users are willing to come to the table and agree to some sort of pedestrian connectivity? It's -- I can ask. And, hopefully, that is enough of an olive branch to you and to them to say, hey, this is going to benefit everyone in the community.

Simison: It's pedestrian and auto connectivity in that area -- in my opinion. Because your comments about -- you come in off of one you are not going to impact the other. No, you are going to -- that you can't get there without impacting all the movements in this very short 590 feet. Doesn't matter if you come in off of Lost Rapids or you come in off of the one where the light is, you have got to turn right or you got to turn left and you got to -- and if we are getting into these comments about only, then, having one, that's -- that's really my -- my uninformed, visitor to the area what I have seen is that area needs to be looked at to be addressed. Can I confirm -- I'm sorry. A lot of things kind of bouncing around in my head. When we talk about only one, we -- the original proposed condition is perhaps restricting the exit of our northern driveway to be right-out -- right-out only, but that the left in or the right-in on both the -- the entrances are both preserved; is that correct?

Simison: I don't know. I'm not -- I'm not -- that's --

Reese: That was my understanding. I do want to be --

Simison: One -- one request.

Reese: Yeah.

Simison: And I say going from my experience that stop sign is the one that's going to back up if you turn everyone out on a right coming out of it. Again, this is my point. There is a lot of -- there is a lot of challenges with this 590 feet with ingress-egress and other things from my standpoint. I'm not the traffic engineer just a casual user from that standpoint. I'm done with what -- I just want to add on based upon what your comments are for. Councilman Whitlock had questions.

Whitlock: Thank you, Mr. Mayor. Cassie, thank you for all the good information. I think like Town Square and Nampa and The Village, wherever this goes it will be hugely successful and I preface my comments and questions with that. Can you give me a sense, for instance, at The Village -- and like my fellow Council Member -- Councilman Taylor, I have never been there, because I have never seen an opportunity or an opening with the queue that's always there. Are you totally now on your own property or are you still leasing or using other space in The Village? And if you are totally contained now on your property, how long from opening to being self-contained did it take?

Reese: My understanding is, yes, in all three locations we are self-contained on our own property at this time and would -- Meridian -- The Village at Meridian did exist on its own without any other In-N-Out Burgers to support it within 300 miles and I will go to this slide that kind of helps visualize that. Or I want to say about a year and a half. I do think it was about six months we got rid of -- I'm going to get this percentage wrong, but I'm going to estimate here. We got rid of 90 percent of the excess area within three months at The Village. We stayed within a small section that was extra for about a few months after that. I want to say maybe three to six months after that and that's -- I -- I shouldn't guess, but I think that's a pretty educated guess. At the time December 2023 on this slide, this is what existed as far as In-N-Out Burgers in the area. The closest one was 300 miles away in Logan, Utah. You would have to drive four hours to get an In-N-Out Burger. No one was doing that. Everyone was going to Meridian. When this location opens, if we are blessed enough to get that, this is going to be the fifth location in Idaho. Three other locations within 12 miles of this. This is why the Boise site and the Nampa site both existed within their own parcels pretty immediately, because this symbiotic relationship of all of these stores working together to -- to satisfy the customer base, we are able to now have three stores in the area that are operating on its own. There is no data. There is nothing to -- that dissuades us from thinking that this site, which is bigger than all of them -- in fact, you could put Nampa and Boise together and that would equal this site. There is nothing that says that this site won't handle it on its own. We firmly expect that. Will there be a grand opening plan? Absolutely. We do it for all 400 -- we didn't do it in the very beginning, but we do it for all stores now. Every

single one. Mature markets, not mature markets, new states, doesn't matter, we do a traffic plan that's tailored to that -- to that site to that state and that's something that we do on our own, our own election, not a condition of approval, although some cities do that, but we did it at Village of Meridian. No condition of approval. We will do that here as well. We will handle the grand opening. But as far as normal stabilized conditions there is nothing saying that we could not operate within the confines of our site and not affect anybody else, which is what we are doing today at the other three locations.

Whitlock: Follow up, Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: And, Cassie, thank you.

Reese: Sure.

Whitlock: In my mind The Village was the perfect location, because you could expand and accommodate whatever you needed to and you did and it worked. I'm just worried on this site, yes, you can put Nampa and Boise together on this site, but in Meridian we love our hamburgers and, like I said, I think you are going to be wildly successful wherever it goes. I worry about the opening and the ability to accommodate that for three months or an extended period of time.

Reese: Completely fair concern and I think there is a lot of people that would be in the same boat as you and it's hard for me to come here and say, trust us, we do this, we do it all the time and, then, there is, of course, the residents that say we can't trust you, because we are the ones that have to live with it. Trust -- know that In-N-Out Burger -- this store manager, these store associates they are your residents, too. They are your community members. We cannot operate knowing that we are making a mess of your roads and not be a partner with you to make sure that that does not happen. I have a history with doing these opening plans. I have a history with doing the big ones and the little ones. We do everything we can. We renegotiate with neighboring property owners. We bring all of them. They are all involved in this process. At The Village we brought in ACHD, ITD, your Public Works, your Police Department, your Fire Department, everyone was involved in that plan at our election and everyone had buy-in. It was months of preparation and the same thing happened in Boise and Nampa. We bring all the stakeholders in and we make sure that everyone is on board with this. Our neighbors, retailers, all of them. Is this one going to be -- look exactly like The Village? Of course not. The circumstances are wildly different. But we -- this is what we do. We tailor those to the site, to the site conditions. We see what's going on. We do it several months in advance of our opening, so we understand what the conditions are on the ground at that time. Who is open, who is open late, who is doing what. Is there new construction in the area? We take all of that information, we have a specific team of allstars. I don't know if you have heard about them before, but they open all of our stores. They are awesome and they come and they help us and we make a plan work. It is -- I can't stress this enough. Our customer experience is the highest and

most valued experience that we have. That is true for your community as well. That's their experience as well. We are partners in that. We are not against you. This is what we want to do and we want to make the best customer experience whether you are coming to In-N-Out or whether you really don't want to come to In-N-Out at all and you don't want to deal with our traffic. We are going to make sure you can get on your way. But the people that want to come to In-N-Out we are going to make sure you have a place. We are going to have a place for you to line up if you want to do the crazy wait, no judgment. I -- I wouldn't choose it myself, but I'm blessed to say that some people would. We are going to put a place -- we are going to have a place for you. But everyone else -- everyone else was able to -- regardless of whether it was The Village or Boise or Nampa, wildly different customers, wildly different experience, but they all had one thing in common, everyone who wanted to come In-N-Out was able to, everyone who did not had a way to get around us and not deal with the craziness that's In-N-Out Burger. And we will do that here as well.

Whitlock: Mr. Mayor, one final question.

Simison: Councilman Whitlock.

Whitlock: As staff was giving their report and comments early -- early on this evening there was some talk about, again, the adjacent residential area and in my mind you are adjacent to a residential area. So, that's -- that's something that I'm going to have to struggle with as we make a decision. But the comment was made that really the impact would be out of the drive through as they are exiting, a light would, then, be shown on the -- on the residential area that's adjacent to this property. I think you tried to address some of that with the revised landscaping plan, but as the two were side by side I was trying to make a comparison of what's different.

Reese: Hard to see in the overview; right?

Whitlock: I didn't see much.

Reese: Yeah.

Whitlock: I saw two more trees and some leafy plants and I'm just -- I'm not convinced that that's going to address the concern that staff raised with the light.

Reese: When we looked at it -- and maybe -- well, I guess staff -- staff was the one that came with that comparison. We had maximized our trees in this area; right? So, here along that western border. You are right, there wasn't a huge tree count difference on the western edge and that's because, quite frankly, we had maximized that from the beginning. But the one thing that you don't see here -- it's unfortunate -- it's better in the -- in the rendering view -- is that the -- outside of the trees everything else was flat. Everything was sod. What we have changed -- again not apparent here, but better in the -- in the rendering view. What we have changed is the amount of shrubs and the density of those -- of that area, as well as the cat -- the type of tree that we are putting in

there had the larger canopy. So, we kind of played around with movement -- you know, a little bit of -- of hot potato. We played around with moving the trees that had bigger canopies, larger canopies that had bigger shade areas. We made sure to put those on the western boundary and move the others into the -- into the interior of the parking lot, so that there was a little bit there. But, you are right, the count itself didn't change much and that's because there really -- we had maximized that from the beginning.

Simison: Council, additional --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Cassie, I had some questions about the stacking lane itself.

Reese: Okay.

Cavener: The length. I can't remember if you touched on that in your testimony, but from, you know, where somebody gets their food until what I would consider to be the official entrance, what's the length?

Reese: Believe it was 31. Now a lot of numbers are --

Cavener: Not in terms of cars, in terms of --

Reese: Oh. In terms of feet --

Cavener: Yeah. Like what's the total length --

Reese: Lineal feet?

Cavener: Yeah. The stacking lane.

Reese: Very great question. I'm going to do backwards math, because it's about 22 feet per car and, actually, it's a -- it's 24 feet in the drive-through lane. So, 24 times 31. Seven hundred forty-four, including both drive-through lane -- both -- both lanes of the drive through.

Cavener: Seven hundred and forty-four feet is what you are saying?

Reese: I believe so. That's 24 feet per car at 31 cars.

Cavener: So, that is very good to know, because I think your landowner referenced in his testimony the -- the location in Centerville, which has 560 feet of queuing space. So, you are saying this would have two --

Reese: I know Centerville well. This -- Centerville does not have the same length of queuing at this -- than this store.

Cavener: Can you get me -- maybe for -- with your team. I would just like to know on the record that you really -- you got 700 feet of queuing. That -- to me that's a difference maker if that's really the case. In looking at my math it doesn't -- doesn't seem to add up, but I was a political science major and I'm not an engineer and so -- but trust you and your team -- if you have a factual distance that you would be willing to put on the record I'm happy to hear that.

Reese: I'm just going to make sure that it's not on my site plan. One quick moment. Sorry. Otherwise, I do have an ability to get into my laptop and figure that out for you.

Cavener: I think it would be very helpful.

Reese: Yep. And I meant yes in case my kids are watching. Maybe -- I don't allow them to say yep and I made a -- yes. It's not called out in lineal feet. So, if I -- if you would give me a moment I'm happy to pull out my laptop and figure it out for you.

Cavener: Great.

Reese: Did you want to wait or are there other questions?

Cavener: There is other questions and, then, I'm sure Council maybe have some deliberation as well if there is no other questions.

Taylor: Mr. Mayor?

Simison: Councilman Whitlock.

Taylor: Taylor.

Simison: Oh. Taylor.

Taylor: Thank you for the compliment.

Simison: Any day.

Taylor: Quick question. Did you consider any other queuing schematics on the site? And I would suggest one, if you had considered it, instead of going north-south along the -- the roadway right at sort of the entrance point would you wrap it around potentially like -- I know you can't see my finger on my screen, but --

Reese: I can imagine it. Are we rotating --

Taylor: Yeah. Yeah. If you are going east and, then, kind of come back around where the -- the entrance point would come in. I'm just kind of -- I'm really struggling with

seeing cars queue across an access point. Councilman Cavener makes a good point about potentially cars trapping in people who might want to park there. Can you speak to any other configurations that you have considered.

Reese: That was one of -- when I said dozens of sight plan variations and, honestly, I should not ever question my design team, but that is the one thing that I asked why are we not moving this building a little bit further? It's a different question, because I thought that it would extend our drive through queue. What ends up happening when you do that is you actually would end up not being able to get two entryways into this shot -- into this lot, which one we wanted for circulation purposes for when things are normal and we wanted -- you know, it's just a better circulation movement. The other thing is it put the building much closer to the apartments. We felt like the biggest concern was our impact to the residential and moving our building closer, especially our pickup window, you know, all of that it gets exponentially closer, almost right up against the -- almost right up against the parcel line and we just felt like that would be detrimental to your community, rather than leaving the building closer to Ten Mile, having our pay and pick up window and menu board and speaker box all along the Ten Mile arterial road just felt like a better experience.

Simison: So, Centerville was brought up. Right here, Cassie.

Reese: I'm so sorry.

Simison: I lied earlier. I have been to four In-N-Outs in my life and Centerville was a unique one. I went there after the Lagoon. Late night. Everybody else from Lagoon and the entire Salt Lake Valley was there as well. It took us over two hours to get food, but my kids were insistent upon it. This one is located between two high schools. Friday nights after football games, where they are going to go in north Meridian to go and hang out.

Reese: So, that goes kind of back to the hours question and it really -- how do you ensure the neighbors that this is not going to be hanging out in the parking lot until closing, waiting an hour to get your food, because if I'm -- if I'm from a high school in the fall. I'm going there, I'm ordering, I'm sitting outside and I'm hanging out in the parking lot with my friends, not inside the store, and that's what we saw in Centerville. So, how do you protect the neighbors with that type of scenario in this case? Because over there you got a McDonald's on the other side, not an apartment complex. I will say that that was one of the considerations we made when we did reduce to midnight at this location, rather than 1:30 in the morning on Friday; right? That's -- that's your Friday Night Lights. I have many -- many a memory of going In-N-Out Burger myself after a Friday night game that's too late and probably 1:00 o'clock in the morning and trying to get that burger. We -- we absolutely can -- and we have done it in a -- a couple of locations where we do encourage quiet hours, we do incur -- we do ask our -- all of our patrons to keep in mind our neighbors. We ask for store managers to monitor that. We ask our stores -- our shift managers just to do that. I think also you -- you -- you have a different contingent of -- and I -- and I gather that I'm getting into by the hypoth --

hypothetical nature here is what could happen. This is a quieter neighborhood. I think that that type of thing does tend to help self regulate. It's not going to be the same as, you know, The Village, which doesn't have any type of quiet neighborhood around it, but, yes, we can be a partner. We can have our store managers. We can make sure that there are quiet hours posted. We have done it at other stores as well where we make sure that our store managers are responsible for making sure everyone is staying quiet and, if not, we are, you know, asking the police department to come help keep the -- the --

Simison: That's what we don't want. We don't want to approve something that's going to --

Reese: I don't think --

Simison: -- require our police department to be there to help enforce quiet out.

Reese: That's -- that's completely fair. I don't know that we are saying that we are encouraging the type of behavior that would be a nuisance to your neighborhood. I will say that we want to provide a family friendly environment for -- for your neighborhood, for your community to enjoy. To the extent that our store managers can handle that I think they can and they have in other stores. The police department is always the backstop no matter what user -- retail user goes in here that's the backstop; right? We do everything in our power to make sure that we are not a nuisance, whether or not we can -- we can encourage people to not do what they are not supposed to be doing and, then, that -- that is the last resort; right? That is the final straw. Again, we can -- we can impose quiet hours on our -- on our patios and our outdoor areas, but to the extent that any other restaurant comes in and is a hangout for -- for teenagers and the like, that is a condition not necessarily unique to In-N-Out Burger, although I understand why the concern is being expressed today; right? High schoolers tend to like us --

Simison: Anyplace that doesn't require a drive through potentially, though, you eliminate a lot of that. You eliminate the client -- the type of clientele that may go there. I will see a lot of people coming downtown to 830 Common after a high school football game that are high schoolers --

Reese: But wouldn't the drive through lane mean that people are leaving and not staying -- like if people are staying on our patio that's not a drive-through user. They are a dine in. They are a sit -- park their car, come in and dine in. The drive through user probably isn't a problem at midnight.

Simison: My -- my question was more specifically about high schoolers, late night, hang out spot. It's -- that's what this is going to be and, frankly, it's happening at The Village, especially kids with cars that are loud. I know The Village has people on site to try to trespass them. They have got security in -- in there when they -- understand they try to go trespass them off the property. That's what they do. How are you going to ensure that you are not the nuisance neighbor? Because you are creating an attractive

nuisance. I go to Burger King all the time. I'm not worried about that Burger King being attractive nuisance, but in Pocatello that Burger King might have been an attractive nuisance.

Reese: I will gently push back on the attractive nuisance. Attractive nuisance in our world is we are encouraging it, we are not doing anything to stop it. We have powers that we are not tapping into to say you shouldn't be doing that. We are just, hey, not our problem. Let them do it. That is the attractive nuisance definition in my brain. That is not what I'm implying here. We will absolutely do everything in our power to make sure that everyone is respectful and complying with all the rules at this location and if there is a quiet hour rule we can -- we can encourage our store managers to do everything in their power to do it. I will say I understand not wanting to be a burden to your police department. We do not want to be that either. I was just having a conversation with our asset protection team, we have a very close relationship with your police department for The Village at Meridian. Not that we are burdening them, but that we are actively communicating with them, actively working with them whatever it is they need out of us and whatever it is we need out of them, there is an open line of communication and it has been a really good experience and I hope the police department expresses that to you as well. That is from our side that I know that there has been a huge collaborative effort between our asset protection team and the police department, police chief and all of the lieutenants out there that we are -- we want to be a partner. We want everyone to be safe. We want everyone to behave. And if we keep that line of communication open it tends to help quell that type of behavior when they know that we are working with them and the police department is working with us as well. I contend that it's working as well as it should at that location -- as far as the collaboration with the police department.

Simison: Would closing hours at 10:00 o'clock work even better at this location?

Reese: That's a fair statement, Mr. Mayor, but I do think it would be unfair. You have -- the -- I understand the difference between Burger King and In-N-Out Burger as far as -- don't -- please do not quote this in the media, but everyone thinks that In-N-Out Burger is more successful than anything on Burger King. Not my words. I'm just extrapolating from other comments. That is a -- well, Burger King is a drive-through hamburger restaurant. There is no other category -- use category within your use code within the ITE manual, nothing. We are a quick serve hamburger restaurant. We are coming to you with a whole set of conditions that put us already a little bit behind what a Burger King could operate, because they can operate -- they can put their plan together and they won't have 194 people come out and speak out against them. But -- so, we -- we recognize that. On a city level I'm asking -- I'm imploring you, please, there are some line that has to be drawn that this is going to -- this has to be fair. We are a restaurant. We -- I don't -- we don't shy away from the fact that we need to -- we do this to make money. That's -- that's the end of it. We want to do it well. We have all of that. But we want to be treated fairly and if a quick serve hamburger restaurant in this very shopping center is able to have longer operating hours than we do when we are coming to you and saying we will do everything in our power to make sure that we are going to be

good neighbors, it just doesn't -- it's not -- to quote my -- you know, to quote my kids when they -- that's not fair.

Simison: I get it. But no one waits at Burger King 45 minutes in line to get a burger.

Reese: Different kind of burgers.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just two -- two quick questions. I have trouble with queuing lines when I look at them this way, because I don't know what that scale is. I don't know if you answered it, but how long are those cars?

Reese: The cars themselves I believe are 22 feet and, then, the spaces in between them are an extra two, which is how I came up with --

Overton: So, the cars are 22 feet. So, you made every one of these cars the length of a Ford Super Duty extended cab.

Reese: You try. Yeah.

Overton: I'm just trying to make sure you are not --

Reese: And -- absolutely. I can absolutely verify that. I think when I go back to my laptop and I can --

Overton: It's not been my experience that the largest pickup truck driven on the road has been used as an example in a stacking lane, it's usually more of a sedan.

Reese: That's fair.

Overton: So, I would like to -- I would like to know that.

Reese: Absolutely.

Overton: One other question.

Reese: Uh-huh.

Overton: And this goes off of something that the Mayor said. I have frequented In-N-Out Burgers in four different states and in two of those states, specifically Scottsdale, Arizona, and Centerville, Utah --

Reese: Uh-huh.

Overton: -- we are talking the exact same one we have been talking about all night. Twice I have been there when charter busses or school busses have pulled up and unloaded parcels of kids into that In-N-Out Burger. How the heck are we going to handle busses at a place like this? Because the Mayor mentioned students that are our students coming to In-N-Out, but we have visiting teams when we have those events and they are usually in busses leaving, hitting restaurants. I'm not seeing how that would work at this location, especially with the lack of walkability safely to get to it.

Reese: I will say that Centerville -- I think you said Bountiful; correct, Council Member Overton?

Overton: If it's the one right off I-15 at the interstate.

Reese: They are both -- both in Utah though. Those -- both of those locations are half the size of this one. When I -- when I mentioned Boise and Nampa and -- and even The Village at Meridian, the Utah locations are similar. There is not one Utah location -- I think I can say this with finite certainty. There is not one Utah location that is close to two acres. So, it looks -- it may appear to be small, but I don't think -- but I think look -- it's deceiving on paper when you actually take a look at what those other locations and what we are comparing to as -- in comparison with this one. Now, would all the busses come to this location versus Village, especially when Village is open later? I'm not sure -- I'm not sure that I -- that I agree with that, especially knowing that The Village does have more ample space just because of the mall. Will I -- there is no way for me to -- to restrict any of that, but I think -- I just think that that's logic. If I was a high school and I was a bus charter, I'm going to The Village where there is a lot more ample space and a lot more mall area that's not going to be open by the time they get there and go to that location, instead of this one. But to the extent that they do, a two acre site I believe would accommodate that type of demand as well.

Overton: Mr. Mayor, follow up.

Simison: Councilman Overton.

Overton: I want to make sure we are talking the same thing. I'm not talking about the number of students going into the restaurant --

Reese: The busses.

Overton: -- I'm talking about where are those busses parking and safely getting those kids to this location?

Reese: I can't tell you that I would encourage them to park in the Costco parking lot. I will say that I don't -- I think that's an eventuality. And pedestrian access -- as we said, I have maximized every point that I can act -- and I can physically do on our own. Do people traverse parking lots? They do. Often. I think that's going to be okay here.

They can traverse through the parking lot. That is a normal occurrence. And, then, meet the pedestrian connectivity that we have provided for them that connects to Cafe Rio -- the Cafe Rio development to our north, also all of the sidewalks and areas that abut -- completely surrounding our site.

Simison: Council, any additional questions for the applicant? Well, if you want to look for that information on your laptop or phone a friend and, Council, turn it over to you for any discussion at this point in time while we wait for that.

Reese: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm happy to start the discussion. I look at this like from a very high level actually. I wrote down a few notes. I do not believe that the conditions for a conditional use permit have been met on the basis of 11-5B-6E, condition three. The applicant's own testimony and testimony from city staff and testimony from the public and the Planning and Zoning Commission hearing indicate clearly that the proposed In-N-Out Burger constitutes a more intensive use than a typical drive-through restaurant. The applicant's own testimony predicts an average of 2,400 daily vehicle trips. Testimony by staff and the Planning and Zoning meeting indicated a level of demand, quote, considerably higher than what we typically see for a single drive through restaurant. Commissioners noted even with more than 40 planned stacking spaces the site design itself acknowledges that In-N-Out experiences far greater peak demand than comparable fast food operations. Public testimony further described In-N-Out locations elsewhere with cars lined up around the block, emphasizing impacts not compatible -- excuse me -- comparable to existing Meridian drive throughs. This combination of unusually high trip generation, extraordinary stacking needs and a regional draw -- and I think that's important -- demonstrates an intensity of use that's incompatible with adjacent residential development and beyond what is contemplated for a conditional drive through use. Planning staff also testified they have not seen a comparable intensity of use approved in this close proximity to existing residential uses. That for me was -- in the beginning of our hearing a big part of my thought process. I just really feel that this is not compatible in this close proximity with residential. I think it's a good company. I think -- I wish them well. I hope they could find a different location. I don't know what direction this will go, but that's just where I'm shaking out. I just look at it really high level. I don't believe it's compatible.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I will go next. I won't be as eloquent as Council Woman Strader. I will try to be a little more straightforward, easier to understand. I go to this Costco, I go down Ten

Mile, I get to the signal at Lost Rapids, I turn, I hit that private drive, I do that once every week, if not two weeks. I know this route backwards and forwards since before the apartments were put in. The key to this for me is the fact that it's not just residential across the street, but that's a private drive. It's not a residential street. It's not a full build-out street. It's a private drive. We have very little control over what happens on that and that concerns me greatly, especially when we are talking about large volumes of people coming in. I visited a lot of In-N-Outs and in several different states, but everyone I have had the opportunity to go to was in a commercial area only. They were not abutting a residential district. That private drive is busy enough that I wouldn't want to be pedestrians walking or people on bicycles trying to get to that restaurant. I certainly wouldn't want to and if my grandkids are on bikes I certainly wouldn't have them over there. I think the intensity currently is heavy. One thing we keep forgetting to mention as we talk about growth -- and comments were made and I really appreciate a lot of the comments that were made tonight about once you go west from this location there is no fast food. Yeah, you have pretty much made my argument. You are right, that means the fastest growing section of the city of Meridian, which is north Meridian, is coming there to get their fast food and once Highway 16 gets finished not only are we looking at the people from Eagle coming up to this location, but Star, as well as Emmett up the new limited access Highway 16. Star, Eagle and our north Meridian are some of the fastest growing parts of the state of Idaho right now and as people have mentioned, the amount of houses that we have approved as a Council in that area -- we are into the -- I think we are well over a thousand single family homes haven't been built yet that are coming and there is going to be a lot more behind that. So, the traffic we are talking about today on the 2018 traffic study -- and no offense, Justin, the ACHD studies, they do a great job. The study was in 2018. It's 2025 and we are still growing very rapidly in this area and I think we have to remember when we look at an application we have to be able to look down the road and make sure we are not just making the right decision for today, but we are making the right decision in the future and I can't support this application and -- for several reasons I think it's too intense right next to a residential district.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I will just -- I will follow on with that. Again, realizing this is kind of a de novo hearing and we are starting with a fresh slate and making a decision based on what's before us tonight, but for me to make a decision I still have to clear that hurdle of what constitutes findings for a conditional use permit and I just can't get there and I struggle with some of the same things that our Planning and Zoning Commission did and I -- my concerns have not been fully addressed tonight. Yes, this is a -- two lots and it's larger than most anything else in the In-N-Out inventory, but I also think that it's going to be hugely successful if it -- if it was here and I just don't think that the size of the lot can accommodate the use. So, I haven't been able to clear that hurdle and I know we are going to get some more information on the queuing and lengths and everything else, but I'm -- I'm just concerned that even with the size of this lot, larger than most others, that it

still would not accommodate the demand that -- that this successful restaurant would see. I mentioned this earlier, I -- yes, there is a drive aisle -- a private drive, but for all intents and purposes this is adjacent to and abuts up to a residential area in my mind and I think it will have a negative impact on that residential -- the existing residential development that's there. I'm concerned about the noise and the air quality and transportation impacts and, frankly, this is a big decision and to rely on -- to Councilman Overton's point, to rely on a 2018 ACHD study or a 2017 Kittelson traffic study, a lot has changed since 2017 and 2018 and so I'm concerned that this conditional use permit would -- would have some challenges with transportation impacts in that area and negatively or adversely affect other -- other properties as well. So, I have just -- I have tried to look at this with a fresh set of eyes. I have tried to look at this application with the revisions that have been made and I appreciate the accommodations that the applicant has brought forward. I'm still having a difficult time clearing some of those hurdles to get to the findings that would justify this.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. In-N-Out is such a great partner in the community. I would love to see them add another store. I am just not getting it with this location. It just doesn't seem compatible with the residential. I mean there is so much commercial, but everything around there, especially Lost Rapids Road, which takes so much of the brunt of the traffic, it just doesn't seem compatible with what's -- what is going on with the neighborhoods and that corner and I just can't get there. So, I am not in support of this project.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I know the applicant has been crunching numbers I don't know -- and I will just -- it's okay. I did reach out to our planning staff. They came up with a number that's about 380 feet, which is closer in line to what I had, which is about half I think of what was maybe purported by the applicant and, you know, about -- and more than half than at that Centerville location. Council knows this, but for those -- for benefit there of the public, we had a -- a conditional use permit for another drive through restaurant that was approved by our Planning and Zoning Commission, but a neighbor asked for that decision to be appealed to the City Council. So, we had one of these before us about six months ago and, again, a very successful, very widely popular fanaticized restaurant. This one was chicken strips. And it was going to access off a private drive and I know the Council really wrestled with that, with the impact on other businesses and particularly the impact on our traffic network and on that particular one I -- I opposed the conditional use permit for many of those same reasons and tonight I have tried to not come in to say, listen, let's just oppose or let's just approve, but to try and see if there is a -- if there is a better mouse trap that can address the neighbor's

concerns and also allow a business to find success and I have sent diagrams to our playing staff, what about this, what about that -- ultimately it's -- it's something that the applicant said that is kind of sat with me, which is that at some point we have to do what's fair and I think adding a drive through with this intensive use isn't fair to our neighbors and so I -- I won't be in support of granting a conditional use permit tonight. I appreciate the testimony. I appreciate the applicant's willingness to address the concerns, reduce hours, I really believe that maybe even if we reconfigure this they may be supportive of that, but at the end of the day it's trying really really hard to fit a very successful square pet -- peg in a very round part of our community and I just -- I just don't think that it's the right location at the right time.

Simison: And if I could just add, I think, hopefully, through my comments -- my biggest challenge -- I don't know that any drive through in this area makes sense for any business. That's -- that's my personal thing. I know that talking about fair and adequate, but -- and I say that to the developers in the back, you got a traffic problem in this 580 foot stretch and anything that's going to have -- encourage people to drive in and drive out on a continuous basis I think is going to be a challenge in this location. Again, I don't vote, I -- unless there is a tie. So, you know, you can take my comments for nothing more than that, but that's -- that's where my concerns lie, is anything that's going to add more trips to and from that area on an ongoing basis compared to one trip drive in, get out of your car and spend 45 minutes, that may be -- that makes a lot more sense to me than pushing through every three to five minutes. That's just my experience. So I will leave it at that.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I have a little different take. It's not going to change the outcome any, but I think it's -- I would like to express some of my thinking on it. I always urge caution to myself to speculate what the future may hold -- what future uses may be, what future -- how many people might come, what does a Saturday night look like in six months versus on opening, I -- I think it -- we would do well to be careful when speculating what the future might hold. So, with that in mind I try to look more objectively at some of the data, some of the information presented. Certainly respect the right that we as Council Members can use our own thoughts and feelings about how we feel about it to vote, but when I look at the data, when I look at the facts and try to be focused on what I'm considering, I would be willing to grant a conditional use permit with one additional finding, which would be access In-N-Out, but it seems not relevant at this point considering where the votes seem to be. Is it harmonious? That's -- you know, there is arguments both ways. I think -- I'm just going to kind of go through. Is that the site adequate? Is it large enough? I think so. Does it comply with our Comprehensive Plan? The argument was successfully made, yes, it was. Have they done enough to mitigate adverse impacts? I believe they have. I don't look at this piece of property as a neighborhood, as a community, and I apologize to those who live there. There is a Costco there. I don't -- so to me it is harmonious with that. I think they have done well to address some of the

operational impacts. They have tried to accommodate what's been asked of them. Councilman Cavener mentioned the word fair and I think his comment is well taken. My take on the word fair is also a little different. I feel like we are applying a different standard to this business because of the type of use and it's well within our right, I think we can and we certainly can do that. I don't think it's fair, though, to apply that standard here. That's just my thoughts and feelings about it. I do think the Mayor makes a good point, too. If -- if an In-N-Out doesn't work here, then, no drive through should work here, because that would be fair to say. If we can't have an In-N-Out drive through because of the use, then, no drive throughs can come here. So, I think that should be a lesson that's taken. So, I would be willing to approve that. I had a couple additional findings that I would have required to be that, but that's where I'm at.

Simison: Thank you. Does the applicant want to provide anything for the information that you are looking up? I don't want to -- I know it was mentioned, but if you have different or exacting information --

Reese: So, I don't know how relevant it is, but to this extent that you want an answer to your question, based on this site plan I may have overestimated our drive lane, but we got to 580. Nowhere near 300. That for sure is wrong. That would have -- that absolutely I know is false. But 580, including the one drive through lane and, then, the extension -- the secondary drive through lane. It does seem like the 300 number may have been just the one and not the two. Yeah. Because we can -- yeah. Thank you. And was there anything else? I'm sorry, I was trying to listen and do that at the same time.

Simison: Thank you. Council, do I have a motion?

Whitlock: Mr. Mayor, I would move that we close the public hearing on this agenda Item No. 5.

Overton: Second.

Simison: Have a motion and a second to close the public hearing on Item CR-2025-0002. Is there discussion on the motion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it. The public hearing is closed.

MOTION CARRIED: ALL AYES.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: After considering all staff, applicant and public testimony, I move that we deny File No. CR-2025-0002 as presented during the hearing on September 9th, 2025.

Strader: Mr. Mayor?

Simison: Is there a second for discussion?

Strader: Second for discussion.

Simison: There is a second for discussion. Council Woman Strader.

Strader: I wonder if the motion maker would like to add some of the comments that I made earlier to the findings of the basis of the denial and I think actually adding to my previous comments -- I actually thought Councilman Whitlock made important points about additional impacts to the neighbors around. Noise, light, fumes, et cetera. Those are a few that I jotted down. I don't know if I would need to repeat my --

Cavener: Maybe, Mr. Mayor, if I could just weigh in.

Simison: Councilman Cavener.

Cavener: I would -- maybe I will actually urge some caution, unless I get some different feedback from our planning staff about taking an action of denial this evening, but rather continuing it for a week or two to give staff the ability to draft a staff report that would find the findings of denial that we could then approve.

Simison: It's a process issue in order for everything to go the way things need to go sometimes.

Cavener: It's important to do this the right -- best way is what I'm trying to get at. So, that would be my only suggestion for the Council is staff brought that to our attention as part of their staff report this evening that they don't have findings in their staff report for denial, so get to the same place, but I just think that it's important to do this the right way and to give staff the time to put together that staff report, but us to, then, approve the findings of denial.

Whitlock: Mr. Mayor, would it be appropriate, then, for me to withdraw that motion and make a new -- a new motion?

Simison: Yes. And -- well, I'm going to direct to open the public hearing back up, Mr. Nary, and continue it if that's the case?

Nary: Mr. Mayor, Members of the Council -- and I don't know if planning has a different opinion, but what -- what I think -- what I'm hearing what you would like to do. You could make a motion to deny the application tonight. You still have findings that have to be approved. So, you can do that. We will prepare findings in concordance with what was discussed tonight. What I heard from the Council's discussion -- and this is what I guess I want to assure -- or be sure for helping both legal and planning to prepare the findings for you that will be a couple of weeks out -- is in looking at the conditions in the code that are required for you to find, what I heard both Council Member Strader say

and Council Member Whitlock say and Council Member Overton is that condition three, which is the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood, with the existing or intended character of the general vicinity and such use will not adversely change the essential character of the area -- was a concern that was voiced. Number four, that the proposed use, if it complies with all the conditions of approval -- approval imposed, will not adversely affect other properties in the vicinity and, number seven, that the proportion -- that the proposed use will not involve activities or processes, materials, equipment and conditions or operations that will be detrimental to any person's, property or the general welfare by any reason of excessive production of traffic or noise. I don't know that smoke and fumes were really identified, by traffic and noise. Those are the three that I thought you identified in your motion. If that's the desire we can, then, prepare findings. But you can make a motion tonight to do that and -- and we can, then, prepare the findings. If the findings aren't consistent with that we can come back and bring the findings until they are. But that's what I thought I heard and that -- you can take action on that tonight if you wish. And if I have missed any, please, add what you think based on the testimony you heard and your position on what's necessary in the code. Those are the three I just identified from what you said.

Simison: Councilman Whitlock.

Whitlock: He captured my concerns. I don't know if the second agrees.

Strader: Second agrees.

Simison: The second agrees. Okay. Further discussion on the motion? If not Clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, nay; Whitlock, yea.

Simison: Five ayes. One nay. And the motion is agreed to.

MOTION CARRIED: FIVE AYES. ONE NAY.

FUTURE MEETING TOPICS

Simison: Okay. So, with that findings will come back. Okay. Thank you. With that, Council, anything under future meeting topics or do I have a motion to adjourn?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we adjourn the meeting.

Strader: Second.

Simison: Motion and second to adjourn the meeting. All in favor signify by saying aye. Opposed nay? The ayes have it. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 10:11 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT SIMISON	_____ DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK