

**Public Hearing continued from April 3, 2025 for In-N-Out Burger at
Ten Mile (H-2024-0058) by In-N-Out Burger, located at 5985 & 6037 N.
Ten Mile Rd.**

- A. Request: Conditional Use Permit for a drive-through establishment in the C-G zoning district within 300 feet of another drive-through facility, existing residences and a residential districts. The request includes extended business hours of operation beyond the 6:00am to 11:00pm limit, with hours from 6:00am to 1:00am Sunday through Thursday and 6:00am to 1:30am Friday and Saturday.

Lorcher: Okay. The next item on the agenda is Item No. 2024-0058 For In-N-Out Burger at Ten Mile for a conditional use permit because it's within 300 feet of another drive-through and requests extended hours. We will begin with the staff report.

Parsons: Thank you, Madam Chair, Members of the Commission. Next item on the agenda, as you mentioned, is the In-N-Out Burger at Ten Mile. It is a conditional use permit or a drive-through within 300 feet of an existing drive-through and existing residential uses. This subject property is currently zoned C-G in the city and it consists of 2.22 acres of land and it's, essentially, two lots within the Lost Rapids Subdivision that was approved by City Council in 2018 and the primary chain or user on the site is Costco. The Comprehensive Plan designation for this site is commercial. Really, the -- the two issues tonight really is the drive-through and the hours of operation and that's where staff's recommendation of denial came from. I would let everyone know in the audience that in a commercial district a restaurant is a principally permitted use. So, the reason why we are here this evening is primarily for the drive-through use, because, again, it is within 300 feet of an existing drive-through that is just north of this site and, then, also the R-40 are multi-family development that is just directly to its west. So, that's what's triggering us all being here this evening having a conversation. I would also mention to the Council -- or the Commission that this site is developed with more than one drive-through on it. This is not the first drive-through within the Lost Rapids Subdivision. It's -- I had -- I don't know the exact number, but I think this is the sixth or seventh proposal for the site. So, it is pretty heavily trafficked with additional drive-throughs that range from banks, coffee kiosks, other food and beverage restaurants. One could even argue that the -- the fuel facility and all the cars going there to get the gas at the corner, so they have to drive through the site and -- and fuel there. So, this site does get congested during -- during the -- throughout the day and it's also located along two major road corridors. So, we have Chinden, which is a state highway, and, then, we also have Ten Mile, which is a five lane arterial roadway, which connects, obviously, Chinden and all the way down to the interstate. So, we all know that Ten Mile is heavily trafficked. It is -- at some parts of the day it is at capacity or over capacity, meets -- does not meet ACHD's thresholds, it operates at a level of service F and looking at the -- the public record this evening I had a chance to look at ACHD's comments and they said there were no mitigations required for this particular application. So, I just wanted to go on record to share that with you that, basically, when Costco came in those improvements were done as part of that project and that's why Chinden was widened and also Ten Mile was widened between Chinden

and McMillan Road. So, here is -- here is -- here is the -- the property represented on the aerial. You can see it's -- it's two parcels, as I mentioned, and approximately 2.2 acre. So, I think there is probably one or two lots left to develop in this area. As I mentioned to you, the applicant has requested extended hours of operation for this site. Typically in a C-G zone when you aren't adjacent to a residential use, hours aren't typically discussed as much. They aren't -- they aren't really restricted in the C-G zone. This particular case -- initially when staff had looked at the application we thought it -- it did abut a residential district, but if you had -- if I could zoom in on this map here, you would see that Costco actually controls a 20 foot sliver that is between this property and the R-40 piece. So, therefore, if this site -- if these two lots did abut the R-40 piece, they would be going through -- they would have two conditional use permits in front of you, one for the drive-through and one for the extended hours. However, because there is a conditional use permit in play, this body, through the UDC, the city ordinance, has the ability to restrict the hours regardless of that pertinent code section. It just doesn't require another CUP. You could act on the hours of operation based on a CUP for the drive-through use only and that's what we conveyed in the staff report. So, again, the applicant has proposed - proposed hours between 10:30 a.m. and 1:00 a.m., Sunday through Thursday and, then, from 10:30 a.m., until 1:30 a.m., Friday and Saturday and their deliveries are proposed to occur between the hours of 2:00 a.m. and 9:00 a.m. So, essentially, when you add all that up it almost implies that this would be a 24 hour operation on the site. I would also mention to you that when the Costco development went in they self-imposed hours of restrictions on themselves and restricted their deliveries between the hours of 10:00 p.m. and 5:00 a.m. So, no deliveries were occurring between those hours and that's why it's important, from staff's perspective, that we were not supportive of these hours of operation, because of what is -- what other businesses have been restricted on the site, particularly the -- the Costco. Access to the site, as -- as you know comes off of Lost -- Lost Rapids here. That's the collector roadway. But internally this is just a cross-access driveway that's shared between the commercial lots and so their two accesses are proposed from that shared driveway between all of that commercial and resident potential development in the area. With any drive-through there are specific use standards and you see that the applicant has to comply with. So, I will dive into that and let you know why staff has not supported this application or the drive-through the way it is presented to you this evening. So, the first -- with any drive-through we require them to show their menu board, drive-through window, stacking lanes, et cetera, on the site, which they have done. They are in compliance with the UDC requirements. We also require that they demonstrate safe pedestrian and site circulation for the site. It's hard to say. I can't say that they have done that with this particular site plan yet. What I can tell you is the additional stacking that they show on the site through their stacking analysis shows that they can accommodate up to 29 vehicles stacking on this particular property and you see that in their site plan here. So, this is not your typical drive-through by any means. This is far and beyond what we typically see with a drive-through and it's more than what we typically see in this development with the other six drive-throughs that are currently developed in here. But we all know that this particular restaurant is very popular. It was proven when it went into The Village. If you had a chance to drive through when they first opened, they had the parking lot and like an obstacle -- I thought it was at Disneyland. It looked like an obstacle course with cars going through that parking lot and stacking of

vehicles trying to get them through that -- that queuing and I have to at least admit -- or applaud the applicant for doing that, because having those plans in place are a good thing when you know something is going to be popular when it first opens. I would also mention to the Commission that current UDC standards for drive-throughs don't address these high capacity drive-through facilities or the popular facilities, which we have general standards that you have to meet and I say the applicant's doing the best that they can, but given the history and the popularity that's where we kind of differ with them on this particular case, because given its proximity close to Lost Rapids there is a potential for cars to stack not only on the main drive aisle, but also on the adjacent right of way, which gives us concerns, which is why some of the findings that we have made to support the denial we have stated those were our concerns with this particular application. The other component of this is the applicant did provide a traffic study. So, typically, when we have these types of facilities and we want -- we question how it's to operate, an applicant will give us what's called a queuing analysis or a traffic study and in that they have shown a mitigation plan for how they could accommodate additional vehicles as well. So, right now in front of you you're looking at this site, you can see it's showing 29 cars in the stacking lane and, then, in that mitigation plan the applicant proposed to close off the southernmost access and, then, allow additional cars to stack here to -- to allow for peak traffic times. The other component of a drive-through, whenever we have a drive-through that exceeds a hundred feet in length, we also require an escape lane and that's why you see this additional lane that's not loaded up with vehicles, because that's the escape lane in case somebody forgets their wallet or there is an incident or a crying baby in your car and you have to get out of the drive-through, it's important that allowed people -- to get people out of those drive-throughs so they are not stuck in there for over time -- long periods of time. The other thing -- component with this is with restaurants in the UDC we require additional parking for restaurants and so the applicant is required to provide only 16 parking spaces per the code based on the square footage of the restaurant. They are providing 73. So, they are well in excess of UDC standards for parking. In looking at the public record this evening and the reason why we have a full room tonight is because we have had over 324 pieces of written testimony on the site, which probably is a record for Meridian, if I'm not mistaken. Some of them are in -- you know, most -- a majority of them are in opposition, but some of them are in -- are in favor of the -- the project as well. Most of the concerns do -- are around stacking, traffic, noise, compatibility with the adjacent neighborhood, all of the things that we noted in the findings when we had recommended denial of this particular project. So, again, staff is recommending denial per the findings in the staff report and I will go ahead and stand -- conclude my presentation and stand for any additional questions you have.

Lorcher: Commissioners, do we have any questions for Bill at this time? Would the applicant like to come forward?

Lomeli: Madam Chair, I do you have a handout that the applicant has provided ahead of time. I don't know if he would like for me to hand that out now or --

T.Smith: Yeah, you're welcome to.

Lomeli: Okay. I will hand that out now.

Lorcher: Hi. If you could just state your name and address for the record while she's handing those out.

T.Smith: Todd Smith. I'm the development manager for In-N-Out Burger. 13502 Hamburger Lane, Baldwin Park, California.

Lorcher: Okay. You will have to speak a little bit louder.

T.Smith: Sure will. We have the -- by chance the presentation cued up?

Lorcher: She will get that in one moment. Okay. We will have him speak up.

T.Smith: Yeah. I will move in. Yeah. There we go.

Lorcher: If the mouse is being touchy try your arrows.

T.Smith: Yeah. Yeah. There is a lag. I'm just trying to get used to that here.

Lorcher: Yeah.

T.Smith: Okay. I see that working. Great. Good evening, City of Meridian Planning Commission and members of the Meridian community. My name is Todd Smith, I'm the development manager for In-N-Out Burger responsible for the project before you tonight. I'm excited to be here with you and I want to thank city staff, as well as the planning commission for your time and attended to the project. It is appreciated and I know this one is not an easy one. I would like to take this opportunity to provide some background for In-N-Out Burger. In-N-Out Burger was founded in 1948 by Harry and Esther Snyder in Baldwin Park, California. Harry is a World War II veteran who used GI bill money to open a modest ten-by-ten foot hamburger drive-through restaurant in Baldwin Park. In fact, Henry -- Harry invented the two way speaker for the drive-through so orders could be taken remotely. In-N-Out Burger is a family-owned business. All 419 In-N-Out Burger stores are company owned and operated. We do not franchise. The company is currently led by Lynsi Snyder, the granddaughter of Harry and Esther. In-N-Out recently celebrated its 75th anniversary and the first Meridian, Idaho, store was the company's 400th store. Idaho is also now the eighth state in which In-N-Out operates. All restaurant supplies and food products are delivered from company-owned and operated distribution centers and hamburger patty production plants by company-owned delivery trucks. We do this to maintain our strong company culture and our incredible customer experience and, most importantly, the high quality food we serve. Lynsi continues to lead the company as a family business and holds firmly to the founding values, guiding principles and the culture of the company. I would like to emphasize some of the values with our In-N-Out Burger mission statement, particularly number three, assisting our communities in our marketplace to become stronger, safer, and better places to live. In-N-Out Burger is widely recognized as one of the best places to work. We hire employees for each store

and always pay above minimum wage, even for our level one entry level employees and throughout the company. In-N-Out Burger enhances the communities in which we operate with two foundations. The In-N-Out Burger Foundation started in 1984 by Esther Snyder with a focus on helping abused children and also the Slave to Nothing Foundation started by Lynsi and her husband Sean in 2018 to fund solutions to human trafficking and substance abuse. In-N-Out underwrites these programs to ensure that every penny goes to the intended recipients. Just today and since the December opening in 2023 of our Meridian store In-N-Out through its foundations and -- and other giving has given over 160,000 dollars to organizations in the state of Idaho since entering the state of Idaho and most of those are centered in the Boise and Meridian area. As a reminder In-N-Out opened its very first store in Idaho, as I mentioned, in Meridian here in December 12th, 2023. That store opened at tremendous customer response and while the response might have been overwhelmed to another QSR operator, it did not overwhelm In-N-Out. We worked with all local stakeholders well in advance of the opening, including city development services staff, fire department, police department, The Village at Meridian Mall management, Ada County Highway District, Idaho Transportation Department and others to craft and execute an opening plan that eliminated any disruption to the adjacent highways and to the shopping center itself, which we did. We managed -- as mentioned in the introduction, there were no impacts to the local roadways by our comprehensive planning. We have subsequently opened two more locations, one at the Boise mall located on Milwaukee Street at Boise Town Square Mall and that opened on October 25th and also at Nampa that opened on January 29th, 2025. Worth noting is that both locations opened and continue to operate without impact to the surrounding roadways or surrounding businesses. In fact, we have received praise from many stakeholders involved in these locations for executing the plans in managing our -- our operations so well. The Nampa chief of police sent in a comment personally noting how smoothly things have gone for our Nampa location. I hope you had an opportunity to see it and to read that. I explained at the pre-application meeting how we expected the business to level off among all the stores as others open in the area and that is what happened. We saw the big Meridian opening and slowly as we -- as time went on we opened new stores in all our operations started to normalize. So, this leads me to the project before you tonight. The property is -- is zoned C-G. The city code defines the C-G zone as, quote, the largest scale and broadest mix of retail, office, service and light industrial uses. This zoning designation is, by definition, the most comprehensive and inclusive of all commercial zoning. Such zoning is designated for all retail uses and specifically for uses such as the one before you tonight. Extended hours of operation is an issue raised in the review process, as noted in the staff report. In-N-Out Burger, as noted in our mission statement, is dedicated to serving our customers. Our customers come from all walks of life and have variance -- and varying schedules. We maintain store hours universally across all of our stores and we do this so that there is no confusion that you know the hours in which we operate, you can go to any In-N-Out and you will know when we are open for business. We also provide discount meals for law enforcement and there are many similar essential services that work varying schedules, work late at night and they need opportunities to come, get a fresh, low cost, high quality meal and we can provide that for them. The zoning code is clear about hours of operation within the C-G zone as mentioned in the staff report. The code section states specifically that the hours of operation within the L-

O and C-N district shall be limited from 6:00 a.m. to 10:00 p.m. Business hours of operation within the C-C and C-G districts shall be limited from 6:00 a.m. to 11:00 p.m. when the property abuts a residential use or district and staff noted the fact that we actually do not abut a residential use or district in this case. The entire shopping center was approved in I believe 2018 and contemplated a large scale shopping center for all of the parcels on the premises, with drive-through uses included in the center at full build out. The shopping center has similar drive-through uses that have been approved while located as well within 300 feet of residential and as well as 300 feet within another drive-through. Again drive-through uses were considered with the original retail center approval. Our project is consistent with the overall shopping center that was originally approved with drive-through uses currently in operation or under construction. We meet all other provisions of the drive-through establishment code requirements as noted in the city municipal code and we ask that we be approved as others have been. The site is a -- a very large site, actually. It is double the size of most of your Idaho sites at 2.2 acres. This is unusual for not only our business, but any drive-through business. It's a very, very large site and that large site, as noted, provides a lot of space for us to provide plenty of parking. We have over four times the required parking available on site. We have a very large drive-through lane that can hold up -- just in standard practice, hold up to 29 cars and so due to the -- the larger parking area we have additional space to even provide additional what we call overstack parking should a temporary peak occur. Here is an example of the overstack plan that shows 52 cars in the lane all contained on site with still full site circulation available to the customers as they come through. Our -- we have observed queue data taken from The Village store at the -- in Meridian here back in December, which was during the busy holiday shopping season and in that study the peak -- the very largest peak we saw in that observed data was 46 cars and so as you can see here we can cover that peak and more and on site we have additional room where we can even add additional cars when needed if it were ever needed. But our data shows right now it wouldn't be. The average in that queue study during weekdays and other times was 30 cars and here we provide in our drive-through lane a 29 car stack. So, we handle the typical maximum drive-throughs on average. All that data was taking -- was taking place prior to the Nampa store opening. With the Nampa store having opened I'm sure things will continue to level off and subside even more as the -- as the business gets distributed to even more sites and locations and Nampa being somewhat remote is collecting a lot of business there away from the other stores. Knowing the concerns of traffic, we still took it upon ourselves to have a traffic engineer conduct a focus traffic analysis of the Lost Rapids intersection and the roadways around our project site, so we can more clearly understand the issues if any did exist. The traffic study results have confirmed that there is no change in the levels of service at the Lost Rapids intersection or adjacent roadways with -- with the addition of the In-N-Out restaurant. It is important to note also that the proposed Highway 16 extension will have a dramatic effect and impact for the benefit of this area as well, which is not accounted for to date and I would note that according to a -- a 2018 Idaho Transportation District presentation, which noted that the highway -- expansion of Highway 16 could create a ten to 20 percent decrease in traffic on Black Cat Road between McMillan Road and Franklin Road. Ten Mile Road between Ustick Road and Chinden Boulevard could see a 30 percent reduction in traffic. So, we know that the addition of the Highway 16 extension will dramatically

improve the traffic flows there. In fact, I was talking to our division manager for our Idaho stores who lives in the northern part of the Treasure Valley and he told me directly -- he said -- he is excited. When Highway 16 opens he will never drive Ten Mile again. He will just fly right over when he has to get to work and back to doing other things. I would like to take a -- a quick walk through the -- the staff findings. Some we disagree with. Finding number one, which stated that the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which it is located. Again, I would like to remind you the site is 2.2 acres. This is a very large site and it's larger than any other drive-through on the -- those premises and it's bigger than the typical drive-through that we utilize in In-N-Out and is more than sufficient for this project. The stacking lanes as shown are sufficient based on observed data that we took in our data analysis and queue analysis. It shows that we have plenty of room to -- to cover what that data showed with room to spare. Site parking is 73 spaces, which is more than four times the required parking. Even if the overstack plan were to take up 15 of those spaces we still have 58 spaces remaining for customers and others. Finding number two. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accordance with the requirements of this title. The operating hours here are consistent with the C-G zone and the staff report has acknowledged that and as I mentioned, the code -- we are in compliance with the code in that regard. The policy that staff sited to minimize noise, lighting and odors of commercial or residential dwellings by enforcing city code is the language in the policy of the Comprehensive Plan and we agree, we will comply with city code and we are in full agreement to use the enforcement of city code that we comply with those regulations. So, we believe we are meeting those findings as required. The staff makes these findings without any evidence that the project generates excessive noise, more traffic congestion. In fact, staff didn't even request a staff -- or traffic analysis from us. We provided it on our own from listening. Finding three. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area. Is that beeping indicating my time is coming up?

Lorcher: It is and you will have a chance to -- at a rebuttal as well.

T.Smith: Am I at time or can I go one more -- one more minute?

Lorcher: If you can wrap up your thoughts. That's okay.

T.Smith: I will -- I will wrap it up. Just to conclude, we do feel that we meet the findings and we have submitted materials that demonstrate that we have met the findings required for approval of the project. The proposed In-N-Out store is consistent with the original shopping center and plan approval. Back in 2018 that contemplated the full build out of that property. The proposed In-N-Out is consistent with the C-G zone and its allowed uses. The proposed In-N-Out is consistent with the C-G zone hours of operation given that it does not directly abut residential uses or districts. The proposed In-N-Out will not result in a change to traffic, existing levels of service at the intersection at Lost Rapids and adjacent roadways. The Highway 16 extension will considerably relieve traffic on

Ten Mile at this location about the same time that our store would be projected to open. The proposed project is compatible with the shopping center uses and the proposed In-N-Out is consistent with the city drive-through code and with the previously approved drive-through uses in the shopping center that are also -- many of them within the 300 feet of others and 300 feet of residential. I really appreciate your time and I would just like to note if questions come up I do have our traffic engineer here available as well to support those questions if you want to ask any about the traffic plan or that report that was included with our application and I am available for questions. Thank you for your time.

Lorcher: Hold one second. Commissioners, do we have any questions for the applicant before he sits down?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Two questions. I will do them one at a time. First overstacking. When you shut off that south entry what happens -- have you modeled that with emergency services? Is there still turnaround room for fire?

T.Smith: There is plenty of turnaround room and when you see the site plan there is a full loop that goes around on site and it actually helps order as the -- the flow of traffic would -- would come in that other end and, then, cycle through the site more efficiently and, yes, essential services would get in there no problem and at any point our store associates, especially in the conditions where overstack is occurring, they will be out on the property and they would direct traffic or anything that would be necessary to help them as well. But it has full turnaround and full access.

Sandoval: Okay. Thank you. And second question. I think I may know the answer to this, but I would -- I want to ask it anyway. Is it feasible or are you willing to limit your operating hours from 6:00 a.m. to 10:00 a.m. or 6:00 a.m. to 11:00 a.m.?

T.Smith: Well, we open at 10:30; right?

Sandoval: When I say -- let me clarify. When I say operating hours I mean deliveries as well.

T.Smith: So, deliveries are one thing and right now I -- I know we do our -- our deliveries off hours, you know, and as noted in our application we say between 2:00 a.m. and 9:00 a.m., but deliveries aren't coming at -- at 2:00 a.m. here. But we just leave a window that fits with the logistics of the stores. I will try to reach out and double check, but I don't even think the deliveries are occurring prior to, you know, 4:00 or 5:00 in the morning or anything like that. So, I -- I -- think we are in a better position there. I would have to confirm that. As far as store hours go, again, that's universal across our company. It's important to us. It's an important service to our customers and we have a wide variety of customers that rely on our regular store hours and -- and we look to serve those and so

we are consistent with our -- our store operating hours. Delivery hours I will -- I will try to clarify for you on rebuttal.

Sandoval: Thank you.

Lorcher: Do you have questions, Commission Rust?

Rust: Yeah. Thank you, Madam Chair. Two questions for you as well. Quite a few public comments were curious about your site selection process. Could you elaborate a little bit on what your process looks like and anything that you could share about your site selection process for this particular site?

T.Smith: Well, I can -- I'm not even fully aware of all the details of all the site selection that goes in, but, obviously, they have to meet certain criteria that are helpful to the company and there is certain matrix I'm sure that they look at. But I mean the primary criteria here -- I mean we are looking at a C-G zone on -- on arterials and shopping that are already -- on a shopping center that already has projected drive-through uses at build out. I mean this is an ideal fit, because that's what the C-G zone is for, that's what the original approval contemplated and -- and so this meets I would think all of our requirements necessary and I believe it meets the city requirements as well.

Rust: Thank you. Follow up on some of the delivery questions that have already been raised. In the staff report it mentions that there is not going to be any backing up, no large trucks. Can you describe the size and type of truck and generally how many deliveries you're accepting on a daily basis regardless of time?

T.Smith: And so it's a -- it's a large truck, like an 18 wheeler truck typically that would do it and make its rounds and -- and they are all company-owned as I mentioned. Again, there is that full circulation on site so that the truck -- we always measure that as a part of our site designed to make sure our truck deliveries can be executed on site without any complications or problems. So, that is helped by not having to back up or going back to your point that that's not a problem for us, because that circulation is so good. As far as deliveries -- typical deliveries could be about three times a week roughly, depending just on what it's needed and -- and how busy the store is and when deliveries are needed.

Rust: So, to follow up, three truck deliveries per week generally speaking?

T.Smith: Roughly on an -- on an average and that could ebb and flow, you know, depending.

Rust: Sure. Thank you.

T.Smith: Thank you.

Lorcher: Commissioner Perreault.

Perrault: Thank you, madam Chair. I want to go back to that conversation about shutting off that south entrance. Then all traffic will be coming in the north entrance and you have one --

T.Smith: Yeah. The north entrance of our site.

Perreault: Correct.

T.Smith: Yeah. Uh-huh.

Perreault: You have one exit heading away from the site and two coming in the site, with the possibility of -- of course drive-through traffic stacking up into the drive-through itself, depending on how busy it is. That -- that just -- it's going to create a bottleneck realistically. If they are -- if that entire queuing is full to 52 cars or 58 cars, whatever you stated. Can you talk about how that's going to flow with just one entrance and -- and two -- with two lanes and, then, one exit with one lane.

T.Smith: Just let me clarify. What we show here is just one example. Our store managers and our associates are highly trained with our operations and they are very proactive and experienced on how to manage the queue and the queue flow and the traffic flow and keeping that flowing appropriately and keeping accessibility fully accessible and in this example we do show that it -- it blocks that -- that southerly access, but that may not be necessary. They -- it's possible that the associates could keep a gap there if that's found to be better and how they stack the cars on, they will be actively participating in managing how that overstack is happening. So, they will be directing cars and traffic to keep it flowing and moving actively as that's going on only in those -- in those peak times when it's necessary. We have cameras in store that are constantly monitoring the drive-through and so our management and our associates on site know exactly what's going on in our drive-through and in the parking lot and they are active in managing that and as you can see from all of our stores, Nampa had similar issues, very constrained site, a lot of traffic congestion prior to our opening and here we have the chief of police praising us for how efficient that has been and how there has been no impact as a result of it. The experience and the track record of In-N-Out is that we manage our sites and keep that flow going well and it's not a problem.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: As we know all the rest of the In-N-Outs in the area are on -- in commercial areas with no residential nearby. Please don't.

Lorcher: No. That's not appropriate. We will ask you to leave if you cannot conduct yourself in a public meeting. Commissioner Perreault.

Perreault: Thank you. Are you prepared to turn customers away if the traffic flows out

onto Lost Rapids?

T.Smith: We certainly will not allow that to happen. If there starts to be congestion, yes, we would take action as necessary and our -- again our associates are -- are highly experienced in handling that in a manner that still serves the customer well and now this is the fourth store in Treasure Valley. There are certainly options. Certainly, if I saw a problem or -- or a long line I might choose to go to a different In-N-Out myself, which is -- that's five minutes away or whatever the case might be. But that will definitely be handled so that those impacts don't occur. And our stack demonstrates consistent with our existing queue data -- data that we have observed, that we have plenty of room to manage that, so that will not happen and this site is so large -- again, we could add additional stacks in there if we had to and still keep the -- the flow on site and probably get in the neighborhood of 72 plus cars on there if we had to. We have an extraordinary amount.

T.Smith: Madam Chair?

Lorcher: Oh. Commissioner Smith, I -- yeah. Would you like -- have a question for the applicant?

Smith: Yeah, I heard this a couple times now. It's not quite making sense to me. This idea that because there are other In-N-Outs in the area there are other options. You know, this -- the idea of leveling out. It -- it seems like the argument is almost that these In-N-Outs are going to be cannibalizing kind of traffic from each other. Now, I -- I mean I'm not -- I'm not -- I don't want the financial analysis, but that doesn't seem like that would make sense to me for In-N-Out to want to put something here if it's going to be more operating costs for the same amount of customers. So, there surely will be more customers net in In-N-Out's plan based on this. I'm just curious is there any -- the -- the application -- you -- you're referring to kind of this idea of leveling out from one site to another. Has there been any analysis of that actually having happened of a new site coming in near another site and what the aggregate kind of traffic to both of them has been. Obviously it's not going to be one to one, but it wouldn't make sense for there to be no additional, you know, sales made for In-N-Out to want to put a store here. So, I am just confused at what that kind of talking is.

T.Smith: Yeah. So, the point of that is, for example, when we opened Meridian in December and for the first several months what did that look like? How busy was that? Then we opened Boise. Meridian -- those lines, while still busy, softened. Boise opening was nowhere close to the Meridian opening. Nowhere close. And it was very manageable. Nampa same thing. And so when what I'm talking about leveling, it's getting down to more typical business and drive-through queuing; right? It's -- it's not like it -- when we had the one store and the line was 60, 70, 80 cars and things like that. So, as we added stores you can see that our operations now are normalizing to more typical -- typical drive-through queuing, which is, for example, like the 30 car average queue that we saw at Meridian now. Still very busy, but still within very manageable levels that we can easily manage on site -- on site and that will have very -- no -- no impacts to the

roadways or the access or those kinds of things and so the leveling I'm talking about is just getting down to normal queuing that's easily managed on site, which makes this a good fit.

Lorcher: Commissioner Smith.

Smith: Madam Chair?

Lorcher: Go ahead.

Smith: So, just say as a -- as a follow up, I mean -- so, don't tell anyone, but I'm originally from southern California, so I enjoy In-N-Out quite a bit to be -- to be really candid. But I have been personally in line for, you know, almost an hour at a -- at the location when I know there is five or so locations nearby and they have all been there for -- for five years or so. Is -- is your application -- is part of your planning and your strategy contingent upon this idea that there will be leveling off and, if so, if that doesn't happen, what -- what approaches are you going to take to mitigate that if -- if that leveling off doesn't happen. You know, if -- if it looks more like it does in California than in Nampa. I'm just a little bit confused about that.

T.Smith: No, it's not contingent on that. The point we are making is, though, it's -- we have designed the site to handle the capacity that this site is going to have and we can keep it on site and the site is so significantly larger with more parking, more space, and available queuing capacities that it far exceeds what's expected to be at this store and we can handle even beyond what our current stores in Idaho are showing at their peaks and so we don't -- we will manage that there won't be any off-site complications.

Lorcher: Commissioner Smith.

Smith: That -- that's good for now. Thank you.

Lorcher: Okay. Thank you very much.

T.Smith: Thank you.

Lorcher: Madam Clerk, we will start with the public testimony and before you call the first name I would like everybody to know that all the Commissioners present, including Commissioner Smith, have read through all of the public comments. We have read all of them, including the gentleman who had 161 pages. So, we are very familiar with the comments that have been made and we -- you know, we are well versed and you are -- the people who are for and not in support of this project. So, keep that in mind that we hear you, we understand, we have heard the written -- we have read all the written comments. So, with that in mind this -- the information that you are bringing -- you have your right to have a public -- this is a public hearing, you have a right to come forward. We love to hear from you. And if you have some new information we would love to hear it. So, Madam Clerk, with that in mind who would like to testify first?

Lomeli: Madam Chair, the first person I have is Dianne Hough. She has a presentation and a handout. I do have a question for you. She has indicated she is representing Bainbridge's HOA. However, others have indicated they are representing Bainbridge. Would you like for me to provide them all ten minutes or how would you like to proceed with that?

Lorcher: What is her position?

Lomeli: She would have to speak to that.

Lorcher: What is your position? Got it. Okay. So, you are not part of the HOA and so who -- is the president of the HOA here tonight?

Lomeli: Madam Chair, yes. I have Wade Ramsey that has signed up.

Lorcher: And where is Wade? Wade, do you have permission from your HOA to speak on their behalf or are you here to speak for yourself? Okay. And you're okay with that? Okay. Can we call Wade first then?

Lomeli: Yes. Madam Chair, Wade does have a presentation.

Ramsey: Will you drive that or do I need to? Will you drive that presentation or do I need to? Okay.

Lorcher: The arrows work better than the mouse. And if you can come closer to the microphone and state your name and address for the record.

Ramsey: Sorry. My name is Wade Ramsey and I live at 4013 West Lost Rapid. I'm trying to get to the presentation.

Lomeli: Madam Chair?

Ramsey: It's labeled his Bainbridge Ramsey is what is was labeled as.

Lorcher: So, Mr. Ramsey, you are representing your HOA and your community?

Ramsey: Yeah.

Lorcher: You will have ten minutes to speak.

Ramsey: Thank you. So, my name is Wade Ramsey. I live at 4013 West Lost Rapids in the Bainbridge Subdivision. I am the elected board president of the Bainbridge Homeowners Association and I'm here representing 572 homes or about 1,200 voters that live in our community. The attached map you see there of the area will help clarify where I imagine most of the people in this room are from. The orange star in the center there is the In-N-Out location. Bainbridge is the largest on the map that is bound by Ten

Mile, Chinden, Lost Rapids and Tree Farm. The other representative communities of Cadence and Olivia are also labeled here. I won't speak for Rick and Bri Jones for their respective communities, but for Bainbridge residents we are almost unanimous in our position to this location for In-N-Out. Late last year we conducted our normal annual survey of our membership, but included a question about the potential In-N-Out plan, because it had been rumored at that point. Eighty percent of our respondents voiced opposition to this location at the time and 13 percent voiced some level of support. Come to find out 80 percent may be low and I will show you how we know that. Over the last few weeks I went through every public comment submitted to the city for you to consider. Go to the next slide if I can here.

Lorcher: Try your arrow buttons.

Ramsey: My arrow button doesn't seem to work.

Lorcher: That was my secret special --

Ramsey: There you go.

Lorcher: Okay.

Ramsey: This is a zoomed out version of where the responses were from. Here is the feedback map. As of 3:30 today there were 264 unique submitted comments and they are running 74-26 against this proposal. That's slightly updated numbers from this slide, but the percentages haven't changed. The red are -- are folks opposed to this specific location and in green are the folks who submitted comments in general support of In-N-Out. This is a zoomed out view that's roughly the bounds of Meridian. I will point out that the green supporters are primarily in a confined area and almost none of them nearby this location. There is five In-N-Out supporters that aren't shown in Kuna, Star and Nampa. More than that in a moment. But let's do that. This is the area involved. Looking at the feedback addresses on this map that's 96 percent of that feedback is negative that we do not support this location. I will offer a couple notes. About a dozen of the supporter letters didn't provide addresses, so they couldn't be mapped. The vast majority of those supporter locations as you saw are almost certainly the product of perhaps paid boarded or canvassers that we have heard In-N-Out hired to -- to find supporters. Not only are they all in the same general area, but the e-mails are all very similar as you saw. They mentioned In-N-Out has great quality food, is great for late night workers and don't -- they don't think traffic -- that they won't deal with, of course, isn't going to be a problem. They are hand signed, as if the person was handed a letter to sign at their front door and about half scribbled their address or a phone number. Several of the names are different and the phone numbers are the same. Two of the supporters told me verbally that they have been offered coupons in exchange for signing their letter. Almost all were submitted in batches in person here at City Hall instead of an e-mail of the comment. Only one supporter of In-N-Out wanted this specific location. One. And he wanted it because it was close enough for him to walk there. That's it. Everybody else was supported -- supportive of a general store in northwest Meridian and I will tell you I think most of us

are fine with a store in north -- northwest Meridian. It's very important that you understand that point. Our opposition is about this location. We don't oppose In-N-Out in a different location. We have no comment on the quality of their food. That's fine. There are locations available -- a lot of locations available for them a mile or less in every direction but this one. Those locations offer better traffic infrastructure with no neighborhood impacts. This location is our issue. A location at Orchard Park or Scheels, for example, keeps all the supporters very happy, those green houses, and makes all the red houses happy. A fast food restaurant of this traffic volume open after midnight inundates the surrounding homes with light, drive-through speakers, idling cars and the general noise and light involved until the employees leave an hour after closing. Your own staff report highlights these concerns as reason to deny this proposal outright. Lest you believe In-N-Out skewed data that the traffic won't be that bad, let me point out a data point one of our members discovered. There is a trade publication called QSR. In 2022 it highlights the fact that the industry average for fast food visits is 121,000 people a store. For In-N-Out the -- the industry leader, it is 700,000. Not 121,000, 700,000. That's six times the national average. We have worked together with Planning and Zoning over the -- over the years to ensure that Costco and the other businesses that developed there that are finished and quiet by midnight. Costco twice has verified that to the CUP. We have worked with Burger King and all the others to make sure they are closed and finished by midnight. That it is dark and quiet in the middle of our neighborhoods and In-N-Out active until 2:00 a.m. undermines those efforts and our hard work over the last few years of our partnership. By the way, there are eight drive-throughs right now in that area and the ninth will be Pollo Loco or whatever that's supposed to show up on the north side. The biggest problem for this location is unique to In-N-Out and the reason we are all here and I will show you the next slide here. In-N-Out paid for a traffic study that compares this residential location with 20 California stores. Twenty. All on interstates or big box shopping mall areas and I don't mean big box like a Costco, I mean big box locations -- all of them have big box locations like the Home Depot and a grocery store or a Walmart or a Lowe's or a Costco. Multiples of those. None of them are anywhere close to this residential density or these -- these traffic choke points. Most of my numbers here are transplants looking to flee that sort of traffic and yet their own traffic study concedes that there is barely the infrastructure for their anticipated volumes once normal operations resume, meaning after the chaos and volume of the new store settles down. That still hasn't happened at The Village in 17 months. In-N-Out's traffic study looked at one location on this map, the infrastructure at Lost Rapids in the blue sign arrow on your -- on your screen. That one intersection is where they look for data and they have looked in early December. By conducting a traffic study in December they picked the least busy time of the year right there. The study entirely ignores the several traffic choke points shown as yellow arrows just 650 feet north of that and 200 feet west of that intersection of Lost Rapids. Those are the choke points where traffic will end up being the most congested, not the intersection. It ignores the fact that there were afternoon school bus stops -- school bus stops for all ages less than 500 feet away. The study ignores along Lost Rapids or Keith Bird Park right in the middle of the map -- notice the paint there. That is 1,200 feet away on Lost Rapids. For eight months a year from 4:00 o'clock until 8:00 p.m., four or five nights a week, prime drive-through time for dinner, that is effectively a one lane street. It's not supposed to be, but is a one lane street because of activities in

Keith Bird Park where people park in both by -- bi-planes on each side. It ignores there is a common space whiffle ball field 750 feet away -- that's the yellow triangle -- from where In-N-Out wants to go. That's middle school kids playing right there. The traffic study ignores the location -- that it's one mile from Rocky Mountain High School and just over two miles from Owyhee. In-N-Out will be a destination of choice for those kids on a quick lunch break and we all know how attentive those careful drivers are speeding through neighborhoods to get to and from lunch between classes. It ignores for eight months a year Heroes Park which is close to 600 -- as close as 600 feet away is used every weekend and multiple evenings a week for youth athletics like soccer and lacrosse tournaments. That's frequently 700 to 800 cars and 1,500 people at Heroes Park. Both church parking lots on Ten Mile, Costco, and every side street within walking distance has a car parked on it for those uses. The expanded parking lot of Heroes Park last year made those events larger and cover more days. So, the overall effect is worse, not better. Their traffic study pronounces the left turn lane on Ten Mile, that blue arrow again, as suitable for ten vehicles to turn onto Lost Rapids and that's sufficient. As everyone in this room can attest, multiple times a today that lane is backed on to Ten Mile -- is over a dozen cars waiting to turn left.

Lorcher: You have to wrap up.

Ramsey: Okay. It certainly ignores the issue you're going to deal with at next month's meeting for Darrow Park where you are going to dump 300 houses there at Moteo -- Milano Drive. Each of those reasons are alone to deny this permit. Some of those are reasons the city staff report urges you to deny this ask. At a minimum, as the report requests, there must be an actual traffic study completed. We do not need more drive-throughs here. For all those reasons we ask you to continue to support our neighborhood on this most critical issue. Vote no.

Lorcher: Thank you very much.

Ramsey: Thank you. Do you want me to exit out of this? Oh. You will do that? Thank you.

Lorcher: Okay. Thank you. I would like to hear from the HOAs first, because that might collectively incorporate a lot of the people here. Do we have another HOA person?

Lomeli: Madam Chair, yes, we do. I have Mike Gallenstein for Spurwing.

Lorcher: You're only representing yourself? Okay.

Lomeli: Madam Chair, I have several people that have signed up for Cadence HOA. I'm not sure who their president -- or who would be representing for them.

Lorcher: Are you representing the community? And anybody from Cadence, they give permission to do that? Okay. Ms. Brick Oliver. Okay. Madam Chair, she has a presentation as well.

Lorcher: While they are queuing that up, can you give your name and address for the record, please?

Oliver: Good evening. My name is Brick Oliver -- is this -- can I --

Lorcher: Either one. So, just get really close.

Lomeli: Madam Chair, my apologies. She has a handout as well, so I will hand that to --

Lorcher: Okay.

Oliver: It can just go up on the screen. Oh. For that -- oh, for the border. Sorry. My name is Brick Oliver. I live at 3879 West Silver River Lane.

Lorcher: And you represent?

Oliver: Cadence at Bainbridge HOA.

Lorcher: And that's the 55 community?

Oliver: Yes, it is.

Lorcher: Okay.

Oliver: 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. There must be at least 155 and up homeowner -- homeowners and other household members must be over 18. Our neighborhood is located west of Costco in the Olivia apartments across Lost Rapids from Bainbridge and the Keith Bird Legacy Park and along the south side of Chinden Boulevard. The association understands that drive-throughs require a conditional use permit and, in fact, this location is no stranger to drive-throughs. As you have heard already tonight there are about to be eight drive-throughs on that location near Costco. The In-N-Out proposal had come up with 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. It was obvious, then, that this was a very bad and unpopular proposal. I felt that before I could properly represent the Cadence residents I needed to know how they felt about the proposal to build an In-N-Out restaurant that will essentially come into a part of our largely residential neighborhood. So, a survey was sent to every household and in discussing survey results it's important to note that many of our residents reside elsewhere for parts of the year. Also some responses represented individuals and some represented the household. There were three questions. One, do you support the proposal to allow In-N-Out to build a drive-through restaurant on the corner of Ten Mile and Lost Rapids? Two. Would you be attending the P&Z meeting currently scheduled for April 3rd. Obviously, it's been rescheduled. At 6:00 p.m. Three. Will you be speaking at the Planning and Zoning

meeting on April 3rd? I also ask for comments. I received 51 responses. Again, responses could have represented more than one person. Ninety-eight percent of the responses were opposed to the In-N-Out proposal. The comments were unanimously negative and often with repeated themes. Ridiculous. Too congested. Traffic nightmare. Horrific backup of traffic. Can't believe it's even a consideration. Light pollution. Safety issues. Accidents with cars exiting. Kids on the sidewalk have almost been hit. Costco is enough of a burden to local traffic. Will another traffic study be done or will the city rely on the study paid for by In-N-Out? Although the site is zoned as commercial, In-N-Out traffic and hours are not a good fit. I could go on. However, I will let the Cadence residents who are signed up to speak here tonight do so for themselves. Many of us moved to Cadence because we have children and grandchildren living in the area. This proposal gives us concerns for their safety while playing and driving in the area. There is a church directly across the street from the proposed site. I don't know how to get the arrow working.

Lorcher: Try up and down.

Oliver: Okay. Yeah. So, here is the proposed site and here is the church.

Lorcher: Okay.

Oliver: I wanted to use this graphic because I feel like it more represents our neighborhood than the fuzzy gray ones that In-N-Out provided. I find it stunning -- oh, I'm sorry. There is a very actively used park a couple of blocks away that Wade talked about. Kids playing soccer and basketball. Walkers and dog groups. There are school bus stops on Lost Rapids near the park. There are bike lanes on both sides of Lost Rapids. 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. Next my presentation turns to the findings that the plan -- the Planning and Zoning Commission is required for each conditional use permit. Specifically Meridian City Code 11-5B-6.E. It states that the Commission shall -- shall base its determination and find, first of all, that the site is large enough to accommodate the proposed use. In-N-Out is not a typical drive-through. We have seen the popularity of its In-N-Out with its opening at The Village and that opening raises significant concerns for the neighborhood because of the noise and congestion In-N-Out will bring. The site is too small. I heard that it's very very large, but if you just kind of -- I don't -- if it's large enough, I will accept that, but it's going to be a mess for the traffic on Ten Mile and West Lost Rapids. The proposed site -- number two. The proposed site use will be harmonious with the Meridian Comprehensive Plan and I cannot speak to that. Number three. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood. The In-N-Out is not compatible with other uses in the neighborhood and will adversely change our neighborhood. Number four. That the proposed site will not adversely affect other property in the vicinity. Parking anywhere near this site will be impacted. Also there will be fast food trash left behind everywhere. Number five. That the proposed site use will be served adequately by essential public facilities and services. We believe that the In-N-Out traffic will spill

over into already busy public streets. The existing configuration of turn lanes on Chinden Boulevard and West Lost Rapids should be deemed inadequate. Number six. That the proposed site will not create excessive additional costs for public facilities and services. We feel In-N-Out's hours of operation will be detrimental to the community. Number seven. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, et cetera. Our response is that In-N-Out will bring excessive traffic noise, fumes and odors to the neighborhood. While we have been accepting of the commercial uses adjacent to our neighborhood, In-N-Out's popularity and excessive draw will be detrimental to the residents that use Lost Rapids and Ten Mile Road. We ask that the Planning and Zoning Committee deny the application, because the conditional use cannot comply with the required findings number one, three, four, five, six and seven. Thank you for giving me the opportunity to speak tonight. And in closing, please, don't let this be the entrance to our neighborhood.

Lorcher: Commissioners, do you have any questions for Ms. Olivia -- Oliver?

Perreault: Madam Chair?

Lorcher: Yeah. Commissioner Perreault.

Perreault: Thank you. I don't have any questions. I just have a -- a statement if that's okay.

Lorcher: Uh-huh.

Perreault: I just want to clarify when we talk about traffic studies, the city does not determine that a study is required. That is the Ada County Highway District. The city has no ability to set conditions with regard to traffic, turn lanes, anything along those lines. The city can -- can share with the commissioners what the -- the highway district is requiring, they can help answer questions for us, but ultimately this city has -- has no decision making ability in that regard. So, I have seen that come across a lot of the statements and even the -- even the applicant had said something to that -- you know, that the city didn't require a traffic study. The city is not the one that makes that decision. The second thing I want to say is we realize this is a highly emotional decision and that this really affects your daily lives, but the high emotion can sometimes be a bit challenging as we are making this decision, because our goal is to be as objective as possible as -- as we have to -- to take into consideration what city code is and we take into consideration a variety of other factors. So, we understand that. But if we could keep some -- some of the clapping and whatnot to a minimum it would be really actually helpful for us. Thank you.

Lorcher: Thank you. Madam Clerk, are there any other HOA representatives?

Lomeli: Madam Chair, I have a William -- forgive me for pronouncing this incorrectly -- Riley for Irvine Meadows. If you would like to represent --

Lorcher: Is there anybody here? Okay.

Lomeli: Madam Chair, we also have a Bri Jones with property management Aurora Living -- Aura Living.

Lorcher: Are you here to represent your group or yourself? Okay. And they have given you permission to do so? All right. And, I'm sorry, I didn't catch your name again.

Jones: It's Bri Jones.

Lorcher: Can you talk into the microphone just --

Jones: It's Bri Jones.

Lorcher: And your address?

Jones: 3400 West Lost Rapids Drive.

Lorcher: And what group are you representing?

Jones: Aura Living with Olivia Apartments and Townhomes.

Lorcher: Okay.

Jones: I'm the property manager for the company.

Lorcher: Okay. Go ahead.

Jones: Okay. Just to -- obviously you have heard quite a bit about the traffic. I would like to speak specifically about our property in our community. One thing that I have not heard come up is the construction during this time. I personally was in a construction trailer on that lot in May of 2022 to October of 2022 while we were building Olivia Apartments. We did have two entrances, one for us to use for our prospects coming into that lot so that they could come into the -- the trailer with us and, then, the second was for the construction crews coming in and out with their trucks. That did cause quite a lot of congestion on that road and, I apologize, there doesn't seem to be a name for that road. I'm not speaking on Lost Rapids, I'm speaking on the road connected to Costco. So, coming in and out of that lot -- and, mind you, there wasn't, you know, a -- a main infrastructure for that, it was just some metal ramps, but it did cause quite a bit of construction issues getting in and out of there, having to cause traffic to get those semis through that area and so, personally, I have seen what that construction looks like. Once we open and we have been open since August of '22 is when we opened our first building and have been occupied since. That road does still get congestion every once in a while. We also do see semis that like to park on that road and we are unsure where they are coming from, so already that brings it down to one lane and that's not speaking on the --

the construction that may come with that and we are aware that, obviously, at some point they are going to put something there, so no matter what that will be an issue for later dates as well. But to speak on that traffic, that is our main concern is there is a secondary entrance on that side and so for our residents being able to come in and out of that side entrance is going to be more difficult. The other part of that that I would like to speak on for our community is we have got at least 21 units that will be facing directly into that -- that lot there and so for us being open at 1:30 to 2:00 in the morning is going to cause a lot of light pollution and noise pollution into those homes and some of those apartments are directly facing it, meaning that their bedrooms, their living rooms, their kitchens are directly facing that lot and, again, not to say that there isn't going to be something there, it's more so the hours of operation being open as late as they will be that is a concern for us. We also were opposed when Costco came up and tried to open their hours of delivery. So, we were part of that communication and making sure that that didn't go through, because of having residents right there and so for us if In-N-Out is to open those hours of operation and their delivery's up, it would be -- it would make sense for Costco to, then, you know, reapproach that subject of trying to open those hours up again as well and so for us in our community that would mean we have potentially two businesses directly next to us trying to open hours of delivery at 2:00 to 5:0 o'clock in the morning, which can be a huge disruption to all of those residents that live in those homes. We have 102 apartments total. Over 200 residents. Over 80 animals. And so for us the just day-to-day traffic is a concern, even just walking around with their animals and with their children of what that traffic may look like and part of that is on Lost Rapids right at the main entrance of Olivia Apartments there is a bus stop that comes twice a day and so for us it would just be a concern as well that that traffic is going to get more intense with those bus pickups, as well as making sure the safety of those kiddos trying to get out of the bus and so for us, again, just to recap, it's going to be the light and sound issues coming from In-N-Out at those later hours in the day. It sounds like they are parking, which was one of our concerns, does seem to be pretty appropriate for that size. So, really, it's just going to be the congestion on that road and the sound and light and in those longer hours for all of our residents in that home and that's all I have.

Lorcher: Okay. Commissioners, any questions for Bri? Thank you very much.

Jones: Thank you.

Lomeli: Madam Chair, no one else has indicated they are representing an HOA. Would you like me to start with Dianne?

Lorcher: Go ahead and start at the top of the list.

Lomeli: Okay. We have Dianne Hough that has a handout and a presentation.

Hough: I was just going to stick to my presentation and I can't, because I have to refute Todd Smith's representation about a few things.

Lorcher: If you can give your name and address for the record.

Hough: I apologize. I'm just nervous. I'll get out. I don't run an HOA. I just have a home.

Lorcher: You're okay.

Hough: Okay. My name is Dianne Hough and I live 5876 North Vicenza Avenue in Bainbridge.

Lorcher: Okay.

Hough: Is it inappropriate to refute some of the things that were said earlier at this --

Lorcher: You may say whatever you would like to.

Hough: Okay. I will talk fast I know.

Lorcher: You have three minutes. Okay. Okay. It is -- in my opinion when they say parking is there and they did so much with their parking on their lot, that doesn't address traffic and traffic is what we are opposed to. Okay? Forty-six cars driving through the drive-through and all of that, it creates a lot of pollution. Somebody should be addressing that issue in of itself, because our neighborhoods are right there. I'm thrilled that Olivia is here, because, guess what, that little tiny road, it's just a two lane that pulls into to -- to Costco, there are within -- the -- the -- the -- on either side there are apartments that look right down on the In-N-Out. That was not really presented well. But that's the truth. And so, anyway, the fact that Highway 16 will relieve all this congestion that we are experiencing, I call bullshit on that one. I don't know if that's fair. But it won't. It won't. We live there. We know what's happening and Highway 16 is a different animal and it takes people out further into the valley out to Emmett and all of that. So -- so that's our main thing. But let me just hit had a few high points if you have my presentation up.

Lorcher: Yes. We have it in our hands.

Hough: Okay.

Lorcher: And I think she also has it on the screen. So, if you wanted to --

Hough: Okay. Let me just see if I can get this up and down things to work now. I'm kind of settling down. So, up and down. Down. Down. Down. Up. Up. Okay. Here we go. So, I -- I just had a cover letter that I put in with my presentation, primarily for your consideration. Oh. Go back. I'm sorry. But the one -- the areas I wanted to highlight -- is it still jumping around?

Lorcher: You can go ahead and speak with it. We have it in our hands here.

Hough: Okay. But the area that is highlighted, the thing that I want to actually -- let's see if this is the area where -- oh. Let's go on up. Oh, I'm using the screen.

Lorcher: We are little old school here.

Hough: I'm sorry. I'm sorry. Go -- go the other way. I guess the up arrow is really moving downward. Okay. Okay. We will slow down here. Okay. Oh. Well, you can tell I'm not a pro with this. Okay. Ten Mile and Lost Rapids. That was -- was what was considered in the traffic thing. But that was from an evaluation that was done for this project in 2017. Do you know what's happened in that area since 2017? That's the one they used and it's in their document. So, let's see if I go -- okay. Will go on down. So, to me that is a real red flag of a little bit of deception truthfully and -- but that's my opinion.

Lorcher: If you could just wrap up that would be great.

Hough: Oh, gosh. Well, then, let's get down to the pictures of our beautiful community. We will do it really fast. This -- well, they are not coming out very -- are they coming out better to the audience? Because I -- they are pretty blacked here, but it was a rainy day, but this is our activity in our interior part in Bainbridge and -- and I go on to tell you that the day that these were taken we had three flag football teams practicing. We had -- and all the parking lots were full that are provided by us. We have 24 parking slots, plus two handicapped and they were full. So, it falls out into the neighborhood and up -- please go up. I would just as soon talk to this thing see if it works.

Lorcher: Right. I need you to finish up. There is a lot of people that --

Hough: Okay. Okay. So -- so, my -- the reason for me really needing to speak, although I'm not a great speaker, is that we have -- the park is the heart of our neighborhood and we have lots and lots of activities going on, including dog training lessons twice a week and these kids practicing their sports in our neighborhood twice a week and all of that and so I feel this has been ignored somewhat -- not by you, but understanding that all of those houses have been built in this neighborhood. Bainbridge was -- the sign of Bainbridge came up first, so we all jumped in to that and bought homes there, as many as -- you know. And, then, it grew up to a huge number.

Lorcher: I do need you to finish.

Hough: Okay. So, I guess all I want to say is please don't let them ruin our neighborhood. Please.

Lorcher: All right. Thank you. Madam Clerk?

Lomeli: Madam Clerk, we have John Wheeler. He had a presentation as well.

Wheeler: I'm John Wheeler, 6175 North Vicenza Lane, Meridian. I'm one of those folks in that cluster of houses that you saw when the Brick was up talking about the Bainbridge community. We live right next door to Costco and so forth. So, I'm a regular user of these roads. I would ask you to put up figure -- figure two. It seems to me that the -- and you have my -- I'm not going to read my comments. You have those. I have concluded that

this study had a fatal flaw and that is it totally failed to consider -- and now I can't find it. Totally -- there we go. Totally failed to consider this intersection on the road -- there is a road that comes up on the -- between the apartments and this -- this lot --

Lorcher: Right.

Wheeler: -- up from Lost Rapids, goes up -- on up into Costco. It also services a number of businesses that are alongside on the -- on the east side and, then, gets up to the elephant in the room, which is Costco. It -- that -- that's the whole -- that's the south entrance into the -- into Costco and so it's a major major access road and there -- there is nothing in the study about that at all. The existing traffic is such that all of that traffic going to Costco, to the businesses to -- that are on the pad to the east, going up to the gas station and so forth, all come up that road. Now, that -- that would be just fine by itself. The problem is that -- and I have got this circled at the top of the exhibit -- or the figure two. I have got a circle of an intersection that -- that is an access road coming in from Ten Mile and it intersects with this north-south access road. At that intersection you have got a stop sign that stops the north -- north going traffic and, then, on the other side of the south traffic. There is no sign for the traffic coming in off of Ten Mile. So, what happens is -- and this -- this is current. This is without -- that's my -- my audience. So, there is a -- there is -- there no stop sign there and I suspect the reason is because it's only about 200 feet from north -- from the Ten Mile to this intersection. So, if you had a stop sign you -- you would have backup onto Ten Mile. So, that traffic comes in. At the current time that -- most of that all turns right and goes up to Costco. Okay? What -- that's the current context. And then -- and this -- a number of people have alluded to -- and your staff did -- but, incidentally, ditto all your remarks. I -- I really appreciate those. That traffic going up turning to the right means that you can get -- you can -- with -- the traffic coming south is able to come around and make a -- make their left turn going out to Ten Mile or they can go straight. The people going north sitting at that stop sign, when that stuff's coming in off of Ten Mile -- when that's coming in off Ten Mile you have no time to get out there. If you eventually just hold your breath and, then, take off and try to work yourself into a gap someplace in the traffic. Now, that's the existing -- that's the existing traffic.

Lorcher: I need you to finish up, please.

Wheeler: Now -- yeah. I will. Go to -- go to number six. The -- the study says that 26 percent of the traffic for that -- for In-N-Out is going to come through that intersection going in and out. Now, I submit to you that what will happen is -- because that traffic now has to go to the left. That means the people coming north on that road are completely blocked and the people trying to turn to the -- out to -- that go the other direction are also completely blocked. You will have absolute gridlock. So, enough said on that. I strongly urge that you deny this. We agree with the staff.

Lorcher: Thank you very much. Madam Clerk?

Lomeli: Thank you, Madam Chair. The next person up we have is Bob Hough.

Lorcher: We are not going to do this in the public meeting, please. Go ahead.

Lomeli: Bob has a presentation as well.

B.Hough: My name is Bob Hough. I live at 5876 North Vicenza, just down the street from this gentleman, and I hate to say that he stole all my go-to points. So, I -- I won't take up anymore time. I had a better picture, but --

Lorcher: Okay.

Hough: But the -- the study did the -- the north -- the Ten Mile and the intersection it ignored the access roads as he pointed out and with the addition of two new driveways and clamping down on -- in the Cafe Rio, those businesses only have one exit and one entry point that's right next to In-N-Out. Anyway, there can be a lot of congestion. The left turn at the intersection of the access road for east-west and Ten Mile is a dangerous one. Who hasn't had a truck pull up next to them and block -- block your vision to the right, now I don't know whether I'm making a safe left turn or not. The congestion at that in -- inside intersection is exactly as he -- as he said and there is a lot of people that come down Lost Rapids and they have flunked turn signal school, so you never know whether they are going to go straight or come in and that's a congestion point, too. So, the study ignored all those things saying there is not going to be impact on the surrounding areas is a much of -- or as my wife says, BS, and I thank you very much for your consideration.

Lorcher: Thank you. For this evening we have heard quite a bit on the access roads and traffic and I -- I think we understand that. We will continue to go through the names. So, if there is something more to -- to respect your time this evening, if we have got something different to add to that, I don't think we need to belittle the point of traffic unless you really wouldn't like to have your say. So, with that, Madam Clerk, who is next to speak?

Lomeli: Thank you, Madam Chair. I have Val Daigle and he has a handout.

Lorcher: Okay. If you can state your name and address for the record that would be great.

Daigle: My name is -- my name is Val Daigle. I live at 4134 West Lost Rapids Drive and what you were passed out is -- my nine year old granddaughter's computer was down, so she had to resort to hand drawn issues.

Lorcher: Well, she did a great job.

Daigle: In essence it was just all covered about the access road going north and south and you will see those are indicated with red arrows.

Lorcher: Uh-huh.

Daigle: And the second page is just kind of a zoom on that. Well, what I would really like

to speak to is my first-hand knowledge and experience 30 years ago with In-N-Out going in in San Diego and I watched it, it went in in an identical location. A corner lot with a strip center shopping area that had restaurants, had a VA building, a dog grooming, everything. The -- when they -- when they built it -- if you can picture Lost Rapids on the south and Ten Mile on the east, that's the same layout -- pardon me.

Lorcher: We will get that later.

Daigle: Same layout of -- of what we have here and what happens is -- what has happened -- when they constructed it the traffic backed up coming out of In-N-Out. All of the people trying to get -- they had an ingress and an egress, just like we do here, and the traffic came out, it backed up the ingress, so that you were down to one lane and all cars trying to ingress and egress were using that single lane and it backed up out onto the public road, i.e., Lost Rapids and back out and that's what we are going to see here. Thank you.

Lorcher: Thank you.

Daigle: Do I have any time left?

Lorcher: She already reset the clock. Madam Clerk.

Lomeli: Thank you, Madam Chair. I have Donald Dalton and he has a handout.

Dalton: Don Dalton. I live at 4057 Lost Rapids Drive. I wasn't intending to speak tonight, but my wife put this together and ran it over and I think it addresses all the same issues that everybody's talked about tonight. Traffic concerns. Traffic study. I don't think is really going to prepare us for what's going to happen with In-N-Out here and a concern I have is it's going to devalue house properties around here. It's got to affect property values because of all the traffic and noise and I wonder what these guys driving these trucks delivering to In-N-Out -- I mean to Costco are going to stop and get their hamburger, so where are they going to park those trucks? They are going to be doing that. You know that. So, that's about all I have to say. That's my concern. So, traffic and property values and the kids at the park -- in the park across the streets there are going to be kids wanting to come and get those burgers after those games as well, too, so it's a problem, so -- thank you.

Lorcher: Thank you very much. Madam Clerk?

Lomeli: Madam Chair, we have Richard Arani.

Lorcher: Richard, are you good? Okay. Thank you for being here.

Lomeli: Next is Bill Beye, I believe. B-e-y-e.

Beye: Good evening.

Lorcher: Have to get very close to the microphone and if you can state your name and address for the record.

Beye: I shall. My name is Bill Beye.

Lorcher: Thank you.

Beye: I reside at 6264 North Bolsena Road, Meridian. Running the realm of redundancy, but I will tell you for 46 years I was a 12 unit Arby's franchisee, 270 employees. I was in the industry. I am not an antagonist. In-N-Out Burger is a fantastic concept. I'm one of their primary customers. However, having been said, this -- this site is not advisable for their location. I will simplify it. The surrounding arterials are not capable of handling the car load for the drive-through and the walk-in that they will generate. I would love to see In-N-Out Burger in Meridian, but not at that location. The first presentation was full of positive research and knowledge, but as we go down the road, we are getting into redundancy. Arterials cannot handle the load period. Thank you for your attention.

Lorcher: Thank you. Madam Clerk.

Lomeli: Madam Chair, I have Sean Sherman.

Sherman: Yeah. Sean Sherman. 3400 West Lost Rapids Drive. So, I just want to start by saying thank you, Commissioners, for letting us speak today at this public hearing. It definitely helps out, just hearing the public speak like this on this issue. But just like you Commissioner Smith, I grew up in southern California as well. In-N-Out was the -- the definitely go to spot for me -- for me and my friends are growing up. Love going there all the time. And I, actually, grew up less than an hour away from Baldwin Park and, then, the Air Force decided to move me here to Boise area not so long ago and was through the roof excited to hear about an In-N-Out in the area. Unfortunately, this proposed site is a no go. This -- this is not where we should be building In-N-Out, mainly because, like I said, going into the redundancy of the traffic, the traffic zone -- excuse me. The traffic zone, especially with Costco being right there and the amount of traffic that I see, I am actually one of the 20 units that Bri brought up earlier that faces that proposed site and I see traffic all the time coming in through In-N-Out and that road right there in between the proposed site and if this goes through it's -- simply put it's going to be a ridiculous mess. Again, not going to go into the whole -- whole lot of that. And, then, also going into the -- the hours. Them being open to 1:00 a.m. -- 1:30 a.m., it's just not feasible for the people that live in those units, because people are shift workers, people need their sleep to carry out essential jobs, and, of course, myself being Air Force, my fiancée is an essential -- essential healthcare worker. So, she -- she needs her sleep. I need my sleep. We -- we can't be getting that done by simply having someplace -- someplace open that's going to be open until 1:30 in the morning. Pretty much it. Thank you for your time.

Lorcher: Thank you very much. Madam Clerk?

Lomeli: Madam Chair, I have Clayton McCormick.

McCormick: So, it's Clayton McCormick. I live on 6014 North Ten Mile.

Lorcher: Uh-huh.

McCormick: So, it -- traffic has been talked about, but for me it's really the noise. So, I live like directly east of the proposed site. I don't know if there is a map up there, but like 200 feet of our property line is 40 yards away.

Lorcher: Okay.

McCormick: His bedrooms, 54 yards away, as best as I can tell, and I think while I understand the zoning idea, it is -- it's actually very quiet by 11:00 p.m. and so it -- you wouldn't think that based on the area, but completely quiets down. Every night at 11:15 we hear Cafe Rio empty their -- they drag a big cart across the parking lot and it's loud. Wakes us up almost every night. And so it's -- I think it's just a different perspective to say in this conditional use permit, you know, the -- it's -- what's the intent of that and in this particular case Costco, what's the first thing they did when they asked for reduced hours, is they said, well, we want to go outside that. So, in -- in -- in terms of In-N-Out, I fully expect a restaurant, other commercial place to be across the road. We love the Chocolate Factory. It's right across the road, too. But just something that's more reasonable. So, I think it's just really the noise -- the noise aspect of it for us. I just speak for -- just for us, but it's definitely -- it's -- it's actually a quiet area, quieter than you would think, especially with the hours of Costco. So, yeah, that's it.

Lorcher: Thank you very much.

Lomeli: Madam Chair, we have Pat Catanzaro. I apologize if I'm pronouncing that incorrectly.

Catanzaro: My name is Pat Catanzaro and I live in 5884 North Carlese Avenue in Bainbridge. I'm not going to give my original presentation, because a lot of it would be repeat. But -- and I -- and I also don't speak extemporaneously and I'm very nervous right now, so excuse me. I would have to ask the question -- you said City of Meridian doesn't do the traffic study, Ada County does. Why isn't Ada county doing one? We are all saying the same thing. It's going to be horrendous traffic. So, how do we get Ada county to do one? No thoughts on that?

Lorcher: Well, we are -- this is kind of a one way. So, you give us your --

Catanzaro: Okay.

Lorcher: -- public testimony and -- and we listen -- we listen and during our comments we will address the Ada county.

Catanzaro: Okay.

Lorcher: So, this is your time to speak.

Catanzaro: Okay.

Lorcher: And, then, when we have our discussion we will address that. But go -- go ahead.

Catanzaro: Okay. So, I will go a little bit further than other people have as far as the -- where Lost Rapids has an ingress and egress to the Costco --

Lorcher: Uh-huh.

Catanzaro: -- is where the In-N-Out is going to be. If they -- please don't do that. But if they do I have to say at this point right now, when I drive that street several times a day, I can already see there is going to need to be a light there. There is another light, what, a hundred yards away. Is that even allowed? Like -- need to think about that. I don't -- somebody needs to understand that already it kind of needs one, because that guy that said you just close your eyes and, you know, fly out and hope you make it, it's already like that. And as much -- let me see. Okay. As much as the -- the In-N-Out fellow said that we don't abut a neighborhood -- is that what he said? We are a neighborhood and there is several neighborhoods and just for a minute I would like for all of you to join me and imagining an In-N-Out at the -- at the entrance to your subdivision or on your street operating until late at night and clogging up the road you and your neighbors use to enter and exit the subdivision. Or even worse some of the In-N-Out customers might figure out that there is a shortcut through your neighborhood to where they need to go, causing increased traffic through your neighborhood and since they don't really care about your houses and your kids, they are probably sailing by your house ten to 15 miles above the speed limit. If this is a scenario that would make you uncomfortable if it happened in your neighborhood, then, please, don't make it happen in mine.

Lorcher: Thank you.

Lomeli: Madam Chair, the next person is Dianne West.

West: Dianne West. 5986 North Exeter Avenue in Bainbridge. The file that I have given you is -- that I took from the Idaho Department of Transportation highway safety dashboard database and just to be quick in my three minutes, you can see in 2020 there were no serious injury or fatalities at the intersection of Chinden and Ten Mile, Chinden and Tree Farm, Chinden and the little business entrance by Costco and the other drive-throughs, the Ten Mile little business entrance that people talked about earlier that has the stop signs and the Ten Mile Lost Rapids, 2020 no serious and no fatalities. 2021 five serious. 2022 one fatality. So, these numbers, even though it says five, they weren't all five serious. There was at least one serious in there. One fatality. You get the idea on how much the traffic flow of people trying to get in and out of that corner has just exploded

and these are just the reported. It's not all the fender benders and everything else. These are the ones they got reported. So, there is that information and those are the maps that I got that data from for that table. So, just to reiterate some of the other points that we have two high schools within two miles with new drivers that are getting their learners permits and coming here at lunch and we know how many accidents have happened along McMillan since Owyhee opened. They talked about normalizing the traffic flow that In-N-Out knows what they are doing, their people know how to do it and, Commissioner Smith, I also moved here in 1998 from California and I go to California often enough to know that I still go there and the traffic is out on the streets and those guys are out there like it a Dutch Brothers taking your orders and whatever and you are still sitting 45 minutes in line and the traffic is all the way out to the street. So, I'm not sure everybody knows how to normalize an In-N-Out and whether or not that's really true or not. You talked about distribution center hours and a lot of times the distribution centers -- I was in the food industry -- the distribution center hours vary on how many stops they have to make. So, there is no way to say, depending on how many restaurants are in the area and how they expand, how those hours of distribution are going to fluctuate. Sure, they are 4:00 a.m., but is that 4:00 a.m. for Meridian? Is that 4:00 a.m. for Boise? Is that for 4:00 for Nampa? And where do the other restaurants fit in in that timeline? I was confused about something that the In-N-Out representative said with -- that -- that only Costco abuts their business and that the code doesn't apply because there is no residences and, I don't know, maybe he hasn't been out there -- and, then, he also probably hasn't been to Meridian, because he said you can always choose another In-N-Out five minutes away and that's not how traffic works in Meridian. If you are going to go to The Village from that location, it's going to be 30 minutes away. Nampa is 30 minutes away. Going to the mall is 30, 45 minutes away and also in support of our neighbors that are there, slamming doors, loud music, loitering, everything else that goes on at 1:00 a.m.

Lorcher: Thank you.

West: Thank you.

Lorcher: Madam Clerk.

Lomeli: Madam Chair, I have Mike Gallenstein.

Gallenstein: Hello. My name is Mike Gallenstein. I live at 6784 Topaz Jewel Place in Meridian. I'm actually in the development of Spurwing Greens Masters Association. We had a recent annual meeting at the end of March. I was a former officer of the HOA. The discussion of In-N-Out came up during that meeting and there was quite a bit of dissent among the attendees relative to the In-N-Out proposal and I just want to convey that I believe, although I cannot represent the HOA officially, I can indicate that I think that mobilization from -- to Spurwing Greens would be mobilized to -- in opposition of this proposal. As many -- many people have said, In-N-Out Burger makes a great product, but they have a traffic problem. Like the commissioner -- and probably a few people here -- I also was from California and to cut it short, they have a poor track record. I can list off six to half a dozen places right now and I have been to the Baldwin Park location. It

has a traffic problem. It overflows into the main street that goes by there and the third point I would like to make is one thing that really has been brought up, particularly for locations like this that have after hours, it does require additional police patrols. You draw traffic from -- particularly with your open be more extended hours. It does draw traffic from outside the area, because that's a known place after hours to go eat and so from my experience in California with In-N-Out it did require additional police patrols and other -- not only to manage some of the traffic accidents that arise, but also just the -- the general traffic. Plus I think the police like to eat there. But, anyway, those are three things for consideration. Thank you very much for your time allowing everybody adequate time to present their views. We really appreciate that.

Lorcher: Thank you.

Lomeli: Madam Chair, we have Steve Lozano.

Lozano: Steve Lozano. 2727 West Lost Rapids. So, a lot of the points were driven by - it looks like a Bainbridge president. Really good points. I actually live on the east side of Ten Mile and even though I'm not, you know, right next to it, we right now have traffic problems. It -- it's crazy. The -- I live right off -- right where -- right here in this area right -- vicinity right here. So, you have the high school students that live -- or -- there are -- on the east side, right, of this subdivision. They use this street as a corridor. I mean during lunch In-N-Out, In-N-Out and like it was the point that was driven, they are not considering -- I mean they speed right through it and this has been an issue since we have lived there that my wife and -- and, then, including soccer folks coming -- speeding through there and running the -- the stop sign in the corner, because it's only a two -- a one-way stop. So, my wife has gone out there to, you know, record this, to bring it to the city, like we have to try to do something. So, I was on there -- our Lochsa Falls HOA before and I did have studies done on Lost Rapids, Long Lake and Caves Creek and Caves Creek -- I mean they were going like almost 40 and it -- it met all the criteria to put speed bumps and they were going to send out the survey for -- to have the neighborhoods around that area -- or the homeowners sign to put the speed bumps. Well, because they -- Ada County Highway District couldn't figure out the new taxing system, they never sent it out and we have to start over. So, that was -- that was like three years ago. Lost Rapids -- we were like four cars -- by four cars they wouldn't put a speed bump in there and, then, Long Lake -- there is an elementary school there and you have got people going 40 through there. Even during school hours people have almost run over kids when the buses have their stop signs and not to mention on Lost Rapids and Wolf Rapids where - I kind of live by Heroes Park -- that area as well there is a bus stop right there as well. So, all that -- it -- it gets busy, you know, with -- especially during the soccer season -- really busy and it's just been a pain since we have lived there. And, then, recently like my wife where she was recording some of the kids, you have some of these high school students come back and curse at her. Why are you recording me? I mean it was pretty bad this type of stuff going on. We have called PD a couple times, but -- I mean there is -- the resources are not there. So, are they going to be here if In-N-Out goes there? There -- there is simply the -- the City of Meridian does not have the resources. They don't have it in Ada County Highway District and they don't have it in -- in the city. A

couple more points. The gentleman brought up a couple points about data analysis that they did in modeling. He kind of reminded me -- I don't know if anyone watched it -- Sully in the movie. Tom Hanks. They said we had all these models and, you know, you didn't follow a procedure. They didn't account for human factor and that's exactly what they are doing. They got all this data modeling and they are not accounting for any of this human factor here, traffic or anything. Thank you.

Lorcher: Thank you.

Lomeli: Madam Chair, I have Jeff Wertz.

Wertz: Madam Commissioner, Members of the Commission, my name is Jeff Wertz. I live at 5780 North Bolsena and I would urge that you deny the petitioner's application in its entirety for the following reasons -- not to mention what's been said before, but if you should approve the change in hours, then, what is to stop all the other -- as -- as the businesses from changing their hours and so you just -- you just unleash something. My wife and I spent considerable amount of time visiting all the In-N-Outs. Not eating. We would just take our dog for a ride at night or during the day and we watched the traffic. We went to the one at the mall and watched that. We went to the one over in Nampa and that was a zoo getting in and out of there. And, then, of course, the one we drive by all the time at the -- downtown there. But this is what we noticed. It's not residential. It's all business around there. There is plenty of room to expand. The cars can go -- they never get backed up, because there is always some place for them to go. This location has nowhere for them to go. You have one access in and out and that's all you have. So, when it backs up and it will back up. My question to you, if you approve this, is what is the solution to the problem? How are you going to fix it? There is no fix for it. The only fix is to deny it in its entirety and never let it get started. That would be my suggestion and I hope that you agree with it, because if you don't and you allow In-N-Out to create that drive-through and change those hours -- I don't live next door to it, so I can't say, but I -- I wouldn't like it if I did. But if you allow them to do that, you can't turn back time, you cannot deny, cannot change it, it's done and it's over. It will be a problem. That's -- that's guaranteed. Anyway, I thank you very much for your time.

Lorcher: Thank you.

Wertz: Thank you.

Lorcher: It is almost 8:30. We have been doing this for over an hour. We are going to take a five minute break to kind of regroup, restroom break, whatever you might need. So, let's regroup again at 8:35, Madam Clerk. Thanks.

(Recess: 8:28 p.m. to 8:36 p.m.)

Lorcher: Okay. We still have some more public testimony. We would like everybody to be able to have their say if they choose to. Thank you for allowing us to have a break. The clerk will call names. All right. Madam Clerk, we finished up with Jeff and who was

next?

Lomeli: Thank you, Madam Chair. I have Becca Gulden.

Lorcher: I'm sorry, what was the name?

Lomeli: Becca Gulden.

Gulden: Thank you. I'm Becca Gulden. 5772 North Calcutta Avenue. As you can see I have three children and I will try to keep this brief. Honestly, I don't feel that this particular restaurant is congruent for the community. There is a true risk and safety factor and, yes, you know, they just displayed high quality service, high quality food. That's not the problem. We appreciate the restaurant in the state. It's wonderful. However, I do not believe that it makes sense in this current location that they have spotted out and I believe it belongs somewhere else that will not impact the community in such a negative way. I do want to point out, without being contentious, but, honestly, the -- the facts that were presented, there were some gray areas and there were some honest factors of wiggle room for operating hours and that is a true concern of mine and so I just wanted to point that out, that there isn't just a straight yes or no or this is what will be done. So, I just wanted to let that be known. And thank you.

Lorcher: Thank you very much.

Lomeli: Madam Chair, I have Robyn Sellers. Robyn Sellers.

Sellers: Good evening. Robyn Sellers. I live at 2355 West Grassybranch in Meridian. I am the economic development director for the city of Nampa and here to talk on behalf of our experience in the city of Nampa with In-N-Out in that location. This was the third location that In-N-Out put in in the Treasure Valley and we had many neighbors and citizens at that location and also city employees who did not like the location that it went into, but our experience with working with In-N-Out with our planning and zoning and, then, all of our city staff to be able to make that site work with In-N-Out was incredible to work with. The site there is 1.4 acres and so much smaller than what you have there. On our opening week our highest queue was 60 cars in the drive-through. And, then, there is much -- much less parking at the site number in Nampa. We do not have residential that abuts that, but we have many many businesses that are in that area working with those neighbors to make a traffic plan. I -- one of the things at our city level is we have really worked with them on -- and they worked so well to create a traffic plan for those opening weeks and on the following weeks, making sure that if the queuing got off they responded very very quickly and -- and they have an opening team that that's what they do. So, our experience is you guys have a Village, our experience on a much smaller site closer to what this site is. It worked really well. We also had worked with our police department to be able to make sure that that worked and just wanted to say that that experience with In-N-Out at the Nampa site at a third location, the opening week and a half, two weeks was quite busy and, then, it did level out. We do have peak times where we do have more people there, like a Friday -- Friday night and a Saturday out by that

Costco that's in Nampa. So, I do live really close to this In-N-Out, too. This does affect me. I live in Bridgetower. It's not right in my neighborhood, but we are -- we are excited for another opportunity to have an In-N-Out here. So, thank you.

Lorcher: Thank you very much.

Lomeli: Madam Chair, the next person is Jonathan Walker.

Walker: Good evening. Jonathan Walker. 4102 West Silver River Street. I have some -- please pull up the traffic study for me. This isn't going to specifically about traffic, it's going to be about queueing lengths and how they are measured. While he is pulling that up, I will go ahead and read -- a quote on page 22 of the study. It states that the 85th percentile is the design standard typically used in the traffic engineering profession for evaluation of on-site development operations, such as parking and drive-through queueing and that's from the applicant's material.

Lorcher: And where is this traffic study from?

Walker: This is the -- the traffic study provided by the applicant.

Lorcher: Okay.

Walker: It's -- it's not this one. It's going to be -- I think that's page 20 -- like page 25. Right there. Okay. Right up there. Okay. So, this is the -- from what I understand this is -- this is the study that was conducted for the queue length, the robust study that was done was talked about by the applicant about the traffic during the busy holiday season. First thing I want you to notice is if you actually look at the details -- and I think you got to look at it further on down the page, the study actually only consisted of two days, one week day and one weekend day and that's where all of this data comes from that they are using on the lines. Second of all if you go ahead and you look at the -- the -- oh, if you just go over there. Okay. So, you have the observed queue length vehicles, you have the average, the 85th percentile and the 95th percentile. We heard the applicant talk about the 95th percentile and he said so, you know, the -- the 95th percentile on a weekend was 46 cars. That's the max. That's what's it going to be. But if you look at the 85th percentile we see it's 44 cars and from the applicant's own material on page 22 it states that the 85th percentile is what is generally used to create the queue length and judging by -- and this is not even on like a Memorial Day weekend or a busy holiday season, this was December 5th and December 7th respectively that these numbers were there. So, judging by what I read on page 22 and what I see here, the basic queue length should be 44 vehicles and it's not that. It's 29. Could we go to the one with the overflow and the fire lane now -- or the escape lane? This is what it would look like with that full amount of cars. You see up there on the left side on the west side of the driveway right there. That is what it would be with 50 vehicles and that's just on an average Saturday in December, not a Memorial Day weekend, not a very busy day, not a holiday weekend and where are those cars going to go? We talked about an escape lane for someone that forgot their wallet, something like that, but it's also for safety reasons in case of an

emergency. The escape lane that I see on here -- and maybe I'm wrong -- but it goes up the right side, nothing on the south, nothing on the west and the reason this speaks specifically to the heart of the issue here tonight is if you scroll this up a little bit, if I can see the top of the page -- could I just finish this point -- is this goes right to the heart of the issue is this is not only less than 300 feet away from the next drive-through, it's almost touching it. You don't have a reasonable escape lane that covers the whole property and by giving them the CUP is going to create a safety issue and that is directly to the issue of why those municipal codes exist and they will be touching, there is no reasonable escape lane for all these vehicles that by their own study or what should be used. Thank you.

Lorcher: Thank you.

Lomeli: Madam Chair, I have a Kim Smith or a Kerry Smith possibly. Okay. Next we have signed up as Robin Friehling -- thank you.

Friehling: Hi. My name is Robin Friehling and I live at 5698 North Calcutta in Bainbridge. I want to make a point about safety that will build on what Ms. Catanzaro said and also what Mrs. Gulden with the three kids. Said she lives three houses down from this. So, coming before this planning board in the near future is the Adjaro Subdivision project. Okay? If you look on the map and you see North Fairborn, the North Fairborn ends one the south side. There is currently a fence. If the Adjaro Subdivision is approved that fence will be removed. If you go up north they are one. When you go around the curve at the top you end up on West Wolf Rapids. You can't see it, it's not marked, but there is a space going out to Lost Rapids that's the continuation of North Calcutta. As was discussed, if the traffic backs up on North Ten Mile and the idea that you can fit ten cars in that turn lane, I come home from Boise every day from work up North Ten Mile, make that left, I would have to stop in the left-hand lane to inch up to get in there to fit ten cars. So, what will happen if it is approved is that people will start making the left turn into Adjaro, figure out that Fairborn opens up, go up Fairborn, come around the curve, which we already have a problem where people come around it too quickly and the people coming in from North Calcutta making the left on Wolf Rapids have to be very careful not to have the head on and so we would have people who aren't familiar with the community coming up that road. They are exiting out that little extension of North Calcutta, to the right, to get to Costco, In-N-Out, et cetera. The other thing to note is between Vanderbilt, which isn't marked, it's on the opposite side of where you see West Wolf Rapids, that's Vanderbilt, is where our community pool is, as well as a small playground. There are a number of young children on my street North Calcutta, the Golden kids being among them and on North Fairborn. There is a tremendous amount of traffic of kids coming across to go to the park, to go to the pool. People are not familiar with that. They cut through that development, there are kids all over the place. When I come home I come around that corner without my foot on the gas, because I know there are so many kids running across the street. The last place is -- excuse me -- where West Vanderbilt comes into North Fairborn, Vanderbilt being the unmarked street, our mailbox bank is right there on the left-hand side, so most times during -- coming from work, going to work, people are pulled over to get their mail out of the community mailbox. So, now you have a space that's not

really sufficient for two way traffic. So, it's a problem the way we have been looking at the traffic, but there is an extended view of a problem likely to occur. Thank you.

Lorcher: Thank you.

Lomeli: Madam Chair, we have a Marcello White, I believe.

Lorcher: Okay.

Lomeli: Sean Sundwall.

Sundwall: I'm a little nervous to give my address out, because I'm actually for this project. Sean Sundwall. 5462 North Assisi. I'm in the Bridgetower West community, which abuts Bainbridge. I served on city council in a small town in western Washington for four years. I -- I -- the -- the thing is is people who are for stuff don't come. They just don't come and when I hear 80 percent of 40 percent of an HOA, that's not -- that's not a good sample. You guys can't base a decision on 40 percent of respondents in a -- in a community, the same community where three people filed a lawsuit after you guys approved Costco. So, there is a serious case of NIMBY here and it's concerning. So, I have three -- I have three teenage boys at home. In-N-Out -- they happen to be from southern California. In-N-Out is a great employer for youth. We have talked about all the high school traffic. Yes, the high school drivers are sucky -- I'm an insurance agent. They are sucky. Okay? It doesn't mean we don't build stuff because they suck. So, Thad, who might be watching, wants to work there. Okay. He will probably ride his bike to go work there. They give a good wage. They hire -- they hire people at 15 and a half, I believe. So, I think it's great for our youth. It was also mentioned earlier it's a great place to hang out for youth. How many of those places do we have? The three banks that are on that block? The 73 chicken restaurants that are there? So, I would also say that the best thing that this city can do for safety on Lost Rapids is take it -- the three dozen cars that are parked twice a week on both sides where it says no parking, it is very difficult to get through there. You can't ride your bike. You have to be on the sidewalk. That's what I would like to see. What else? And having been on -- on -- on a city council before and I don't know, you know, the chief -- the city attorney, I would be concerned -- it feels like In-N-Out has met all the legal requirements for this. I don't know if the word is entitlement, but I feel like they have done that and I would be concerned if I was a city about being sued by In-N-Out and I wish they would, because I'm a huge -- I'm a huge proponent of this project. Do I wish that -- what I will call Costco Boulevard was wider? Of course I do. We go to Costco four times a week. Yeah, I wish that was wider. Maybe that could be incorporated in their plan to cut out a little of the 2.2 acres and widen that a little bit. That might be an option. But I am a supporter and when I go best sit -- sit back down I will be a very lone man. Thank you.

Lorcher: Thank you.

Lomeli: Madam Chair, if I'm reading this correctly, I believe it's Maritza Gardner.

Gardner: Good evening. My name is Maritza Gardner. I reside at 6590 North Spindrift Way out of Spurwing, out of Chinden and Ten Mile. I'm not going to go over what I prepared here, because it will be redundant. Everybody has covered most of the points. I do have a side note and is the fact that since we moved here three years ago from south Florida and we came here to retire to have an area that could be quieter, safer, less traffic with better quality of life and that's the reason why you moved to Meridian. Another thing that I wanted -- and it looks like is not happening that way, it's growing way too much for us, but on a side note, I feel that Meridian has too many fast food restaurants. We call it, between me and my husband and our friends, the fast food capital of Idaho. From Cloverdale to Ten Mile, all of them are fast food places. There is no quality of restaurants. There is no quality of food. I would not call In-N-Out a restaurant, I would call it a fast food establishment. I don't consider -- I don't consider a burger and French fries as a high quality meal. I have never been to In-N-Out and I want to keep it that way, but I would like for you -- and I plead to you as the zoning and planning committee to not only consider the fact that perhaps this establishment and this proposal meets all the zoning requirements, we need to look at the impact of this in the community. All the other In-N-Outs that I have seen are in mainly business areas. This is the one that has mainly neighborhoods and we are in -- right in the middle of this and perhaps it may not affect any of you, because you don't live near the area. So, approving or disapproving may not affect you, but it will affect the quality of life and the safety of the residents and I will plead to you please to consider the sentiment, the opposition that has been expressed by most of the people here, which are the residents here in Meridian. Perhaps there is another area that In-N-Out can consider that may not have this negative impact on the neighborhood and I -- please please please -- I think it's also part of your responsibility to consider the negative impact of construction and the growth, especially this type of establishments in the neighborhood and I think this is going to be negative to the quality and -- quality of life and the safety of the residents. Thank you for your time.

Lorcher: Thank you.

Lomeli: Madam Chair, I have Jason and/or Lindsay Poyser. I don't know if they both would like to come up. There are on the same line or -- she can speak to that.

Poyser: Hello. My name is Lindsay Poyser. I live at 3805 West Renhold Drive in Meridian. I'm part of Bainbridge as well. I am one of those southern California transplants from three years ago. We moved with our twin daughters up here, two and a half -- three years ago because we -- our house in California backed up to a -- a shopping center and in that shopping center was homeless people. There were gunshot incidences. We lived next door to a registered sex offender that was released on early release, so we did not bring our politics with us, but that being said with the growth and income of people to that area, the park is of Keith Bird is my main concern, because my kids go there on a daily basis to play and we moved up here for the safety, so that we can raise our girls and give them the best chance possible and having -- having an In-N-Out, while it would be great to be able to walk there, because we do go there. In fact, my mom went to high school with the original founding fathers of In-N-Out in California. So, that being said, though, is the location of this project. It's so -- and the kind of people that it would draw not only to

the traffic, but to the park. People like to go and eat and sit in their cars and kind of tailgate and that would be an issue for the safety.

Lorcher: Thank you.

Lomeli: Madam Chair, did Jason want to speak? Thank you.

Lorcher: Okay.

Lomeli: The next person is Todd Nunn.

Lorcher: Okay.

Lomeli: I have next, Dwight and Kathy Comstock. I don't know if they would both like to come up.

Lorcher: Okay.

Lomeli: Michael McAllister.

McAllister: Good evening. Thank you. Michael McAllister at 5733 North Levenham Avenue in Bainbridge. We moved here almost five years ago. We love the area. I understand there is growth. It's going to happen. It's coming. But I think what we need to look at in this area is smart growth. Just because some place is zoned for a specific type of business doesn't necessarily mean that that's the best fit for the neighborhood. The 2.2 acres in there I'm sure we could find other uses, such maybe as like a UPS type store, a hair or nail place, a small breakfast location, a health food store. It seems like Meridian is becoming nothing but fast food and I think we need to really look at that type of stuff of how we are going to take care of things in the future. Obviously, the traffic is a big issue and I don't want to get into that, because that's been beat up all night long on that. But I really would think that In-N-Out would be much better off like in WinCo, by Linder Avenue where that's set up for that, maybe out on Ten Mile by 84, somewhere in those locations that are big, there is no houses nearby, and they are set up for that type of operation. That's all I had to say. Thanks.

Lorcher: Thank you.

Lomeli: Madam Chair, I have Dale Draney.

Draney: Thank you. I would like to speak to the business and --

Lorcher: If you could just say your address also and your full name for the record.

Draney: Dale Draney. A live at 3447 West Wolf Rapids Drive.

Lorcher: Thank you.

Draney: And that's right at the end of Calcutta, right adjacent to Lost Rapids. I'm about a hundred yards or less from this site you're talking to -- talking about. I got a couple issues about the traffic that I think has been overlooked. One -- may not be a big major one, but if you look at this -- the apartment on R-40.

Lorcher: Uh-huh.

Draney: Okay? I walk all the time right through the middle of those apartments. They have a walkway, so you can go right into Costco. Three hundred steps and I'm in their front door. Anyway, if you're coming down that access road down towards the church from Costco --

Lorcher: Uh-huh.

Draney: -- and if you block that access road this lot for this restaurant will force traffic in the emergency road that goes right into those apartments. I have driven through it in the last week, because the traffic builds up here at a stop sign and you can't get out. So, you have a tendency to just turn there and drive through the apartments and come right out their entrance. What's going to stop that? You're going to have a problem there. And the other thing that I think about is if you're out RV'ing with a 30 foot trailer in the mountains or whatever and -- or a camp trailer, motorcycle trailer, and you come in here and you want to go to the In-N-Out Burger, you're going to look at that church parking lot right across the street and that's where you are going to park. You are going to pull in there. I see big trucks pull in there all the time to unload their equipment to go do projects in around our community. People are going to stop there and, then, you are going to have people crossing that road and there is people making the left-hand turns there and going like crazy down Lost Rapids. So, I'm a little concerned about use of that property for a lot of people that can't get in and maneuver their RVs. Now, I have an RV and I -- I do not take it into the Costco parking lot, because it's jammed full. So, my point here would be that you got two businesses here that want to occupy this corner that are pretty much massive. You got Costco that's a -- a -- a shopper's magnet, Costco is the number one retailer in the world today. Every retailer -- every new retailer wants to be beside Costco. It is the volume that it creates. I'm an investor in Costco and they are so sure that their growth is happening so rapidly that they announce their volume monthly. They don't wait for the quarter. Okay? So, here is one point about this. The gentleman that come up here and talked about this earlier said that, well, we will open this In-N-Out Burger and, then, as the months go by volume will slow down, it will, you know, get normal. Well, I came from the retail industry. I have worked for thousand store chains, managed many stores, worked in the corporate offices. I have never been in an executive meeting where anybody stood up and said, well, we are going to open this brand new store. Say the store manager was talking and says -- and I will make sure that in two or three months it doesn't do that much volume anymore. That guy would lose his job. He would -- that just doesn't happen in retail. We are talking about a 1.8 billion dollar privately owned company out of California. Costco has the desire for that -- that major growth. I would predict that in -- in five years I think they will outgrow this site. I have watched Costco before and

they did this in Clackamas, Oregon. They had to move. The site wasn't big enough anymore. I go over -- I walk over there all the time. I don't drive my car, because it's so congested and anyway --

Lorcher: Okay. I will have you wrap up. Thank you.

Draney: Okay. Well, anyway, that's pretty much my point that both of these chains are having major growth, tremendous growth, customer magnet and Costco and a car magnet In-N-Out Burger, I ate at it one day at The Village, there weren't more than ten people inside the restaurant, but the cars were lined up around the parking lot. Okay? So --

Lorcher: Thank you.

Draney: -- don't tell me the growth is going to go down.

Lorcher: Thanks.

Lomeli: Madam Chair, I have Sue Olwick.

Lorcher: Okay.

Lomeli: Carsten White.

Lorcher: Okay.

Lomeli: I have Barry Steets. Mike A. Madam Chair, that's all that I have for sign -- signing up. Those last names that I listed were online sign-ins and nobody on Zoom is raising their hand.

Lorcher: Okay. Is there anybody in Chambers that would like to speak? This gentleman here.

Haenszel: My name is Brian Haenszel. 4192 West Sunny Cove in Bainbridge. Anyway, In-N-Out mentioned that Highway 16 would probably -- when it opens that it would probably reduce traffic by a certain percentage. I don't know what it was. Twenty percent or whatever. If Highway 16 is going to suck 20 percent of the traffic away from this area, why don't they go ahead and build it over by Highway 16 and take care of business and maybe, you know, they could probably get an extra five acres over there. Also, you know, it was also mentioned Orchard Park, 84 and Ten Mile, or that corner at the -- at the corner of -- southwest corner of McMillan and Ten Mile. That place has been vacant for quite a while and I'm not sure how many acres is there, but, you know, they got signals there, too. So, I noticed on the zoning area there that In-N-Out did not show a sidewalk on that side of that unnamed street that goes into Costco and so there is no sidewalk over on that side of the road either for pedestrian and is there a cycling lane for people on bikes? The lighting issue, staying open until 1:00 in the morning with their amazing sign all night lit up and I think the last time during conversation with In-N-Out they were planning on

having that lit 24 hours and, then, can you imagine being a resident in the area and all night that invention of the two way speaker. Welcome to In-N-Out Burger. Can I take your order? I urge the city to deny this and have them open it in a different location. That would be fabulous. The residents who live in that area do not need the dumpsters at all hours of the night or the deliveries that are supposedly operated by In-N-Out, why can't they tell their delivery people to show up at 10:00 o'clock in the morning instead of at 4:00 o'clock in the morning. If it's -- if there -- if it's their employees and their delivery people they should have the power. Anyway, I urge you guys to deny this. Thank you.

Lorcher: Thank you. Anybody else in Chambers? Sir.

Minor: My name is Joseph Minor. I live at 3939 West Sunny Cove and one thing that hasn't been addressed and I'm curious about is the number of employees that are on site at any given time and where will those employees park? Will they occupy some of the 52 parking places in the parking lot or will they park at Costco or at the church or will they take the bus, you know? Just curious.

Lorcher: Okay. Well, we will address that with the applicant. Thank you. Anybody else in Chambers? Sir?

Ferguson: Hello. Yes. I'm James Ferguson, part of Bainbridge. 3629 West Renhold Drive. So, yeah, a lot of these things have -- a lot has been talked about. I strongly urge you to oppose this situation. Mainly off of safety. Not safety necessarily for just adults, but for the children. If you look at the -- there was a -- a diagram up there earlier. If you look at the top right corner of that diagram you see a green -- big green spot. That's Willow Brook Elementary School. It's about 2,000 feet from the proposed site. Just southwest of that, about 2,000 feet of that proposed site, is Pleasant View Elementary School. A lot of kids there as well. Obviously just to the south -- southeast there is Heroes Park. People have talked about Heroes Park quite a bit. So, you have got three high density children-filled areas and I think that's what makes us so unique, Mr. In-N-Out guy, is that all your other places there that are here in the valley, they don't -- they don't have this criteria. It's different; right? Village. The lady that was here from Nampa talking how great it is. She -- she failed to mention that. There is not two elementary schools and a very popular park where there is thousands of these kids playing every month, they -- they -- they don't have that. So, like -- like the gentleman that -- he has left now, but the -- the -- the council member -- ex-council member guy from Washington, it's funny that he used to live in Washington, but now he is here. Why is he here? Because Meridian is a great place to be, because we care about our people, we care about our kids, we care about our safety. So -- so, why potentially diminish that; right? Everybody's come here tonight and talked about the safety concerns and we have tried to provide you guys with the insight we see every day. Every day. You guys need to see it. That's our job is to help you understand it; right? Because all you have seen from the other side of the party is -- is just some stuff on some paper. I don't think that guy spent any time from In-N-Out, you know, on a weekend or weekday -- I would be surprised. I would like to know an answer to that, actually, if he comes back up here when he is given the opportunity, I would like to know if he has spent time over there and -- and if so when and

how much time, because we spend our lives there and we get to see this day in and day out. So, they are -- they are trying to pitch a potential, you know, this is great, you know, let's do it, but they don't -- they don't have the insight, the day to day information. So, for me I think that's important that you guys are aware of that. Maybe you need to look further into it, because, you know, a lot of us -- what is giving our -- you know, let's say opinions. We don't have a lot of facts, although some of the people brought forth some -- I think Dianne -- Dianne brought some really good information about the traffic accidents in that intersection and it's -- it's -- they are -- they are very very consistent. I mean if you look into that I would -- I would heavily consider looking into that before you make a decision, because I got a feeling if you do look into that, you know, you will see that -- that it's already a mess and I -- as a parent I couldn't possibly let my kid ride his bike or skateboard past that intersection and feel comfortable about it. You know, we got 23 kids in our street within about a thousand feet of that proposed site, all under 11 years old. The bikes and the skateboards -- I think they need to be provided that -- that safe place to where they can, you know, grow and -- and be successful. So, thank you very much.

Lorcher: Thank you. Anyone else in Chambers that would like to speak? Madam Clerk, do we have anybody online?

Lomeli: Thank you, Madam Chair. No.

Lorcher: Okay. Would the applicant like to come back and address some of the concerns?

T.Smith: A couple of quick points. Our sign is never on 24 hours. We turn them off. Number two, employees, typically 12 to 15 employees work a shift and -- and, again, this location with 73 parking spaces has more than ample parking for employees, customers, and even overstack when necessary. There was a -- there was a lot of discussion about traffic and the traffic studies and so forth. I am going to -- going to invite Giancarlo Ganddini, the author of the study, to come up.

Lorcher: Hi. If you can just state your name and address for the record, please.

Ganddini: Giancarlo Ganddini. 555 Parkcenter Drive, Santa Ana, California. Good evening, Chair, Members of the Planning Commission. Thank you for the opportunity to speak this evening. I do you want to put on the record that I am offering my testimony tonight as a transportation professional and technical consulting on behalf of the applicant. I hold a traffic engineering license in the state of California as part of my qualifications to do this type of study. However, I'm not a registered professional engineer in the state of Idaho and my designation should not be taken as such. With that I would like to offer some -- you know, some clarification regarding the traffic study that was prepared, as I know that was a big part of the comments that we kept hearing tonight. I think as staff indicated earlier -- or it might have been one of the Commissioners, it's not necessarily the city that requires the study, that that would have been part of the Ada County Highway District. The official traffic study for the overall development, that's the 2017 study that was referenced throughout the evening, that's the official document that

more or less looked at the traffic impacts more comprehensively of a whole bunch of other intersections for the full build out of the shopping center and that's the official document. Our understanding as it was related to us for the reason that an updated study was not required was that document stands. The In-N-Out, then, at staff's suggestion, out of their own volition, went ahead and prepared a -- kind of a focused and updated version of that that was focused on the immediately adjacent intersection. Again, I believe with some feedback from city staff that was the main concern was the -- the intersection of Ten Mile and Lost Rapids and each of the -- the roadway segments that connect to that intersection, just kind of get some background as to how we arrived at that study area. The focused traffic analysis that we prepared essentially followed the same methodologies that the original study did for the overall shopping center. It was just updated traffic counts. We used trip generation data that's specific to In-N-Out, as opposed to typically would be done for trip generation rate for an average fast food restaurant, acknowledging that In-N-Out is a busy restaurant. It does have that data specific to In-N-Out based on what we have seen in another -- In-N-Out locations. That was added to the updated traffic counts that were collected in December 2024. With respect to the -- the CUP for the drive-through use, I did want to hopefully help clarify that. In terms of traffic generation, the ITE trip generation manual, which is kind of a standard document references to the volume of traffic that will be generated by different types of uses, doesn't really show a significant difference between with the drive-through or without a drive-through. The direct use is a little bit higher, about 3.7 percent for the daily period, but it's not a substantial number. Another point to may be help clarify kind of the scale of the traffic and what will be generated, some of the nuances, I guess, with trip generation and traffic, It's important to note that a lot of the -- when we look at the -- the evaluation of the trip forecasts that were made for In-N-Out that was added on top of the existing traffic counts, we were looking at just not one intersection and we added the full load of that. There is no credits there that are taken into account for the fact that some - a good percentage of those vehicles are what we refer to as pass-by trips and those would be cars that are already traveling on the roadway system. So, when you look at the report and you see, you know, whatever the number is for daily for generation, approximately half of those, about 50 percent, is usually comes from passed-by traffic, which are vehicles already on the streets today. So, just to kind of help put that into perspective in terms of the scale of the impact. So, with all that said, the -- the focused traffic analysis basically concludes that using updated traffic counts from 2024, plus the trips forecasted to be generated by In-N-Out specifically added on top of that, the intersection of Ten Mile and Lost Rapids, as well as those roadway segments connecting to it have sufficient capacity based on the ACHD standards and, then, the peak queuing can be accommodated on site and not just for kind of like an average In-N-Out restaurant, but specifically we did look at what was happening at the existing Meridian restaurant and are able to -- to conclude that the peak used observed there can be accommodated with the overflow plan on the site without impacting on site circulation or the off-site access point. So, with that I would be happy to answer any other specific questions you may have.

Lorcher: Commissioners, do we have any questions for our traffic study? Commissioner Rust.

Rust: Thank you, Madam Commissioner. One question. You mentioned that there is going to be some natural traffic that just turns into -- In-N-Out as a result of being in the area. Do you have a rough approximation of the percentage -- the overall percentage of vehicles that would participate there that would turn into an In-N-Out? By my calculations there are around 650 cars per day. Just taking back -- back of napkin math. What percentage of those are already going to be in the area according to your calculations?

Ganddini: Like I said, the -- in order to provide kind of a focus on just that immediately adjacent intersection, those pass-by trips may reroute a little bit instead of -- for example, instead of continuing southbound on Ten Mile through the intersection, they are now going to turn right. So, the analysis just looked at the full impact. I don't have -- the report itself doesn't have the site a percentage. The ITE trip generation manual, though, does have a handbook for fast food restaurants. On average, it's about 50 percent that would be pass-by trips during the peak hours.

Rust: In your expert opinion is that 50 percent figure generally accurate? I assume you do a fair amount of work with In-N-Out.

Ganddini: I don't have pass-by data specific to In-N-Out. When we go out and we do the surveys for trip generation we are just counting how many cars enter and exit the driveways. It's a fairly complicated process that and we have approach In-N-Out with. Effectively we have to contact -- make personal contact with every customer and ask them, you know, where were you going, were you already driving past the road? So, that level of analysis has not -- has not been completed.

Rust: Thank you.

Lorcher: Okay. Thank you very much.

Ganddini: Thank you.

Lorcher: I think you answered the employees -- where they are going to park question. I think there was also a question about sidewalk on that access road to Costco. Was that addressed at all for your landscaping and queue lanes? Is the -- is the design plan to include any additional sidewalks around the property?

T.Smith: We are definitely open to it. It's something that can work in -- in kind of a strange turn of events. Typically when we submit applications for use permits and so forth there is a review conducted and planning staff will have that interaction and start to discuss some of the design parameters and provide feedback or concerns and we will work through those concerns. That didn't happen at all --

Lorcher: Okay.

T.Smith: -- in this process. Very minimal comments came from the water department and we just resubmitted -- there were zero comments from planning staff and so forth. It

showed up in the staff report. It's a large site. I do believe that's something that we could accommodate potentially. We could look at the design and do that. Definitely open to -- to those recommendations. What were there other questions?

Lorcher: Yeah. There was also a few comments about that access road that Costco owns that goes from Lost Rapids to Costco; right? And that's the one that's on the site for Olivia. One gentleman made a comment would you consider making that road wider so that there is an additional turn lane in there.

T.Smith: Again, we are open to design discussions and conditions. If staff had wanted to engage with that we would listen and see what we can do. I don't know in terms of ownership and how that would work and so forth. There is impacts and restrictions there. To what we have the authority and ability to do definitely open and consider those options in design. Definitely. We want to improve the site and make it work for sure.

Lorcher: And the final one, the woman left who had asked about the Ada county traffic study, but you invited your traffic -- so I think that question had been answering and she left. So, if she's listening online or she can get some more information on that.

T.Smith: So, in speaking of ACHD and ITD, again, I would reiterate this -- this circulated to them. It's their highways, their roadways, and believe me we do it with every project. If they have concerns and issues they would comment. They did not comment on this when it circulated. Also just wanted to reiterate that we meet all the requirements. This is a C-G zone. It's a commercially zoned property. It's a -- it is -- that zoning is designed for drive-through uses. The original approval there contemplated drive-through uses and -- and it was approved with that in mind and drive-through uses are there now under the same conditions that we are applying for now. We are consistent with the zoning, the city code, the city requirements and In-N-Out, I have never seen a better company that goes to more lengths with more resources to ensure traffic management, on-site management, circulation, safety, and all of those things. We share those concerns. We definitely want to make sure it's -- it's a safe environment for everybody and, again, I would just invite you to consider known facts and evidence; right? Speculation and conjecture is hard for decision making. We have -- we -- we heard similar concerns about traffic at Nampa and -- and all the other sites and now what has transpired provides information and data for us and what we see is that the traffic problems that everyone was concerned about did not materialize and are not happening now. We have had people from Nampa and the Nampa police chief attest to that as well. I would also reiterate our other sites -- Nampa as 1.4 acres. Boise is a 0.85 acres site. Meridian store is -- currently operating at the Village is 1.2 acres. This is 2.2 acres. This has parking surplus and space surplus for us to manage those things and I just want to say, I really -- I -- you guys are dedicated to a long night and I really do appreciate your time and attention to the project and it is appreciated. Thank you very much.

Lorcher: Commissioners, any questions further for the applicant before we close the public hearing?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. One thing that I think is -- has been maybe a little under discussed, I know it came up as concerns was -- was hours; right? Hours of deliveries. Operating hours. I'm just curious -- and I'm going to put you on the spot, you know, not that this is a quiz or anything, but are you aware regarding limitations of hours of -- of other, you know, locations that operate perhaps with shorter hours, may be closer to 10:00 or 11:00, midnight, rather than going into 1:00 p.m. And also -- or -- and/or other locations that operate with smaller windows for deliveries and do you know if that's feasible?

R.Smith: As far as hours of operation for the stores, I don't -- there is no store that I know of at 10:00 or 11:00 and -- and I have heard there may be a midnight store close here or there. I can't attest to it for sure, but it -- it may have happened and it may have been agreed to at some point in time. The deliveries -- I -- again, I -- I will try to get that information. I -- but we are open to -- to delivery timelines as well that are -- like I said, I -- I just don't see 2:00 or 3:00 in the morning happening. I -- I will check with our other stores and just see how those logistics work out and I think that is something we could discuss.

Lorcher: All right. Thank you very much.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: Thank you. If my fellow Commissioners will bear with me, I -- I have some comments that I would like to share and -- if the applicant would like to respond to them, that -- I would appreciate that. So, I have been serving the city in a decision-making capacity for eight years and in all the applications that I have heard, which have been in the hundreds, I have never seen an applicant provide a statement that so strongly criticizes our staff and I don't know if this -- I didn't see his. If this just came today I did not see this in the packet. I don't understand why we are just receiving this this evening when the applicant's had plenty of time to review the staff report and make these comments. If -- if it was in there and I didn't see it I apologize in advance. So, I want to go through each one of these very briefly and make some comments in regard to the statements that were made regarding how the city has handled, the assessment of this and how the staff have handled it. First of all, when we mentioned the hours -- one more thing before I get into the specifics of this document. I want to say that, obviously, the purpose of the conditional use permit -- as you know, In-N-Out does this -- you -- you guys do this all the time -- is to give latitude to the decision makers that is outside of the specifics of the code and also the purpose of the comprehensive plan is to have some subjectivity to the decision in regard to realizing that not all code can -- can accurately address every single application and so our purpose here this evening is to do exactly that, is to -- to look at the conditional use and decide whether that fix -- fits for residents,

fits for the city and also fits within the comprehensive plan and the city zoning. So, we have multiple factors as you know. This is what you do. So, I just want to make that aware to the public, because it -- you keep stating, hey, we have met all these conditions and if it is that clean cut that would just be a staff level decision. We wouldn't have a public hearing, but it's just not that clean cut and that's what the purpose of the CUP is for. Okay. So, onto this document that you shared with us this evening. In terms of the hours of operation that zone, as we -- as staff stated, that zone is typically 6:00 a.m. to 11:00 p.m. and you had mentioned, well, technically it doesn't abut the property. However, I would argue that the access that goes into Costco is a driveway. It's not road. There is no sidewalks. There is no striping, there is no -- it's -- it's -- it's a driveway and if it's a driveway, then, yeah, it is abutting residential, because it's a driveway and so I disagree with the assessment that it isn't abutting the residential, because that's not a true road. If we said, yeah, there is a road that's -- that's 27 to 30 feet wide and it has bike lanes or -- or it has striping, okay, maybe -- maybe that's a -- you know, an argument that can be made. In this case I feel like that staff assessment appropriately represents the intent of the Comprehensive Plan, which is -- which is the area of our document that -- that oversees this requirement in terms of abutting the -- the neighboring property. The Comprehensive Plan purpose is for the -- the public to share with the city what they believe the city should do and how the city should approach the development of the community and in that regard I have to take into account that the Comprehensive Plan's purpose is to -- is to give us the -- the wishes of the public and if the Comprehensive Plan says we -- in the C-G zone we prefer that it be 6:00 until -- 6:00 a.m. to 11:00 p.m., I want to take that into account, because of the purpose of the Comprehensive Plan. The next thing I want to say is that you -- you had mentioned that the staff expressed vague concerns about the ability of the proposed 29 car stacking line to handle -- to handle customer traffic without obstruction of driveways, drive aisles and public right of way. Staff refers to this as a constrained site and, then, you go on to say that -- that staff is not making a correct assessment in regard to the stacking. If -- if this is a driveway, in my opinion it is, then, we are talking about obstruction of driveways. We are not just talking about stacking in that lane and so I do think staff appropriately addressed that. Does it mean that the conclusion is agreeable? I will -- I will -- I will finish up and you can -- you can answer. But I do think that they have some legitimacy in how they address that concern. Next I want to say that -- that I already addressed the city's limitations regarding creating conditions on traffic. We already talked about that. This document states that the staff analysis is opinion and conjecture and not supported at all by the facts or real world situations. I would like to say that not only do our planning director and Mr. Parsons live in the City of Meridian, but our planning director has been here for 20 years and he absolutely knows everything about real world -- real world situations in our city and I think it's -- I think it's unfortunate that a -- a company with the -- the culture that In-N-Out has has been so unkind and -- and critical of our staff who not only serve our city, they are very talented professionals and we have done thousands of applications. So, this isn't new to our staff and to say that they are responding to this with opinion and conjecture is -- is, frankly, unprofessional and -- and an undesirable. Just one more -- two more things very quickly. The conditions of approval not being included, personally, as a taxpayer, I would rather the city staff spend their time on -- working efficiently and not on -- not on work that may not even be required. It doesn't say anywhere that conditions won't be

created. It -- I understand that you would want to come and you would want to address those conditions. That's understandable. If -- if this Commission decides to approve this you will have that opportunity. Okay? The number of acres. This is my last point. The number of acres -- increasing the number of acreage doesn't necessarily make this a better site. Just because the acreage has been bigger, doesn't mean that this is the best location for it. So, I -- I just have kind of some challenge with the logic of that -- of that argument. Okay? It's not the city's responsibility to disprove -- you had stated why doesn't the city bring in studies, documents, facts to disprove your -- your argument. That -- the city's response -- is not responsible to disprove your argument as the applicant. It's the applicant's responsibility to prove that their project is something that fits our community. So, I wanted -- I wanted -- it was really important to me -- in -- in all the time I have done this I have never stated this to an applicant. I never said I think that your -- your -- that -- that the way that you are approaching our staff is -- is really unprofessional. So, this is a first for me and I have to say do better.

T.Smith: Well, a couple of things. I -- and I do appreciate -- and I have nothing but respect for the staff and I have been working with them for a year and one thing that was troubling was I did not get the staff report until two days ago and it's very difficult to come and prepare for a meeting. I have never had that happen in 20 years and I typically get a staff report a week plus in advance and I have worked with Sonya for some time and it didn't get to me. I had requested it numerous times. I had asked for a draft and so forth and that put us in a pinch and with respect to the facts and evidence and so forth, when -- when you make findings you do have to support those findings and that was -- is what is being suggested there and you can't support it with just pure, unsubstantiated thoughts and opinions, which in -- and a lot of it was in that case, which I have tried to point out. When we look at the findings, such as the larger site and so forth, when you talk about having the capacity to have an effective use and -- and serve the -- the stacking and the drive-through lanes and so forth, that will make the site functional, we have more space than is required by the city and by -- and by city code. So, usually, in my experience when you're making those findings, the staff will refer to code or other items to support their -- their point to make the finding. There has to be a nexus and that correlation. We didn't see much of that in the staff report. Your question about the stacking on the 29 cars, I think you're saying in the -- in the Costco Lane -- is that what you were suggesting by that? Because our suggestion is purely our on-site drive through queue and the 29 cars to prevent spilling over. That's our whole purpose here is the site's large enough and our queue management is sufficient enough with the space and the overstack that we will prevent any access difficulties in that Costco driveway lane and so our point is all of that 29 cars in the extending queue is on site to prevent off-site problems and difficulties and so I -- I -- I think that -- that's what you were suggesting is more of the off-site complications and problems and our reference there is to the on-site stacking and queueing to prevent the off-site problems and we have sufficient plans and space afforded to do that and accomplish that. The point about the -- the -- the -- the drive lane and the zoning, in the Comprehensive Plan future land use map, that lane which -- is owned by Costco, is zoned commercial and so the abutting parcel to us is a commercial zone and -- and that was the point we were trying to make there. It's not a residential zone or residential district, which is what is required under the code and so I will go back. My -- if -- if there is any offense

or inappropriate -- inappropriateness to that document, not intended. We had very little time to try to get points made and get stuff with having a staff report with only two days and so much going on, that we just worked hard to try to respond quickly to get things in front of you and on the record. We appreciate staff's efforts. We -- I am effusive in my praise of you for -- for helping and hearing us tonight and staying through a very long meeting. I totally respect the service and I -- I totally trust in your judgment here and so I please hope you will understand that we were constrained in trying to respond very quickly, getting a staff report on Tuesday morning when I was away in meetings and other things going on and try to have something prepared for you appropriately with a lot of information tonight and, so -- if -- if it came across inappropriately I apologize for that. Not the intention. But we were trying to get a lot of data and a lot of information put forth very quickly and -- and I think most of that is some perhaps misunderstanding and we are just trying to communicate information particularly with respect to the findings. You have to have supporting evidence for findings. You can't just merely pull what you think or what you know, you have to tie it to -- to code, to data and that's what we have tried to do tonight is to present to you the requirements we meet and providing traffic data, which in my experience the cities frequently -- well, if there is concerns of traffic they will request information on traffic or have us do a study. That was not requested. It's very common in -- in -- in use permit applications that they will make those requests for all that data, so that they can better make those findings or better understand them to make those findings and so on our own we provided that reliable, observed data that we have found as evidence to support the findings in favor of us as the traffic study supports and so it's -- I -- I totally understand the process. It wasn't our intent to be offensive or unprofessional in any way. We had to put a lot of information together very quickly. I do appreciate the staff time spent on it, but I also -- it was concerning and difficult for us that we didn't engage with some of this design discussion. We didn't get -- when one of the findings is having conditions, you know, to impose on a project, we couldn't even discuss those conditions. They came out of the staff report and we had -- we had to go ahead again on our own. We knew staff had expressed to us that there were -- were sensitivities to traffic and were traffic concerns and so when I submitted the application I fully expected to get some of that feedback. We didn't get it. And so we conducted our own traffic study. But, again, I -- I do appreciate the input and -- and I -- and I hope -- I hope you have some -- some grace and understanding and -- and perhaps the -- the presentation wasn't perfect, but the intent is there, is just to provide information as best we can under the circumstances and I -- I think we did that. And, again, I -- I would fall back to the consistency with code. Those are the -- the data points and the facts that these decisions are based on and the findings are based on and we meet those requirements.

Lorcher: Anything else? Can I get a motion to close -- thank you very much. Can I get a motion to close the public hearing, please?

Rust: Madam Chair, I move that we close the public hearing.

Sandoval: Second.

Lorcher: It has been moved and seconded to close the public hearing for In-N-Out. All

those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: I will take the first stab at this.

Lorcher: Okay.

Rust: Been writing down a lot of things as we have heard from public testimony. I, first of all, just really appreciate all of you coming out here tonight. You all took time out of your evening. There is a lot of research that went into this. I have been a Planning and Zoning commissioner for nine months now. This was the most prepared that the public has been. It shows your involvement in your community. I really value that. I think that's important. That's what makes cities great is when people care about their communities and when they invest and you showed investment by being here tonight. So, I just wanted to note that. I also appreciate that by and large, the tenor of the comments I found respectful and respectable. That's something that -- that I have also seen, unfortunately, go in a bad direction. I think it's really important that we maintain civility as we are debating these issues. These are -- these are thorny, complex issues that we are trying to navigate together to make a strong city and there is a lot of factors that go into this. You guys are representing your community. That's right around this project. That -- that map that had all the red dots on it and the green dots down to the -- the south and east, it -- that -- that's reflective of everywhere that In-N-Out or -- or any other development is going to go. None of us would ideally want a fast food restaurant right in our backyard and yet we all enjoy the convenience of nice, clean establishments and In-N-out certainly qualifies as that. So, I do commend you all for that. I wanted to address some of the things that Commissioner Perreault brought up. I was likewise surprised and disappointed about what I -- what I felt was a lack of professionalism in this document. It reads like an internal memo and I think there is some editing, even that was just overlooked and I can tell that it was rushed. I have sympathy for the time constraints, but it -- it does read, frankly, litigious, which is not something that I want to see as a commissioner. I think that there are strong points to be made and -- and you were put in an awkward spot, if the -- if what you are saying is true on the timeline and -- and I have a lot of sympathy for that as somebody who has dealt with other planning and zoning departments and these things -- are rarely as smooth as you want them to be, but there is a way to make points that's straightforward, factual, and respectful and I feel like this document fell short of that. Moving on to some of the -- the concerns that have been raised, I do have a lot of sympathy for the applicant here. They went out and ran a traffic study on The Village. I think we would all agree that The Village site has a lot more traffic. You have got Ten -- or Eagle Road, Highway 55, Fairview, two of the biggest arterials we have got in the entire state. That site, with the amount of surface parking that's around it, is going to draw more traffic than probably any other location possibly in the entire

state. I -- I know that in years past that has been the busiest intersection in the state and so I -- I think it's a very fair comparison to run a traffic study during holiday season where The Village is very busy. I went -- did -- did some Christmas shopping for my kids there during that time of year and there is just -- I tried to go to In-N-Out actually on that day, I went looked at my calendar, was December 5th and I couldn't get in, because there was such a long line of cars there. But the data that was shown in the traffic study I think is compelling to say that the -- the 95th percentile is going to 47 cars and that's all able to be contained on the site per the applicant. They could have up to possibly even 72 cars without spilling out into the road, that -- that commercial roadway that leads to Costco. So, I -- I do think that it's really important that as we weigh these applications, particularly as commissioners, that we have some leeway, but we also have to take into account the facts of the matter and -- and I think that that's -- that the facts that were presented are that they do not impede on driveways. They are able to maintain the traffic of the site. The queuing. I'm specifically talking about the queuing and the stacking inside the 2.2 acres. Obviously, this is going to result in more car trips into the area. This is going to result in increased trips into this general vicinity. That's something that was planned and that leads me to another point. I -- I really dislike how fragmented our governmental system here with regard to roadways, cities and the deciding bodies. This happens with schools as well. We get a lot of comments on residential developments about schools and we don't have any authority or purview as the Planning and Zoning Commission to go out and -- and make decisions and try to force school development. That's not in our lane. Likewise, traffic concerns -- that is part of what makes our city, but we also don't have any control as the city over the roadways. That's an Ada County Highway District and -- and I would encourage all of you -- we all deal with the traffic that's happening around here, Get involved. Research the commissioners who are doing a good job and -- and those who maybe don't align with -- like take that energy that you have shown here tonight and let's -- let's put some of energy into our roads. I think that that's an area that we can improve on and improve the -- the communication between the various governmental bodies, so as an aside there. Our job as Planning and Zoning Commissioners is to look out for the interests of the city as a whole. We need to weigh the impact on you that live right around this development, but also the greater community at large. A couple of positive comments for In-N-Out. In-N-Out is a very clean restaurant. It's one of the cleanest establishments I have ever been around. Them and Chick-fil-A honestly. There was some comments about noise, odors, fumes, all those things are going to be a reality no matter what goes in here. This is a C-G zoning. It's going to be some sort of a food establishment and so in my mind when I'm -- when I'm narrowing into my decision making process I'm -- I'm discounting anything that is going to be allowed by the current zoning and, really, what we are focused here is the excessive traffic that is driven by In-N-Out's success. They have a fantastic business model. They -- they hire well. They train well. They -- there -- I'm always amazed at the efficiency inside of those restaurants. They serve a tremendous number of people and they -- they make a good product. It might not be high end quality food. I saw some -- some e-mails related to wanting Crave instead of In-N-Out and wouldn't we all, but that's not what the market is demanding and -- and that leads me to another point. I think it's very important that we as commissioners and you as the public understand that it is not our job to dictate what the market will bear and to construct with fine detail what happens inside of our

community. We live in the United States of America. We are a capitalistic society. We believe that -- I firmly believe that that's the best way to allocate resources and if Meridian has a lot of fast food restaurants that's what the community is demanding. Now, there is some leeway in there and we need to be wise about how we are steering the resources that we have as a city and as a community, but this idea that -- that we as Planning and Zoning Commissioners can pick and choose based on -- on quality or -- or relative success of business model I think is shortsighted and -- and opens the door to the kinds of questions that you really do not want your city to be answering. You want the market to be answering those. You want the community to be answering those with their dollars and their traffic and -- and be patronizing the types of things that you want to see in your community. So, I wanted to address that. I have a lot of sympathy for the strong feelings that are evoked by this kind of an application, but I -- I -- I also want to point out that -- that we have to ground our decision making in facts. That does take into account the facts of how the community feels, but there was a lot of comments around we know that this will create a problem in the future. We simply can't make decisions on what we know, but can't prove and that -- that's also a slippery slope. That I just -- I wanted to point out and there was also a lot of comments around safety. I -- I think the applicant did make a good point, they -- they submitted traffic studies, they -- they have worked with Ada County Highway District and ITD. They are the ones that are responsible primarily for traffic safety and they provided no comments and said that there was no issues here. I - I think that we have to be very careful to avoid using safety as a cudgel. We could eliminate all traffic accidents tomorrow, but none of us wants to go without cars and so we have to find that balance and it's up to the governing bodies of those respective jurisdictions to decide what is in the best interest according to code, according to the standards that have been set up and a lot of those are outside of the purview of this body. I did a little bit of basic math. Seven hundred thousand visitors a day, which is roughly six times the average if -- if those facts were to be -- are true. I -- I believe they are from the QSR magazine. That breaks down to assuming that the restaurant is open for 360 days about 1,950 visitors per day. You assume about three people per car coming through. It's about 650 cars per day. If we would narrow that down even further and we say, okay, 50 percent of those were already going to be in the area, that's an extra 325 cars. That's not nothing. That's 325 cars over a 15 hour period. It's also not as big a number as I would have frankly expected when I started breaking down those numbers and so I just wanted to provide some context for that. I would like to hear from the other commissioners. But those -- yeah, I -- I really do -- this is a -- a -- a tough one for me personally. I think the last thing that I will say is part of what makes a strong community is an openness to business. In-N-Out is a good business. I really appreciate what the -- the gentleman said. He was a city councilman in Washington. We do want clean places for our youth to work and -- and we want -- we want strong businesses in our community. I would much rather -- this is a point of personal preference. I would much rather have an In-N-Out than a McDonalds, some publicly traded company. I -- I -- I have seen In-N-Out invest into their communities. I lived in Utah when they moved there. I lived in Colorado when they moved in there for the first time. They have always had a really strong reputation. It matters that -- to me that the city of Nampa felt strongly enough that their police chief wrote in a letter of support and that a member of their city staff came here tonight. That doesn't just happen. And -- and they have been, to my knowledge, a

really good member of our community since they have opened at The Village. So, those are the comments that I have at this. I'm anxious to hear from the rest of the commission.

Lorcher: Thank you.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Excuse me. First off, I want to -- you know, hats off to Commissioner Rust for articulating a lot of things far more eloquently than I could have. I -- I feel like I constantly give that compliment, but it constantly is true. Thank you for -- for doing the hard work for me and saying it better than I could have. I -- I generally -- I -- empathize with a lot of what Commissioner Russ has said about the types of businesses and empathize with the process in the kind of constrained the limitations of the applicant's working with in terms of timeline and things like that. There -- there is just -- there is one area that -- and this is, again, to kind of Commissioner Rust's points. On paper a lot of what the application has I'm really convinced by. Traffic study and things like that. I'm okay with. But one of the things -- and this is why I asked about it -- is -- is the noise level and given the fact that they are so close to residential regarding delivery time windows, regarding, you know, hours of operation late at night. If this were not so close to resident -- residential I would not have many of the problems, even if -- you know, even if on -- you know, I'm not even necessarily very concerned about the residential to the east, given that there is a pretty significant roadway between. There is -- there is enough of a -- of a gap there I think, but it's really the south and -- and the west that are just creating some concern for me and I think that's the area where -- like we -- we have to be honest, if you're going to be closer to residential than your other applications that have been so successful, you're going to properly have to do some things a little different than you have other applications, because what worked there isn't going to work here and so that's kind of my -- my sticking point. I -- I -- to be honest with you, I -- I think I -- I don't know that I would feel super stoked about it, you know, given the current state and some of the questions that remain, but if In-N-Out had said, hey, I will limit -- we will limit hours to 11:00 p.m. and no deliveries until after 6:00 a.m., I would probably be okay with -- with signing off on it. But -- but without those I just -- there is -- there is too much heartburn there and -- and -- and there is just, you know, added on to all of the other small concerns I have with -- with -- with the -- the traffic study, with the timing, with the sample size, you know, with some of the -- the accuracy and some of the expectations of -- of the -- the normalization of traffic flows over time. All those kind of are small things that add up to maybe give me some pause, but, really, is those hours of operation that set it over the limit for me and -- and -- and I don't think I can necessarily support it mostly because of that at the moment. I'm curious here what other Commissioners think, but -- but that -- that's really the sticking point to me that -- excuse me -- for me at the moment.

Lorcher: Thank you, Commissioner Smith. You want to go or you want me to go? A few notes that I wrote down is I think the community is saying that they support In-N-Out's business for the most part, but not at this location. Fifty-two vehicles on site, but doesn't

address the access between Ten Mile and Lost Rapids. So, what happens when those 52 cars are constantly moving through that intersection, you know, for the 15 hours a day or however long it's going to be? Yes, the site can hold all those people, but what happens when they are constantly moving in and out while Burger King and the chocolate shop and the joint -- and the Café Rio are all doing the same thing at the same time. So, I do have some challenges with that. I love that they are a strong community partner and I think they are a good business for the City of Meridian, but to -- I can't ignore also the comments from the community saying that the residential in this case is just a little bit too close. Technically, by the code, because of that drive aisle is owned by Costco and it goes past the Olivia, is owned by a commercial business, so technically it is commercial, but there are apartments right there. So, you know, back in the day my husband and I owned a tow truck company we could fit anything we wanted to on that truck, but it doesn't mean we should. You know, if it's hanging out on the side or hanging out on the back, yeah, I can get it on there, but it doesn't mean we should and just because the code says this is a drive -- commercial drive aisle and there is residential right next to it, doesn't mean that that -- that it should be so close, but I will say because it is the commercial zone, there is going to be some kind of drive-through restaurant there. So, as a community should be careful what you wish for, because it might not be In-N-Out today, it could be something a lot worse tomorrow. So, we will see what that ends up being. And, then, finally, Highway 16. I am -- I am in the impact area of Highway 16. I -- I am under construction for the next four years of my life over there and we don't know exactly what the impact is going to be at Ten Mile or even Black Cat when it comes to Highway 16. Will it increase our traffic at Ten Mile and Chinden? Maybe. Will it decrease it? Maybe not. Because between those next three to four years more communities are going to grow in and so, yes, Highway 16 is going to be a great thoroughfare for people who want to go to north-south, which is why it's been intended there, but it doesn't necessarily mean that it's going to alleviate a lot of the traffic on Ten Mile, which is already struggling and in that case, to Commissioner Rust's point, we need to look at what's in the best interest of the city. So, the best interest for the city also means timing, like is the timing of this location at this spot right now the best interest of our community and based on the fact that Highway 16 is not there to alleviate some of the traffic and I can also agree with Commissioner Smith, the hours of operation, that Costco does not have deliveries between 10:00 and 5:00 and everything is closed down by midnight, In-N-Out doesn't want to deviate from their corporate plan of being open later, that seems to be nonnegotiable. So -- and in that particular case I'm going to have to vote to deny based on the facts that we have here.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: I think all of my fellow Commissioners are very well spoken in what they are saying this evening and I'm in agreement and so I -- I'm not in favor of the application. But I wanted to address just a couple of things. The application had mentioned that the findings weren't appropriately supported with code or with the Comprehensive Plan. So, I just want to make a couple of statements. In the staff report the staff does say UDC 1-

1-43-11 address the specific use standards in relationship to the size of the property and whether that property is large enough to accommodate the use. So, they -- they do support that with -- with the UDC. The second one is that the hours of operation question were addressed by Comprehensive Plan No. 5-01-01F and in -- in addition to hours of operation, excessive noise, traffic and congestion were overall addressed in that Comprehensive Plan section and the -- the -- the only other thing I want to say is I -- I still have a lot of concerns about shutting off the south entrance. I think that it would just ultimately not be safe for fire. I understand that -- that technically the applicant may be able to meet the concerns, but experience says that that's -- that's too much of an issue for me. Thank you.

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: I will keep this short and sweet, since everyone did a better job than I can at this. But I live in Lochsa Falls, which is right to the east. So, I'm very familiar with the area. My daughter's bus stop was off Ten Mile and Heroes Park. So, exactly where this is proposed; right? I don't want to get into the ethics of the engineering firm or how they got their data or the traffic impact study. I was relatively satisfied with their testimony on that. Now, I do think In-N-Out would bring really good job opportunities for kids, especially thinking of mine as they are growing older, getting a good paying job -- that could be tough; right? And, Sam, like you have said, it's -- it's -- it's not Crave, but we need more options for people that can necessarily afford that delicious prime rib sandwich. That's not an advertisement. It's just an observation. But, yeah, I would be in support to approve this application, but only on the condition that the -- all operations would be between 6:00 a.m. and 10:00 p.m. and the applicant has made that clear that that's not going to be an option. So, I don't think there is anything else we could or should do but deny.

Lorcher: Does anybody want to take a stab at a motion or want me to do it?

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: Just before we make a motion and I don't even know if doing this -- this is the only way that I know how, but would it be potentially appropriate to ask for a continuance? I know everybody is cringing at this at this moment. But I -- I would like for the applicant to take what we have done -- or what -- the feedback that we have given them and see if they can do better with us. I think it's clear that it's going to fail. I also -- I, frankly, am concerned about some of the ramifications of if it does fail and I would like to see the staff and the applicant work together to see if we can come up with -- a maybe perhaps narrower band of operational hours. I also understand that that means another public hearing and -- and all the attendance. So, I just want to at least ask the question of the Commission before we get to actually making a motion.

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Yeah. With respect to a continuance, I don't think that's going to be favorable to anyone here, the Commission or especially the applicant. They have already made it perfectly clear that they are not willing to deviate from their standard business hours; right? So, I don't think a continuance would do anyone hear any justice really, other than delay of the inevitable, because I think they are going to come back with the same thing. That is why I asked the direct question about those operating hours, to see if there was any movement. So, I don't think we should continue, but I'm open to hear what anyone else thinks.

Parsons: Madam Chair?

Lorcher: Mr. Parsons.

Parsons: Yeah. Just want to -- I appreciate Commissioner Rust's approach to this. I -- I like the idea of maybe working it out with the applicant, but I just wanted to remind the Commission that whatever your action is tonight, the applicant or anyone in this room has the ability to appeal your decision to City Council, so it -- I -- I hear what you are saying. Yes, I don't want to go -- get into litigate this yet. We are not there yet. There is -- there is a lot more steps in the process here. So, one, the applicant will have to determine whether or not -- determine what they want to do with their -- their application with your decision tonight. So, again, if it's -- if it's for approval, then, staff would say continue it so we can bring back conditions of approval for you. We don't have that. So, automatically, I'm going to be standing up saying, please, continue the project, because we got to bring back the appropriate findings and the conditions of approval for you to take action on. With our denial we have no findings -- or excuse me -- no -- no conditions of approval and that's why we really didn't get into much of the site design this evening because of that, because we were recommending denial. It really came down -- in my rebuttal to you or my presentation to you stayed on the topic of the drive-through and the hours of operation. Those are really the two things -- that -- the owner could come in -- or the applicant could come in tomorrow, remove the drive-through and build a restaurant to UDC design review. It's -- It's permitted. They can do that tomorrow. Just remove the drive-through and operate and you can even probably operate 24 hours a day. It is not abutting a residential district. I mean that's been proven tonight. But this conditional use is what's allowing you to mitigate some of the concerns through restricting the hours. I just want to make that point. So, anyways, Commissioner, don't -- don't feel like you -- you have to continue and try to make sure the findings are in alignment. We want that, too, and we work closely with our legal department to make sure that we are on solid ground as we brought that recommendation to you this evening, but I -- I am sure that this will more likely be heading to City Council. You never know. And they will -- it will reset the hearing -- it's a whole new hearing in front of them if that's what anyone wants to pursue that avenue. But there -- there is some time there. Just wanted to share that information with you. Thank you.

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: After hearing all staff, applicant and public testimony, I move to deny File No. H-2024-0058 as presented during the hearing on April 17th, 2025, for the following reasons: The hours of operation are not consistent with the overall area or the use, as well as substantial traffic concerns.

Lorcher: Do I have a second?

Smith: I will second that.

Lorcher: It's been moved and seconded to deny In-N-Out conditional use permit for hours of operation and traffic concerns. All those in favor say aye. Any opposed?

Rust: Nay.

Lorcher: Motion carries.

MOTION CARRIED: FOUR AYES. ONE NAY. ONE ABSENT.