

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



In the Matter of the Request for Conditional Use Permit for a Drive-Through Establishment within 300-Feet of another Drive-Through Facility on 1.13 Acres of Land in the C-G Zoning District for Slim Chickens, by Galloway & Company, Inc.

Case No(s). H-2022-0028

For the Planning & Zoning Commission Hearing Date of: June 16, 2022 (Findings on June 30, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of June 16, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 16, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 16, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 16, 2022, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this decision, which shall be signed by the Chairman of the Commission and City Clerk and then a copy served by the Clerk

upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of June 16, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the Planning & Zoning Commission's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of June 16, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Two (2) Year Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City in accord with UDC 11-5B-6F.1. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period in accord with UDC 11-5B-6F.2.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.F.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the Commission may be granted. With all extensions, the Director or Commission may require the conditional use comply with the current provisions of Meridian City Code Title 11.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of June 16, 2022

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2022.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED_____

COMMISSIONER NICK GROVE, VICE CHAIRMAN VOTED_____

COMMISSIONER NATE WHEELER VOTED_____

COMMISSIONER STEVEN YEARSLEY VOTED_____

COMMISSIONER PATRICK GRACE VOTED_____

COMMISSIONER MARIA LORCHER VOTED_____

COMMISSIONER MANDI STODDARD VOTED_____

Andrew Seal, Chairman

Attest:

Chris Johnson, City Clerk

Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: 6/16/2022

TO: Planning & Zoning Commission

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

SUBJECT: H-2022-0028
Slim Chickens – CUP

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



I. PROJECT DESCRIPTION

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

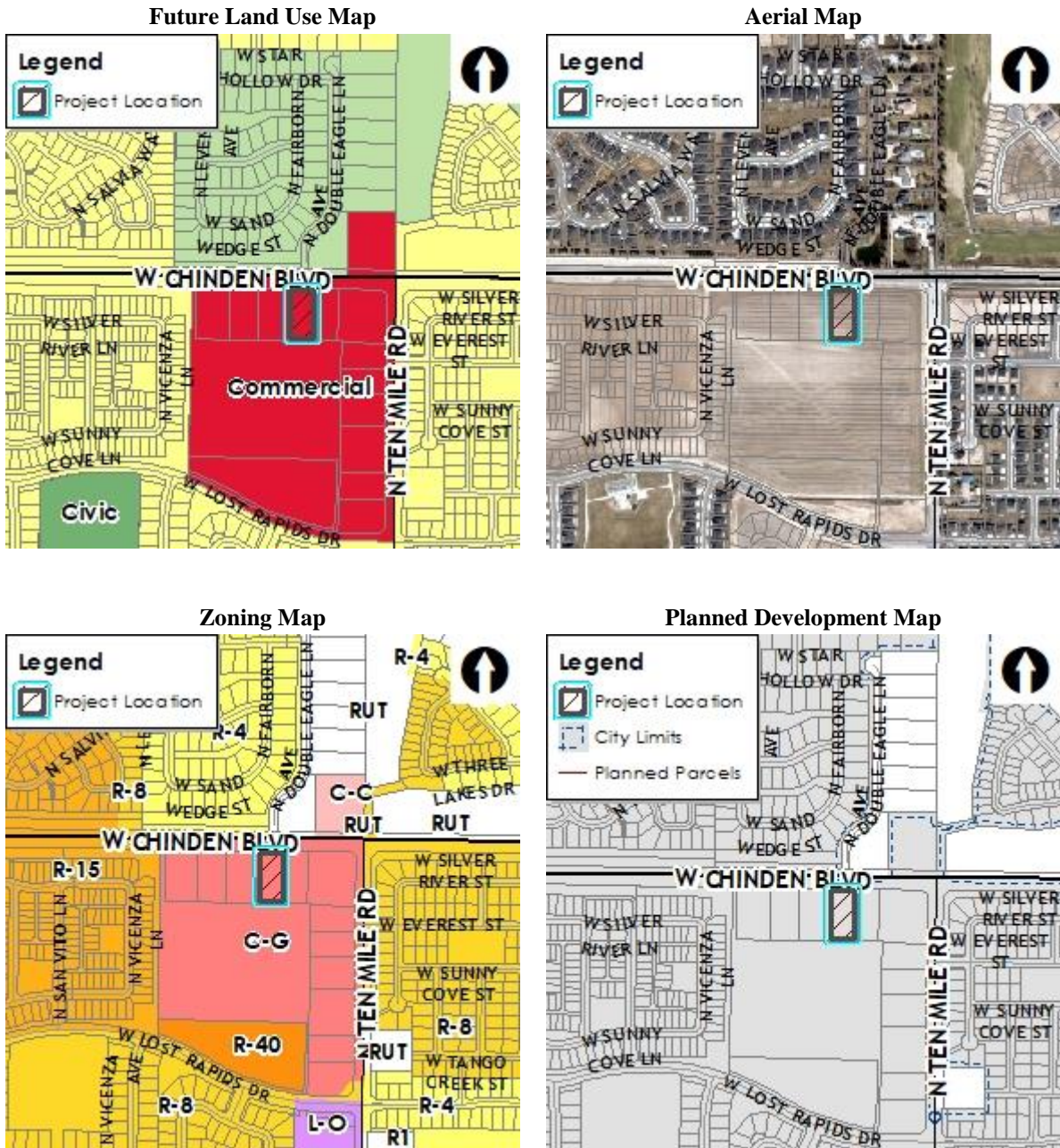
II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.13-acre	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Restaurant with a drive-through	
Current Zoning	General Retail & Service Commercial (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	NA	
Neighborhood meeting date; # of attendees:	2/28/22	
History (previous approvals)	H-2018-0004 (CPAM, AZ, PP, VAR – Lost Rapids); H-2019-0056 (FP – Lost Rapids); Development Agreement (Inst. # 2018-079970 – GFI – Meridian Investments II, LLC)	

EXHIBIT A

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

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

B. Owner:

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

EXHIBIT A

C. Representative:
Same as Applicant

IV. NOTICING

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

V. STAFF ANALYSIS

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

A restaurant is listed as a principal permitted use in the C-G zoning district per UDC [Table 11-2B-2](#), subject to the specific use standards listed in UDC [11-4-3-49](#). A drive-through requires approval of a conditional use permit when it's within 300 feet of another drive-through facility, an existing residence or a residential district per [11-4-3-11A.1](#). In this case, two other drive-through establishments exist within 300 feet of the property – Dutch Brothers Coffee (A-2021-0177) on the abutting lot to the west and Burger King to the southeast (A-2021-0208); there are no existing residences or residential districts within 300 feet of the property. ***Note: All (i.e. 6 out of 12) of the perimeter commercial lots in this development that have applied for development permits so far have drive-throughs associated with them.***

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

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

Specific Use Standards: *Staff's analysis is in italics.*

Drive-Through Establishment: The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. All establishments providing drive-through service are required to identify the stacking lane, menu and speaker location (if applicable), and window location on the site plan. *A menu board and speaker are depicted on the site plan at each of the two proposed ordering points; the window location should be depicted on the plans.* The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. ***Safe pedestrian access should be provided to the adjacent property to the east in accord with this standard; shared vehicle access is proposed that appears to be safe. Staff is concerned with the safety aspect of having two (2) pedestrian crossings across the vehicle stacking area for the drive-***

EXHIBIT A

through – one is required from the perimeter sidewalk along Chinden to the main building entrance per UDC 11-3A-19B.4 and the other is proposed for access to the building from the east parking area. Staff recommends signage be installed ahead of each crossing warning drivers to watch out for pedestrians. The Commission should determine if this adequately mitigates the safety concerns associated with the proposed site design in order to approve this application. At a minimum, the plan is required to demonstrate compliance with the following standards:

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

The Applicant's narrative states the drive-through will provide queuing for 16 vehicles, which should be adequate to prevent obstruction of internal drive aisles.

2) The stacking lane shall be a separate lane from the circulation lanes needed for access and parking, except stacking lanes may provide access to designated employee parking.

The stacking lane is a separate lane from the circulation lanes needed for access and parking.

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

The stacking lane is not located within 10' of any residential district or residence.

4) Any stacking lane greater than one hundred (100) feet in length shall provide for an escape lane; and

The overall drive-through length is 275+/- feet from the point of entry to the drive-through window; therefore, the stacking lane exceeds 100' in length and an escape lane is required. An escape lane is proposed after the two ordering areas.

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

The drive-through is located on the west side of the building and is visible from W. Chinden Blvd. and from the driveway to/from Chinden along the west side of the property for surveillance purposes.

Restaurant: The proposed use is also subject to the specific use standards listed in UDC [11-4-3-49](#) Restaurant, which requires at a minimum, one (1) parking space to be provided for every 250 square feet of gross floor area.

Dimensional Standards: Future development should be consistent with the dimensional standards listed in UDC Table [11-2B-3](#) for the C-G zoning district.

Access: A north/south access driveway exists via W. Chinden Blvd. for this development that runs along the west boundary of this site. An east/west driveway runs along the south boundary of this site from which access is proposed; this access is shared with the abutting lot to the east. Direct lot access via Chinden Blvd. is prohibited. A reciprocal cross-access easement exists between all lots in the subdivision as noted on the Lost Rapids subdivision plat.

Parking: As noted above, UDC 11-4-3-49 includes specific parking standards for restaurants, which the site plan demonstrates compliance with. A minimum of 12 off-street vehicle parking spaces are required for the 3,103 square foot building; 35 are proposed, in excess of the minimum standards.

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

EXHIBIT A

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

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

Landscaping: Street buffer landscaping was installed within the street buffer along W. Chinden Blvd. with the Lost Rapids subdivision improvements.

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

Sidewalks: A 10-foot wide sidewalk/multi-use pathway exists within the street buffer along W. Chinden Blvd. A pedestrian walkway is proposed from the sidewalk along Chinden to the main building entrance as required by UDC 11-3A-19.B.4. **Where pathways cross vehicular driving surfaces, they're required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard – the proposed striping of the crosswalk is not allowed and should be revised to comply with this standard.**

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

Mechanical Equipment: All mechanical equipment on the back of the building and outdoor service and equipment should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).

Building Elevations: Conceptual building elevations were submitted as shown in Section VII.C for a single-story building that incorporates a mix of materials consisting of fiber cement board lap siding and trim, windows, brick, and metal roofing. **The final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).**

Certificate of Zoning Compliance & Design Review: A Certificate of Zoning Compliance and Design Review application is required to be submitted for the proposed use prior to submittal of a building permit application to ensure consistency with the conditions in Section VIII, UDC standards and design standards.

EXHIBIT A

VI. DECISION

A. Staff:

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

B. The Meridian Planning & Zoning Commission heard this item on June 16, 2022. At the public hearing, the Commission moved to approve the subject CUP request.

1. Summary of the Commission public hearing:

- a. In favor: Chris Pengra
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: Chris Pengra
 - e. Staff presenting application: Bill Parsons
 - f. Other Staff commenting on application: None
- #### 2. Key issue(s) of public testimony:
- a. None
- #### 3. Key issue(s) of discussion by Commission:
- a. Safe pedestrian circulation on the site.
- #### 4. Commission change(s) to Staff recommendation:
- a. None

VII. EXHIBITS

A. Proposed Site Plan (dated: 4/20/2022)

EXHIBIT A

VORTEX HOLDINGS GROUP
SLIM CHICKENS MERIDIAN STORE #1
 A PART OF THE NORTHEAST QUARTER OF SECTION 27,
 TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN
 CITY OF MERIDIAN, ADA COUNTY, IDAHO
PLANNING DOCUMENTS

- PROJECT CONTACTS**
- DEVELOPER/APPLICANT**
- VORTEX HOLDINGS GROUP
 - 3399 WEST CHINDEN BLVD
 - MERIDIAN, IDAHO
 - TEL: 208-666-1000
- LANDSCAPE ARCHITECT**
- GRADY & ASSOCIATES
 - 500 N. 300 EAST
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- CIVIL ENGINEER**
- BOYD & ASSOCIATES
 - 100 S. GARDNER BLVD. SUITE 204
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- SURVEYOR**
- BOYD & ASSOCIATES
 - 100 S. GARDNER BLVD. SUITE 204
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- GEOLOGICAL ENGINEER**
- BOYD & ASSOCIATES
 - 100 S. GARDNER BLVD. SUITE 204
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- CITY CONTACTS**
- PLANNING**
- CITY OF MERIDIAN
 - 211 WEST 3RD AVENUE, SUITE 400
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- CONSTRUCTION DEPARTMENT**
- CITY OF MERIDIAN
 - 211 WEST 3RD AVENUE, SUITE 400
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- BUILDING DEPARTMENT**
- CITY OF MERIDIAN
 - 211 WEST 3RD AVENUE, SUITE 400
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- FIRE DEPARTMENT**
- CITY OF MERIDIAN
 - 211 WEST 3RD AVENUE, SUITE 400
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- UTILITY PROVIDER CONTACTS**
- POWER**
- POWER
 - 100 S. GARDNER BLVD. SUITE 400
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- WATER**
- CITY OF MERIDIAN
 - 211 WEST 3RD AVENUE, SUITE 400
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- SANITARY SEWER**
- CITY OF MERIDIAN
 - 211 WEST 3RD AVENUE, SUITE 400
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833
- TELECOMMUNICATIONS**
- CITY OF MERIDIAN
 - 211 WEST 3RD AVENUE, SUITE 400
 - BOISE, IDAHO 83721
 - TEL: 208-333-8833



SHEET INDEX

SHEET NO.	DESCRIPTION	REVISION	DATE
02.0	COVER		
03.0	SITE PLAN		
04.0	GRADING PLAN		
05.0	UTILITY PLAN		
10.1	LANDSCAPE PLANS		
10.2	LANDSCAPE DETAILS		
SUPPLEMENTAL INFORMATION			
ALL-ALL	EXTERIOR ELEVATIONS		
4-SHEETS	BUILDING COLOR RENDERING		

Galloway

5750 E. 95th Street, Suite 100
 Greenwood Village, CO 80120
 (303) 750-5000
 Galloway.com

PRELIMINARY
 NOT FOR CONSTRUCTION

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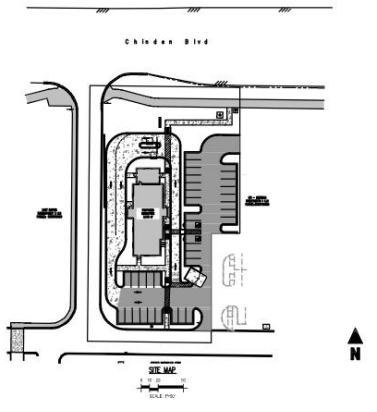


PLANNING DOCUMENTS
VORTEX HOLDINGS GROUP
MERIDIAN STORE #1
 3399 WEST CHINDEN BLVD
 MERIDIAN, IDAHO

- LIST OF ABREVIATIONS**
- 1 - CONCRETE
 - 2 - CONCRETE
 - 3 - CONCRETE
 - 4 - CONCRETE
 - 5 - CONCRETE
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SITE DATA TABLE

ZONE DISTRICT: C2 - COMMERCIAL, GENERAL		
ITEM	AREA (SQ. FT.)	% OF GROSS SITE
1. COVERED DRIVE	4,600	50
2. SIDEWALK PAVEMENT	1,200	13
3. DRIVE PAVEMENT	1,200	13
4. SIDEWALK	1,200	13
5. DRIVE	1,200	13
6. SIDEWALK	1,200	13
7. DRIVE	1,200	13
8. SIDEWALK	1,200	13
9. DRIVE	1,200	13
10. SIDEWALK	1,200	13
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99. DRIVE	1,200	13
100. SIDEWALK	1,200	13



CONTRACTOR RESPONSIBILITY
 CONTRACTOR TO VERIFY ALL UTILITIES AND RECORDS TO BE SHOWN ON THESE PLANS BEFORE CONSTRUCTION. CONTRACTOR TO VERIFY ALL UTILITIES AND RECORDS TO BE SHOWN ON THESE PLANS BEFORE CONSTRUCTION. CONTRACTOR TO VERIFY ALL UTILITIES AND RECORDS TO BE SHOWN ON THESE PLANS BEFORE CONSTRUCTION.

BASE OF RECORDS
 BASIS OF RECORDS: ALL RECORDS ARE SHOWN IN THE WEST 1/4 OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN. ALL RECORDS ARE SHOWN IN THE WEST 1/4 OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN. ALL RECORDS ARE SHOWN IN THE WEST 1/4 OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN.

LEGAL DESCRIPTION
 THE LAND SHOWN TO BE HEREINAFTER SHOWN IN THE COUNTY OF ADA, STATE OF IDAHO IS DESCRIBED AS FOLLOWS:
 PART OF
 LOT 7 IN BLOCK 1 OF LOT 4000 SUBDIVISION, ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 19 OF PLATS OF ADA COUNTY, BOISE, IDAHO COUNTY, BOISE, IDAHO.

BOUNDARY SURVEY
 BOUNDARY SURVEY AS SHOWN IN RECORDS OF RECORDED INSTRUMENTS, COUNTY OF ADA, STATE OF IDAHO, TO BE SHOWN ON THESE PLANS.

BOUNDARY
 BOUNDARY SURVEY AS SHOWN IN RECORDS OF RECORDED INSTRUMENTS, COUNTY OF ADA, STATE OF IDAHO, TO BE SHOWN ON THESE PLANS.

CAUTION - NOTICE TO CONTRACTOR
 ALL RECORDS ARE SHOWN ON THESE PLANS AS SHOWN IN RECORDS OF RECORDED INSTRUMENTS, COUNTY OF ADA, STATE OF IDAHO, TO BE SHOWN ON THESE PLANS.

COVER
 C0.0

EXHIBIT A

B. Proposed Landscape Plan

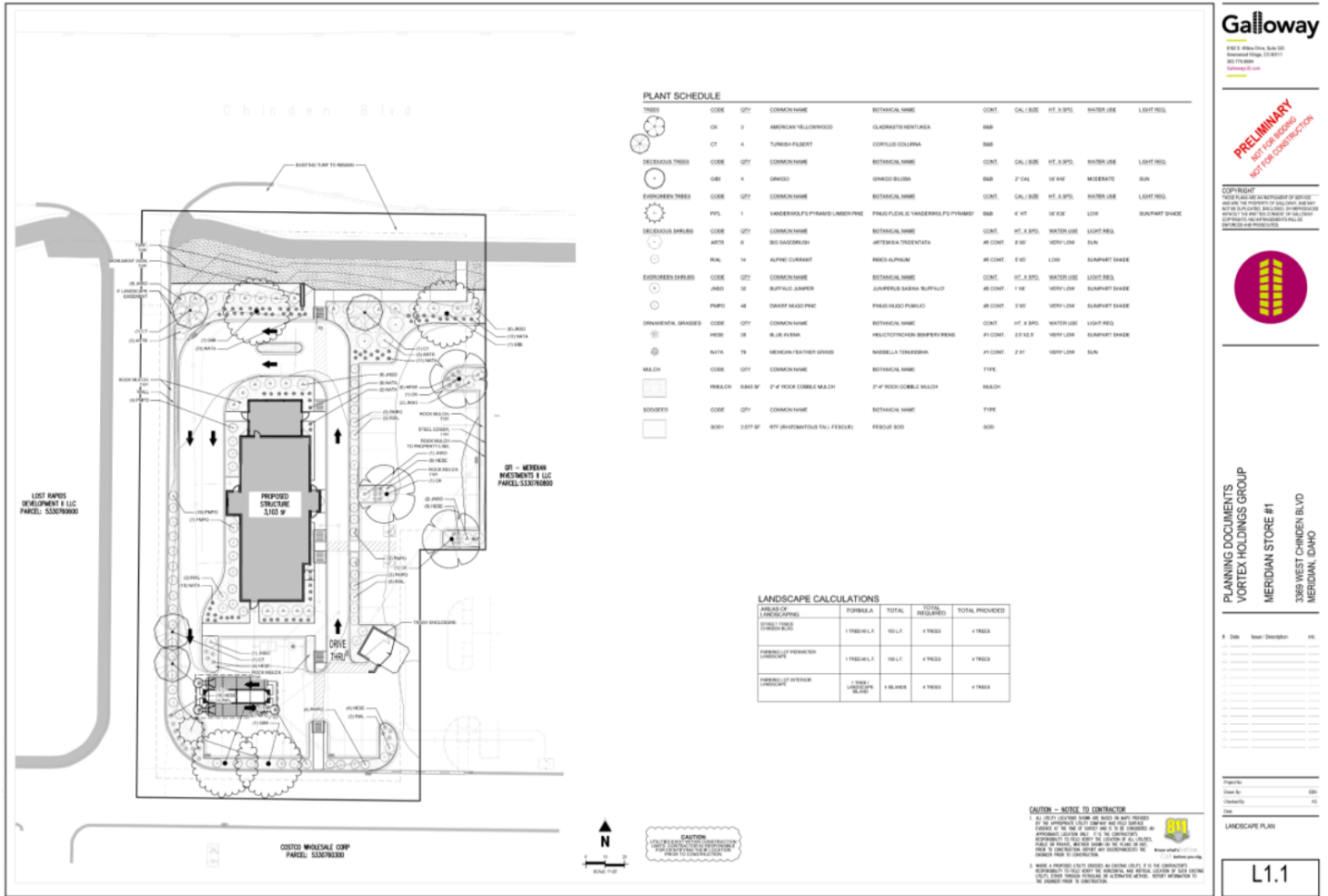


EXHIBIT A

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

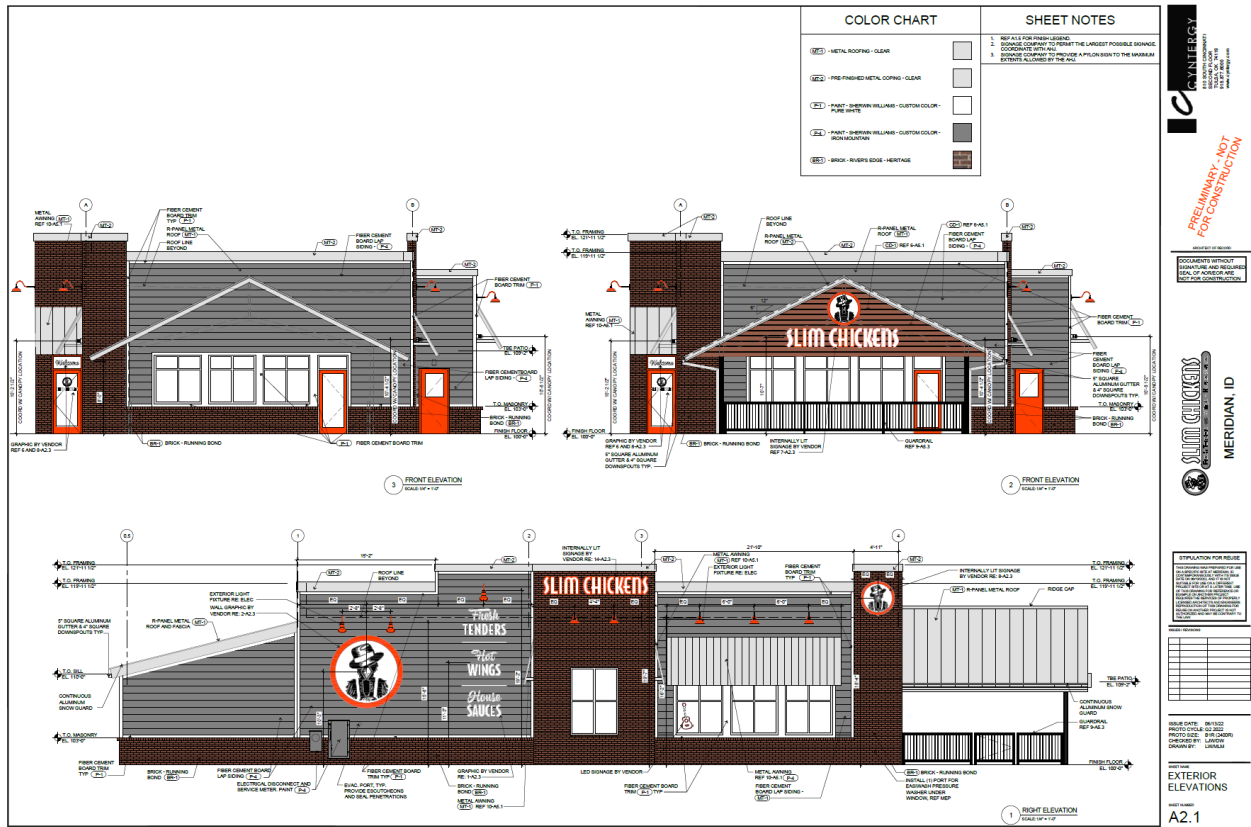
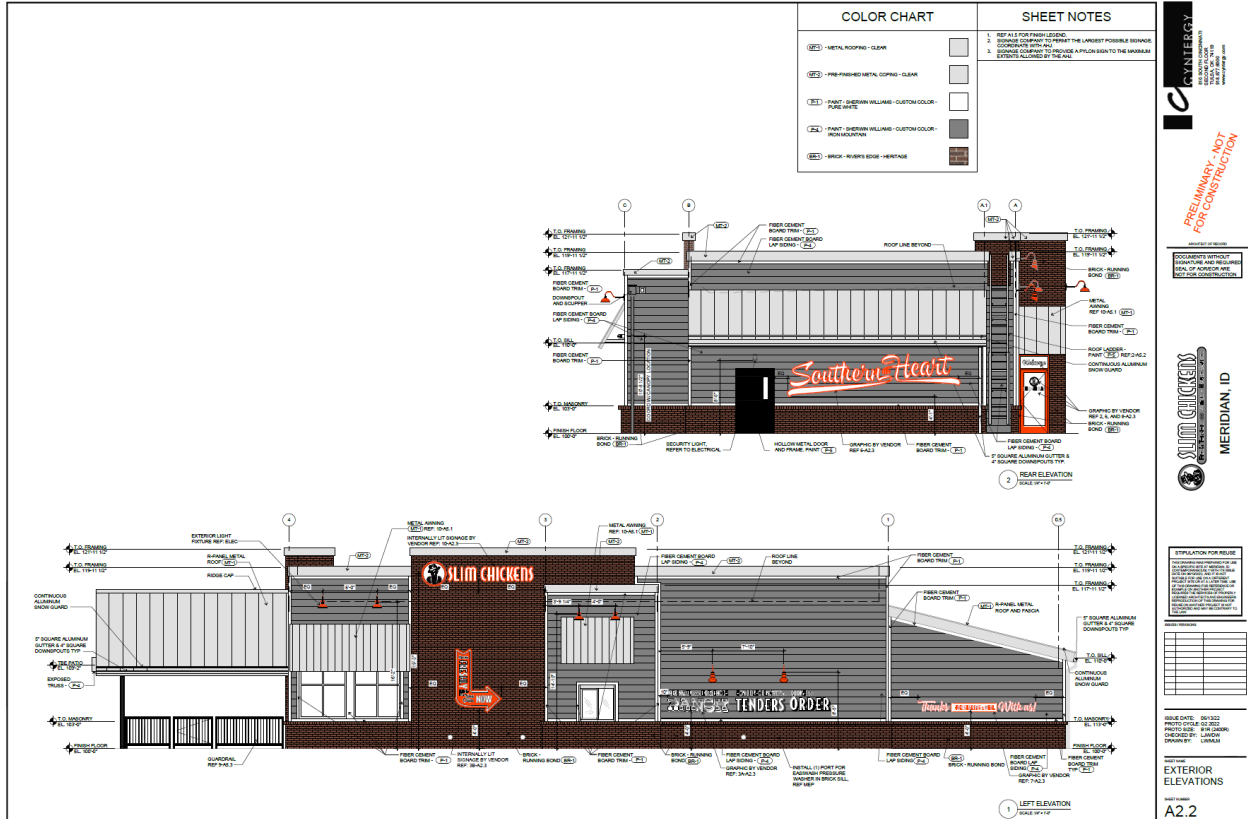


EXHIBIT A



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement and the conditions contained herein [[H-2018-0004](#)] (CPAM, AZ, PP, VAR – Lost Rapids); Development Agreement (Inst. #[2018-079970](#) – GFI – Meridian Investments II, LLC); [H-2019-0056](#) (FP – Lost Rapids);].
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. The stacking lane, menu and speaker location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
 - b. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
 - c. The pathways from the perimeter sidewalks to the main building entrance shall be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4b](#).
 - d. Depict all easements that exist on the subject lot per the recorded plat (Lost Rapids Subdivision). Any encroachments within existing easements should be permitted through the easement holder or as allowed by the UDC.

EXHIBIT A

- e. Depict landscaping in the perimeter buffer and within the parking area in accord with the standards listed in UDC [11-3B-8C](#).
 - f. Remove the northern two (2) parking spaces on the east side of the site adjacent to the drive-through on this site so that vehicles aren't backing out into drive-through lane on the adjacent site to the east; or, restrict those spaces to employee parking only, signed accordingly.
 - g. Widen the perimeter buffer along the south boundary of the site and along the east side of the drive-through to 7 feet to allow 2 feet of vehicle overhang (parking stalls may be decreased to 17 feet in length); or, provide wheel stops in parking spaces to prevent vehicle overhang, as set forth in UDC 11-3C-5B.4.
 - h. Widen the northern portion of the perimeter buffer along the west boundary to a minimum of five feet (5') and depict landscaping per the standards listed in UDC [11-3B-8C.1](#).
 - i. Depict safe pedestrian access to the adjacent property to the east as set forth in UDC [11-4-3-11C](#). Work with the property owner to the east on a common location for the walkway.
 - j. Depict signage ahead of each pedestrian crossing in the drive-through lane notifying drivers to watch out for pedestrians.
3. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment and [11-4-3-49](#) – Restaurant is required.
 4. Direct access W. Chinden Blvd. and the driveway adjacent to the west boundary of the site is prohibited.
 5. A property boundary adjustment application shall be approved for the proposed configuration of the property prior to issuance of a building permit for this site.
 6. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#); the design standards listed in the *Architectural Standards Manual* and with the Development Agreement.
 7. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

B. ADA COUNTY HIGHWAY DISTRICT (ACHD)

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

C. SETTLER'S IRRIGATION DISTRICT (SID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=262708&dbid=0&repo=MeridianCity>

EXHIBIT A

IX. FINDINGS

Conditional Use (UDC 11-5B-6)

Findings: The commission shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

Staff finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-G zoning district.

2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.

Staff finds the proposed restaurant with a drive-through will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII of this report.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

Staff finds the design, construction, operation and maintenance of the proposed use will be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and will not adversely change the essential character of the area.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

Staff finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section VIII of this report.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

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

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

Staff finds the proposed use will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

Staff finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

Staff finds the proposed use will not result in the destruction, loss or damage of any such features.

9. Additional findings for the alteration or extension of a nonconforming use:

EXHIBIT A

- a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and,

This finding is not applicable.

- b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.

This finding is not applicable.