

**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 0.9 Acre of Land in the C-G Zoning District for Lot 8 Retail Building, by Larson Architects.

Case No(s). H-2022-0034

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-2022-0034
 Lot 8 Retail Building – CUP

LOCATION: 3333 W. Chinden Blvd. in the NE 1/4 of Section 27, T.4N., R.1W. (Lot 8, 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 0.9 acre of land in the C-G zoning district.

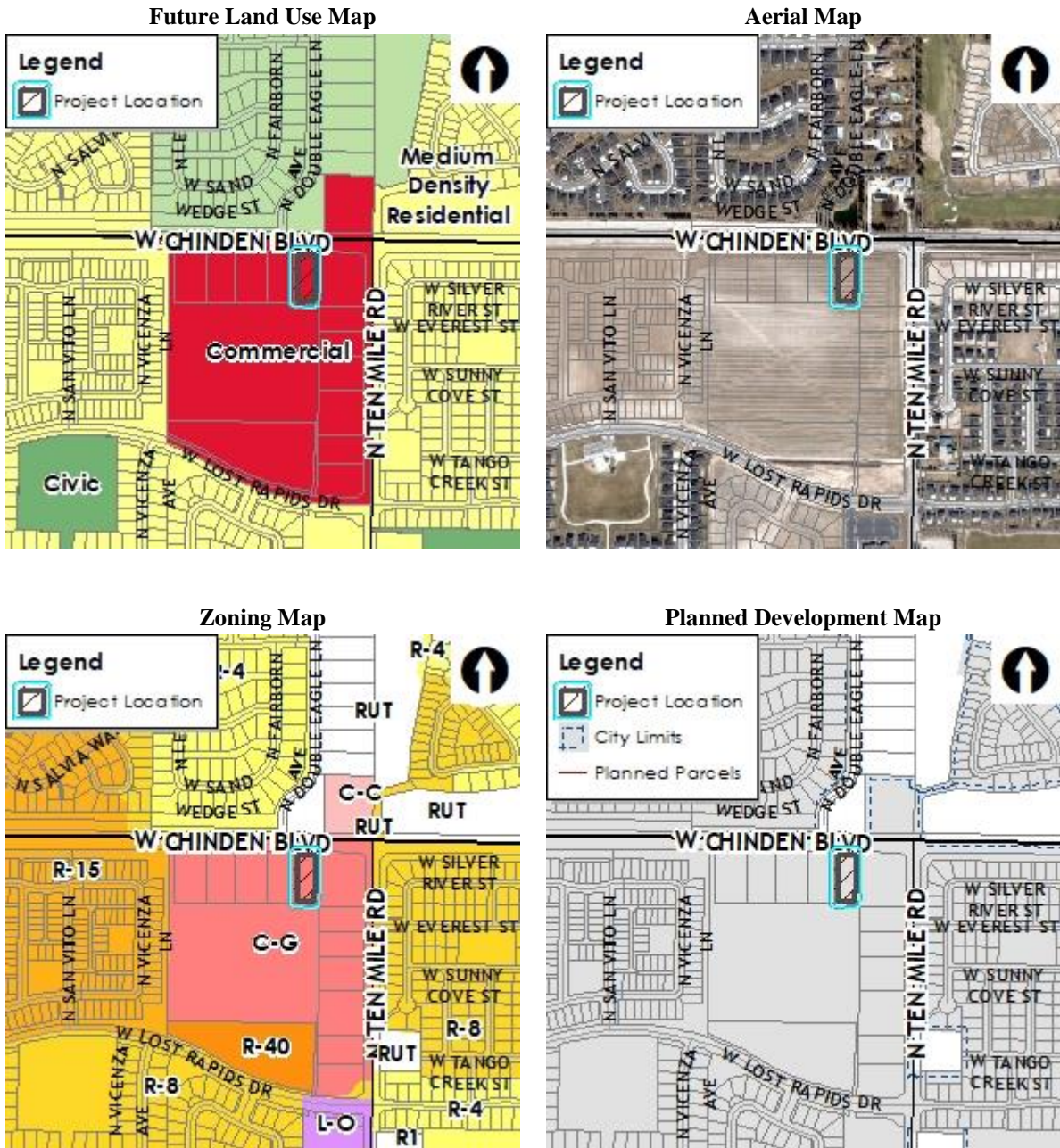
II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	0.9 acre	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Retail and 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:	3/16/22	
History (previous approvals)	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)	

EXHIBIT A

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Ryan Drew, Larson Architects – 210 Murray St., Boise, ID 83714

B. Owner:

GFI – Meridian Investments II, LLC – 74 East 500 South, Ste. 200, Bountiful, UT 84010

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- 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	6/2/2022
Next Door posting	5/25/2022

V. STAFF ANALYSIS

The Applicant proposes to construct a 5,070 square foot (s.f.) multi-tenant retail building with a restaurant (i.e. dessert establishment) and a drive-through on a 0.9-acre property in the C-G zoning district.

Retail and restaurant uses are listed as principal permitted uses in the C-G zoning district per UDC [Table 11-2B-2](#); restaurants are 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 8 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:

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 proposed but are not depicted on the plan at the northeast corner of the building; the plan submitted with the Certificate of Zoning Compliance application should depict the location of these items.*** The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. ***Pedestrian access should be provided to the adjacent property to the west in accord with this standard; pedestrian access is not recommended to the property to the east as it's a fuel facility.*** At a minimum, the plan is required to demonstrate compliance with the following standards: *Staff's analysis is in italics.*

EXHIBIT A

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

The drive-through will provide queuing for 9+/- 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 stacking lane exceeds 100' in length and an escape lane is proposed.

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 north side of the building and is visible from W. Chinden Blvd. 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 the abutting lot to the west. Another 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 west. 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 20 off-street vehicle parking spaces are required for the 5,070 square foot building per the restaurant standards; ~~35~~ 33 are proposed, in excess of the minimum standards.

A minimum of one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). A bicycle rack is proposed on the east side of the building which should accommodate a minimum of two (2) bicycles.

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](#). Shrubs should be included in the perimeter buffer along the east boundary of the site in accord with UDC 11-3B-7C.1b. The buffer along the south boundary of the site 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

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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 required to be provided from the perimeter sidewalk along W. Chinden Blvd. to the main building entrance per UDC 11-3A-19B.4. Where the walkway crosses the vehicular driving surface, it's required to be distinguished 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 be revised to reflect compliance 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 stucco, horizontal siding, manufactured stone, windows and metal roofing. **The final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).**

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

VI. DECISION

A. Staff:

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

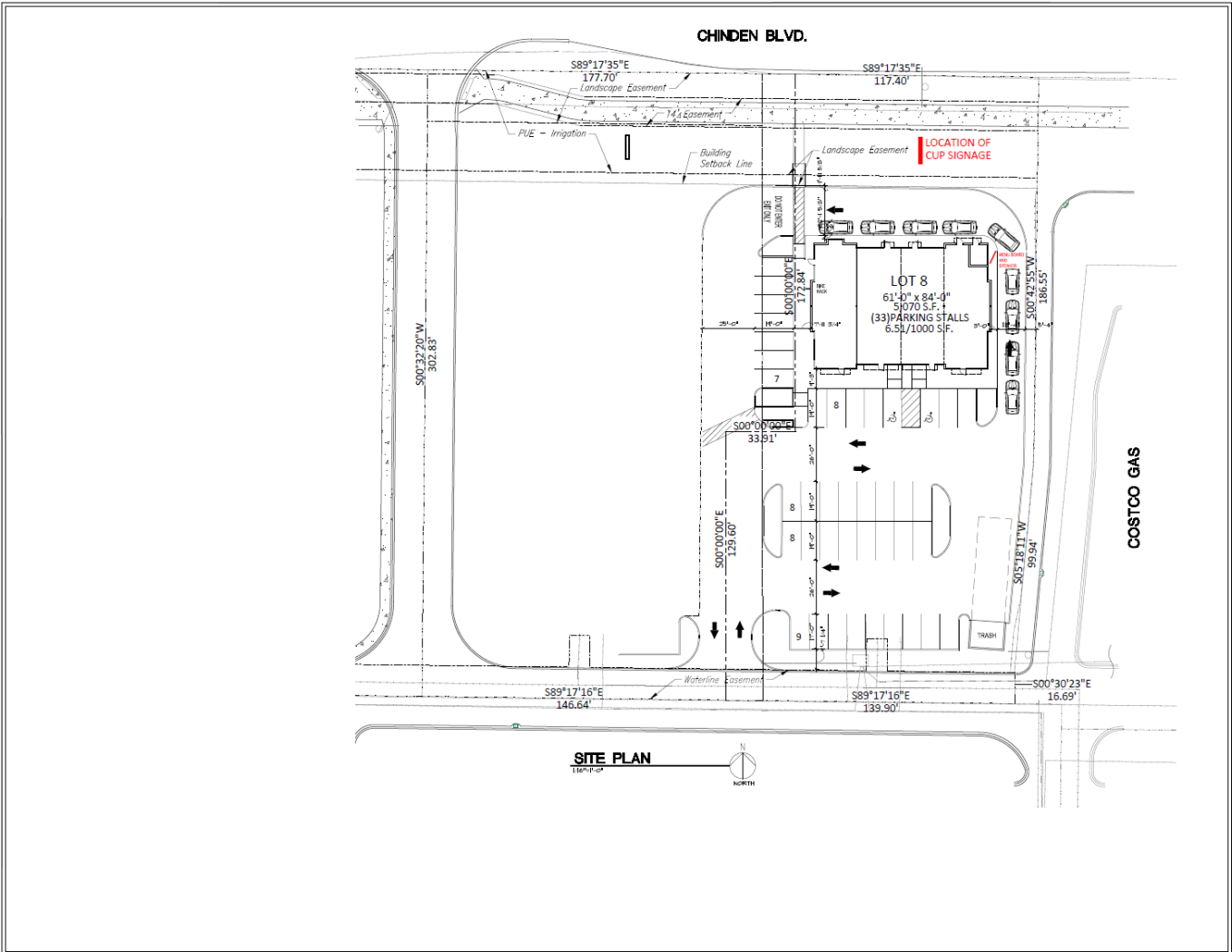
B. The Meridian Planning & Zoning Commission heard this item on June 16, 2022. At the public hearing, the Commission moved to approve the subject CUP requests.

1. Summary of Commission public hearing:
 - a. In favor: Cornel Larson
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: Cornel Larson
 - 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. None
4. Commission change(s) to Staff recommendation:
 - a. None
5. Outstanding issue(s) for City Council:
 - a. None

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VII. EXHIBITS

A. Proposed Site Plan (dated: 4/27/2022) - Revised



CONSULTANT: LARSON ARCHITECTS, P.A. 2022. ALL RIGHTS RESERVED. SEE LICENSE INFORMATION ON REAR SHEET.

Larson Architects, P.A. architects • interior designers • planners 100 N. W. 57th Street Boise, Idaho 83714 (208) 376-7502	
LOT 8 A NEW MULTI-TENANT BUILDING for COSTCO DEVELOPMENT, LLC MERIDIAN, IDAHO	
DESIGN:	
DRAWN BY:	
CHECKED BY:	
DATE:	
SHEET:	SP-1

EXHIBIT A

B. Proposed Landscape Plan (dated: 5/13/22)

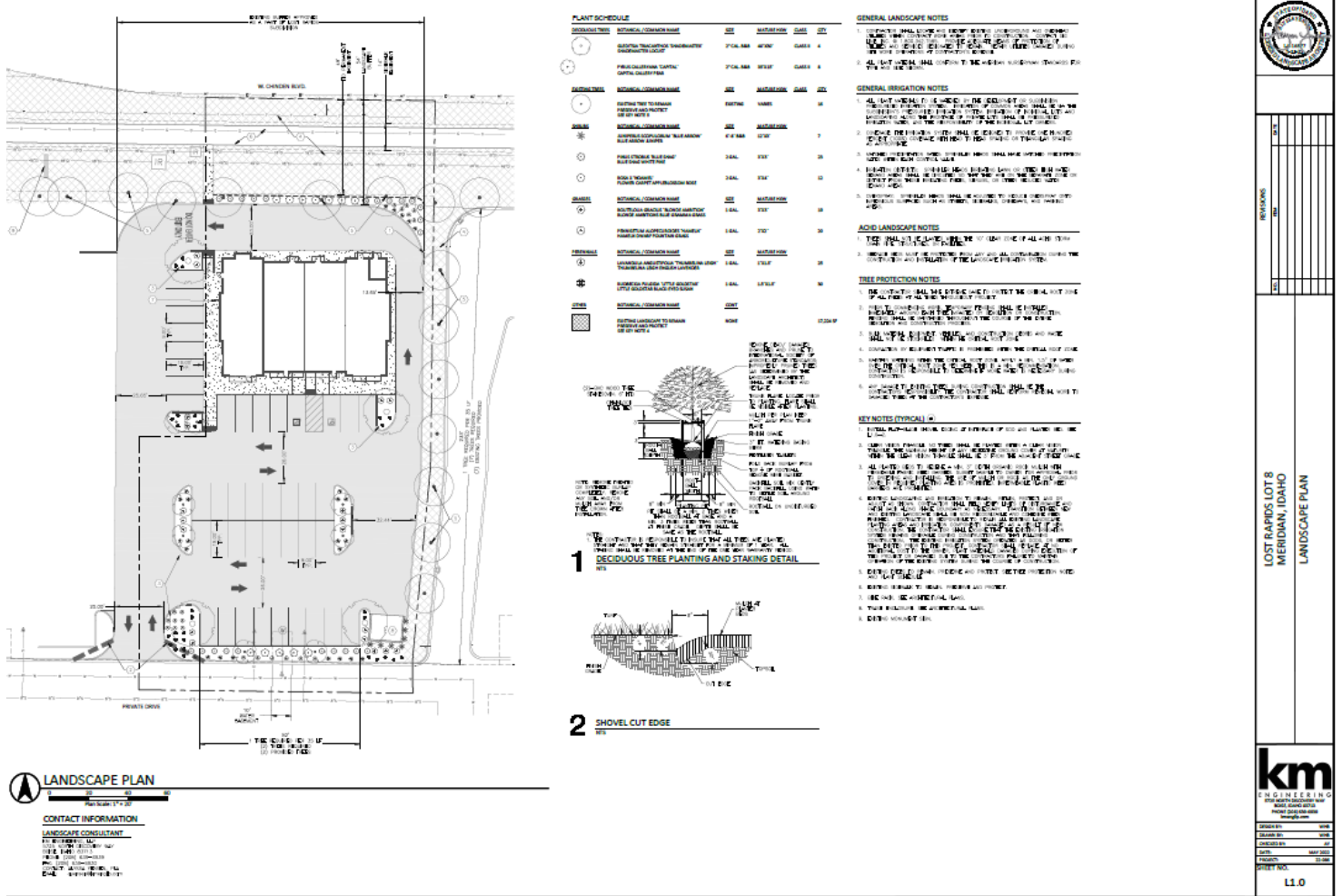
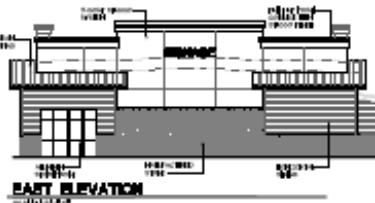
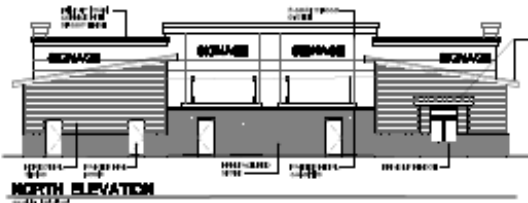
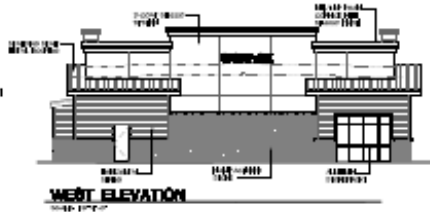
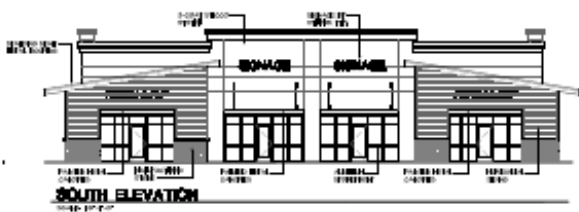
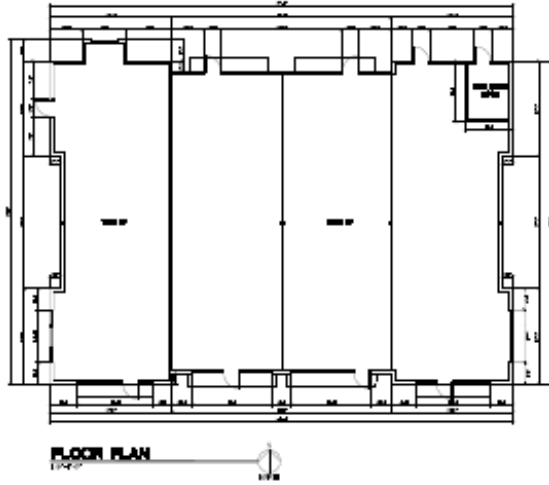


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C. Building Elevations (dated: 4/27/22)



JARSON ARCHITECTS, P.A. 210 JEFFERSON STREET, SUITE 200, MEMPHIS, TN 38104
 (901) 527-1234

Jarson Architects, P.A.
 ARCHITECTS AND ASSOCIATES
 210 JEFFERSON STREET
 SUITE 200
 MEMPHIS, TN 38104
 (901) 527-1234

LOT 8
 A NEW MULTI-TENANT BUILDING FOR
 LOST PAPERS DEVELOPMENT, LLC
 MEMPHIS, TN

SHEET NO. **A-1**
 DATE: 4/27/22

A-1

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. Depict a minimum 5-foot wide pedestrian walkway from the perimeter sidewalk along W. Chinden Blvd. to the main building entrance per UDC [11-3A-19B.4](#). The pathway 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 and/or as allowed by the UDC.
 - e. Depict landscaping in the perimeter buffer along the east boundary of the site in accord with the standards listed in UDC [11-3B-8C](#) (*shrubs should be included*).
 - f. Widen the perimeter buffer along the south boundary of the site 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.
 - g. Depict safe pedestrian access to the adjacent property to the west as set forth in UDC [11-4-3-11C](#). Work with the property owner to the west on a common location for the walkway. *Pedestrian access is not required to the property to the east as it's a fuel facility.*
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. 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

EXHIBIT A

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=263100&dbid=0&repo=MeridianCity>

C. SETTLER'S IRRIGATION DISTRICT (SID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=262707&dbid=0&repo=MeridianCity>

IX. FINDINGS

Conditional Use (UDC 11-5B-6)

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

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

The Commission 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.

The Commission 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.

The Commission 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.

The Commission 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.

The Commission 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.

EXHIBIT A

The Commission 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.

The Commission 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)

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

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

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

This finding is not applicable.

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

This finding is not applicable.