

**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 for Chipotle within 300-Feet of another Drive-through Establishment, a Residential Zoning District and Existing Residences on 1.38 Acres of Land in the C-G Zoning District, Located at 1737 S. Meridian Rd., by Jeff Likes, ALC Architecture.

Case No(s). H-2022-0094

For the Planning & Zoning Commission Hearing Date of: March 16, 2023 (Findings on April 6, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 16, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 16, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 16, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 16, 2023, 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 March 16, 2023, 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 a conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of March 16, 2023, 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 March 16, 2023.

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2023.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED_____

COMMISSIONER MARIA LORCHER, VICE CHAIRMAN VOTED_____

COMMISSIONER NATE WHEELER VOTED_____

COMMISSIONER STEVEN YEARSLEY VOTED_____

COMMISSIONER PATRICK GRACE 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: 3/16/2022

TO: Planning & Zoning Commission

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

SUBJECT: H-2022-0094
Chipotle – CUP

LOCATION: 1737 S. Meridian Rd., in the NE 1/4 of Section 24, T.3N., R.1W. (Parcel #R5652350045)



I. PROJECT DESCRIPTION

Conditional Use Permit (CUP) for a drive-through establishment within 300-feet of another drive-through establishment, a residential zoning district and existing residences on 1.38 acres of land in the C-G zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	1.38-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:	11/15/22

EXHIBIT A

History (previous approvals)

AZ-04-031 (Ord. #05-1179, DA Inst. #[105134293](#)) Meridian Gateway); [VAR-05-027](#) (access to SH-69/Meridian Rd.); MI-07-002 1st Addendum to DA (Inst. #[107099630](#) Medina Subdivision); and MDA-13-007 2nd Addendum to DA (Inst. #[2014-095963](#) Medina Subdivision); Preliminary Plat (PP-07-003) for Medina Subdivision); Final Plat (FP-07-013 – Lot 4, Block 1, Medina Subdivision); and PBA-2022-0017 (Howell Residuary Trust ROS #13573 – *tentatively approved and ROS is recorded but has not yet received final approval from Planning*)

B. Project Area Maps

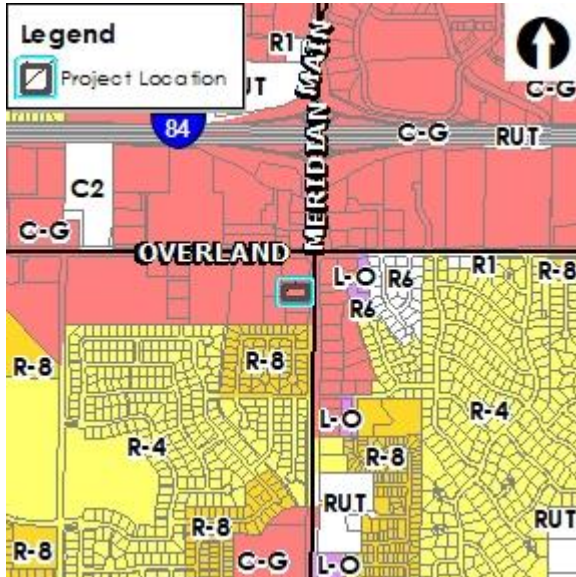
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



EXHIBIT A

III. APPLICANT INFORMATION

A. Applicant:

Jeff Likes, ALC Architecture – 1119 E. State St., Ste. 120, Eagle, ID 83616

B. Owner:

Spencer Smith, Smithy Frazier, LLC – 50 Henry St., Cortez, CO 81321

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	3/1/2023
Radius notification mailed to properties within 300 feet	3/16/2023
Site Posting Date	3/6/2023
Next Door posting	2/27/2023

V. STAFF ANALYSIS

The Applicant requests approval of a Conditional Use Permit (CUP) to construct a 2,325 square foot (s.f.) restaurant with a drive-through pick-up window for Chipotle on a 1.37-acre property in the C-G zoning district.

The proposed development complies with the provisions of the existing Development Agreement (Inst. #[105134293](#) Meridian Gateway) and subsequent addendums [MI-07-002 1st Addendum (Inst. #[107099630](#) and MDA-13-007 2nd Addendum (Inst. #[2014-095963](#))] for the underlying subdivision.

A property boundary adjustment (PBA-2022-0017 – Howell Residuary Trust ROS #13573) has been tentatively approved by the Planning Division and the Record of Survey recorded for the proposed configuration of the property but has not yet received final approval – **the property owner should finalize this process prior to July 21, 2023 in order for the PBA to be recognized by the City in accord with UDC [11-6B-8](#).**

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 – Walgreen's pharmacy on the abutting lot to the north and Carl's Jr. to the south; there are also existing residences and a residential district within 300 feet of the property to the south (Elk Run Subdivision). **The proposed drive-through is for pick-up orders only from their app and will not include a menu board or outdoor speakers. Any change to the proposed use will require a modification to the CUP.**

EXHIBIT A

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. *The stacking lane and window location is depicted on the site plan; a menu board and speaker are not proposed.*

The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. 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 site plan depicts queuing for 7-8 vehicles, which should be sufficient for the proposed use as a pick-up only drive-through.

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 and allows for 7-8 vehicles to stack.

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 length of the drive-through is approximately 145 feet from the point of entry to the drive-through window; therefore, an escape lane is required as depicted on the site plan.

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 south side of the building and is visible from SH-69/S. Meridian Rd. and from the driveway into the development adjacent to the southern boundary of the site.

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. *Based on 2,325 s.f., a minimum of nine (9) off-street parking spaces are required to be provided; a total of 22 spaces are provided in accord with and exceeding this standard.*

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: Access is proposed from the existing east/west driveway via SH-69/S. Meridian Rd. that runs along the southern boundary of this site and provides access to the lots in Medina Subdivision. A variance ([VAR-05-027](#)) was approved by City Council in 2005 for this access. **This driveway is required to be extended to the property to the west (Parcel #R5652350065) as a provision of the variance approval.**

EXHIBIT A

A right-in only access is proposed to the site from the main driveway from SH-69/S. Meridian Rd. Traffic will exit the site to the north to avoid traffic conflicts at the southeast corner of the site with vehicles turning into the development from the highway.

Parking: As noted above, UDC 11-4-3-49 includes specific parking standards for restaurants (i.e. one space per 250 square feet of gross floor area), which the site plan demonstrates compliance with and actually exceeds the minimum standards.

A minimum of one (1) bicycle parking space is required to be provided based on one (1) space 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 west end of the north side of the building which should accommodate a minimum of one (1) bicycle.

Landscaping: Street buffer landscaping was installed within the street buffer along SH-69/S. Meridian Rd., an entryway corridor, with the Medina subdivision improvements. *Note: The aerial view of the property depicted on the site plan that shows parking stalls encroaching within the street buffer is not accurate; the buffer is will remain the same and is not proposed to be modified.*

Parking lot landscaping is required to be provided in accord with the standards listed in UDC [11-3B-8C](#). **A 5-foot wide perimeter buffer is required along the west boundary of the site, landscaped per the standards listed in UDC [11-3B-8C.1b](#). The plans submitted with the Certificate of Zoning Compliance application should be revised to reflect compliance with this standard. A perimeter buffer is not required along the north or south boundaries of the site as those are shared driveways with the adjacent properties.**

Sidewalks: A 10-foot wide sidewalk/multi-use pathway exists within the street buffer along SH-69/S. Meridian Rd. in accord with the Pathways Master Plan and UDC 11-3H-4C.4. **A pedestrian walkway is proposed from the perimeter sidewalk/pathway along SH-69/S. Meridian Rd. to the main building entrance in accord with UDC [11-3A-19B.4](#). Where the pathway crosses vehicular driving surfaces, 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.4b. The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.**

Easements: There are existing easements on this lot as shown on the Medina subdivision plat and ROS #13573. **These easements should be depicted and labeled on the plans submitted with the Certificate of Zoning Compliance application. The proposed structure shall not encroach within these easements, except as allowed in the UDC.**

Mechanical Equipment: All mechanical equipment on the building and outdoor service and equipment should be incorporated into the overall design of the building 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](#). The Applicant states that all mechanical equipment will be located on top of the roof and will be screened by parapets.

Building Elevations: Conceptual building elevations were submitted as shown in Section VII.C for a single-story building that consists of a stucco/EIFS finish with metal canopies and accents and glazing. The trash enclosure is proposed to be constructed of smooth-face CMU and split-face CMU color matched to the building as shown in Section VII.A.

The proposed elevations are not approved with this application and will be reviewed with the Design Review application for consistency 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

EXHIBIT 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 March 16, 2023 At the public hearing, the Commission moved to approve the subject CUP request.

1. Summary of the Commission public hearing:

- a. In favor: Jeff Likes, ALC Architecture
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: Jeff Likes, ALC Architecture (Applicant's Representative)
 - e. Staff presenting application: Sonya Allen
 - 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. Questions and discussion pertaining to the nature of the pick-up only drive-through and human behavior associated with it.
- #### 4. Commission change(s) to Staff recommendation:
- a. None

EXHIBIT A

VII. EXHIBITS

A. Proposed Site Plan (dated: 8/24/2022) - Revised

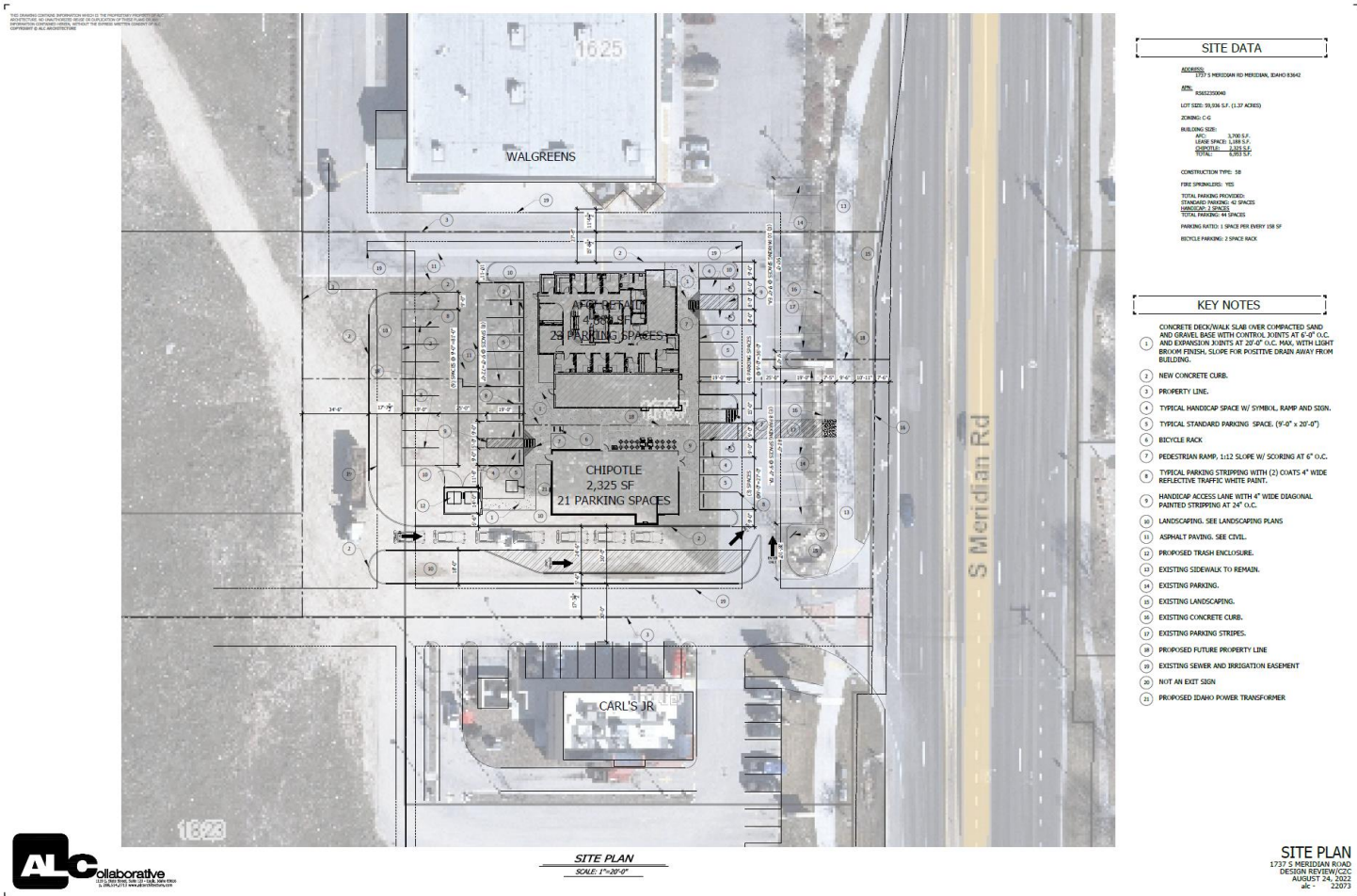
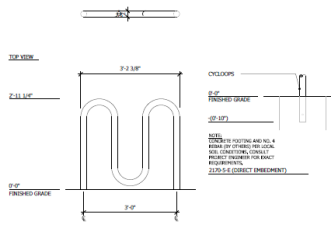
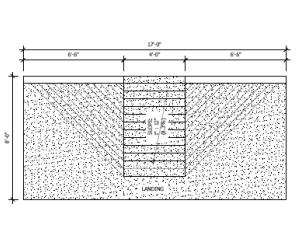


EXHIBIT A

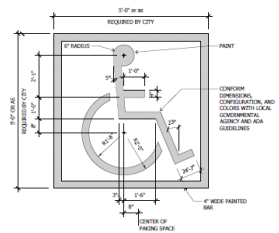
THE DRAWING CONTRACT REPRESENTATIVE AND/OR THE REPRESENTATIVE PROPERTY OF ALL CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ALBUQUERQUE, NEW MEXICO, AND ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND ORDINANCES.



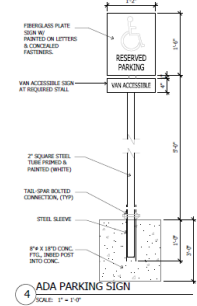
2 BIKE RACK DETAIL
SCALE: 3/8\"/>



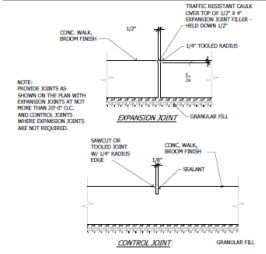
11 PEDESTRIAN RAMP DETAIL
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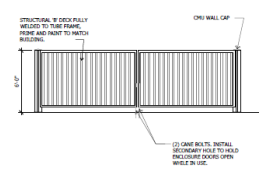
3 ADA PARKING DETAIL
SCALE: 1/2\"/>



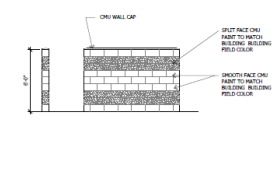
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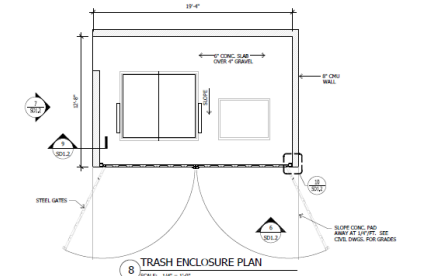
9 SIDEWALK DETAIL
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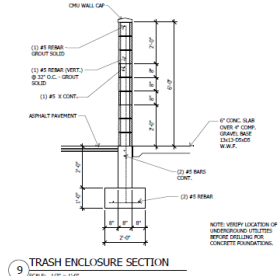
6 TRASH ENCLOSURE FRONT ELEVATION
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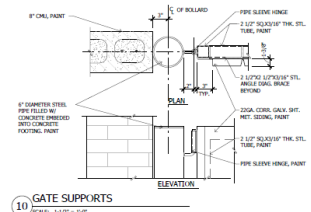
7 TRASH ENCLOSURE ELEVATION
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8 TRASH ENCLOSURE PLAN
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9 TRASH ENCLOSURE SECTION
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10 GATE SUPPORTS
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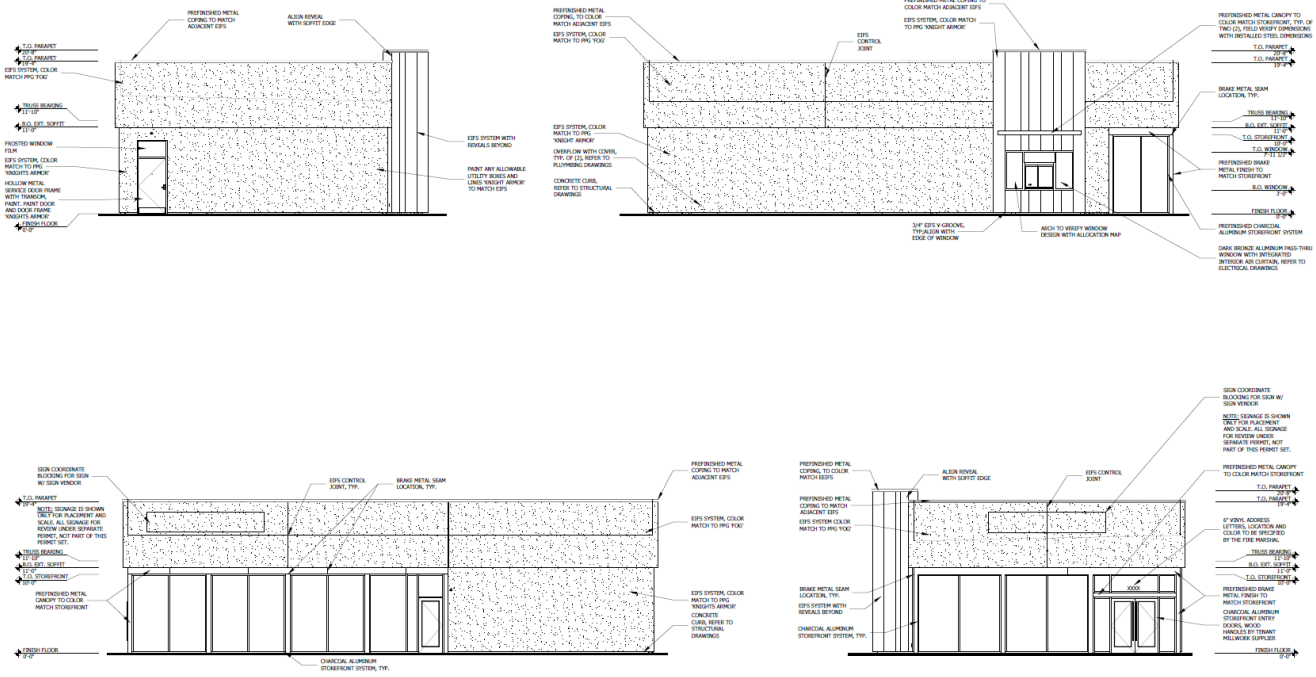


SITE DETAILS
1737 S MERIDIAN ROAD
DESIGN REVIEW/CCC
OCTOBER 5, 2022
46-22073

EXHIBIT A

C. Building Elevations (dated: 9/13/21) – Not Approved

The drawings contain information which is the proprietary property of ALC Collaborative, LLC and is intended for the use of the client and is not to be distributed, copied, or otherwise used without the express written consent of ALC Collaborative, LLC.



ELEVATIONS
1737 S MERIDIAN BLVD
DESIGN REVIEW - CC
SEPTEMBER 13, 2021
ALC - 22073

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 [AZ-04-031 (Ord. #05-1179, DA Inst. #[105134293](#)) Meridian Gateway); [VAR-05-027](#) (access to SH-69/Meridian Rd.); MI-07-002 1st Addendum to DA (Inst. #[107099630](#)) Medina Subdivision); and MDA-13-007 2nd Addendum to DA (Inst. #[2014-095963](#)) Medina Subdivision)].
2. The subject approval is for a drive-through *pick-up* window only and does not include a menu board or outdoor speaker for ordering; any change(s) to the approved use shall be approved through a conditional use permit modification application.
3. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. Depict and label all easements that exist on the subject lot per the recorded plat (Medina Subdivision) and Record of Survey (#13573). Any encroachments within existing easements should be permitted through the easement holder or as allowed by the UDC.
 - b. Depict a minimum 5-foot wide perimeter buffer along the west boundary of the site, landscaped per the standards listed in UDC [11-3B-8C](#). *A perimeter buffer is not required along the north or south boundaries of the site as those are shared driveways with the adjacent properties.*
 - c. Extend the main east/west driveway from SH-69/S. Meridian Rd. along the southern boundary of the site to the property to the west (Parcel #R5652350065) as required by City Council with approval of the variance ([VAR-05-027](#)).
 - d. The walkway from the perimeter sidewalk/pathway along SH-69/S. Meridian Rd. 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](#).
4. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment and [11-4-3-49](#) – Restaurant is required.
5. Direct access via SH-69/S. Meridian Rd. other than the right-in/right-out access located at the southeast corner of the site approved with VAR-05-027 is prohibited.
6. The property owner shall obtain final approval of the property boundary adjustment (PBA-2022-0017 – Howell Residuary Trust ROS #13573) from the Planning Division prior to July 21, 2023 in order for the boundary adjustment to be recognized by the City.
7. All mechanical equipment on the building and outdoor service and equipment should be incorporated into the overall design of the building 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](#).
8. 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*.
9. 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

EXHIBIT A

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. PUBLIC WORKS DEPARTMENT

Site Specific Conditions of Approval

1. Ensure no sewer services cross infiltration trenches.
2. Additional 1400 gpd committed to model. WRRF decline balance is 14.58 MGD.
3. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
4. Utilities not provided in record. Applicant to provide utilities as part of future submittal for public work review.
5. Existing 8" water main located at the NW corner of the site must be extended to the southern property boundary. There is an existing easement. If the water main is not routed in the easement a new easement will be required. Water line should be located at least 5' from the edge of the existing easement if used.
6. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.

General Conditions of Approval

7. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
8. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
9. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.**
10. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
11. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.

EXHIBIT A

12. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
13. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
14. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
15. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
16. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
17. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
18. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
19. Developer shall coordinate mailbox locations with the Meridian Post Office.
20. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
21. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
22. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
23. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
24. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
25. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the

EXHIBIT A

Community Development Department website. Please contact Land Development Service for more information at 887-2211.

26. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=288131&dbid=0&repo=MeridianCity>

D. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=289642&dbid=0&repo=MeridianCity>

E. NAMPA-MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=289409&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.

EXHIBIT A

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.

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.