

# EXHIBIT A

## COMMUNITY DEVELOPMENT DEPARTMENT REPORT



HEARING DATE: 4/17/2025  
(Continued from: 4/3/2025)

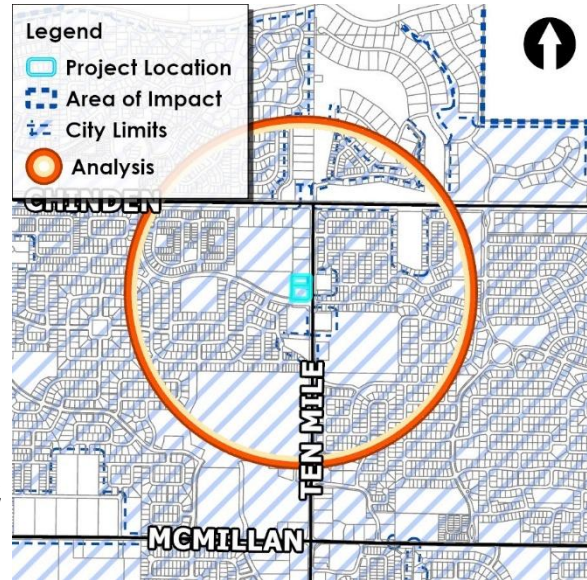
TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner  
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APPLICANT: Todd Smith, In-N-Out Burger

SUBJECT: H-2024-0058  
In-N-Out Burger at Ten Mile

LOCATION: 5985 & 6037 N. Ten Mile Rd., in the NE  
¼ of Section 27, T.4N., R1W.



**Note for clarification:** The notice of public hearing included “extended” business hours of operation as the use was believed to abut a residential use and zoning district, which would have limited hours from 6:00 am to 11:00 pm per UDC 11-2B-3B; however, upon closer examination, prior to issuance of the staff report, Staff found the proposed use is actually separated from the residential use/zoning by a 20 foot wide strip of commercially zoned land. Therefore, business hours are not expressly limited by the UDC although they may be limited through the Conditional Use Permit as a condition of approval for compatibility with adjacent uses. The staff report clarified this matter in Section III.C below and Staff also clarified it verbally at the public hearing. Any references in the staff report to “extended” business hours of operation should be disregarded.

### I. PROJECT OVERVIEW

#### A. Summary

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

#### B. Recommendation

Staff: Denial

#### C. Decision

Commission: Denial

### II. COMMUNITY METRICS

**Table 1: Land Use**

| Description          | Details                                | Map Ref. |
|----------------------|----------------------------------------|----------|
| Existing Land Use(s) | Vacant/undeveloped                     | -        |
| Proposed Land Use(s) | Restaurant/drive-through establishment | -        |

| Description               | Details                                              | Map Ref. |
|---------------------------|------------------------------------------------------|----------|
| Existing Zoning           | C-G (General Retail and Service Commercial District) | VII.A.2  |
| Proposed Zoning           | NA                                                   |          |
| Adopted FLUM Designation  | Commercial                                           | VII.A.3  |
| Proposed FLUM Designation | NA                                                   |          |

**Table 2: Process Facts**

| Description                 | Details   |
|-----------------------------|-----------|
| Preapplication Meeting date | 10/7/2024 |
| Neighborhood Meeting        | 7/15/2024 |
| Site posting date           | 4/7/2025  |

**Table 3: Community Metrics**

| Agency / Element             | Description / Issue                                                                                          | Reference |
|------------------------------|--------------------------------------------------------------------------------------------------------------|-----------|
| Ada County Highway District  | No mitigation required by ACHD                                                                               |           |
| • Comments Received          | Yes                                                                                                          | -         |
| • Commission Action Required | No                                                                                                           | -         |
| • Access                     | Driveway access to a private drive aisle along the west side of the site that connects to W. Lost Rapids Dr. | -         |
| ITD Comments Received        | Yes                                                                                                          |           |

Note: See section IV. City/Agency Comments & Conditions for comments received or see public record: <https://weblink.meridiancity.org/WebLink/browse.aspx?id=367313&dbid=0&repo=MeridianCity>

### III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

#### A. General Overview

This property is designated Commercial on the Future Land Use Map (FLUM) in the Comprehensive Plan. It's located within the commercial area where Costco is located, which includes several smaller commercial pads around the perimeter of the development fronting on W. Chinden Blvd. and N. Ten Mile Rd. Multi-family apartments exist directly to the west of the site (south of Costco) across a 35-foot-wide driveway that provides access to the overall development via Lost Rapids Dr., a collector street between W. Chinden Blvd. and N. Ten Mile Rd.

**Table 4: Project Overview**

| Description | Details                                                                               |
|-------------|---------------------------------------------------------------------------------------|
| History     | H-2018-0004 (AZ, PP, CPAM, VAR – DA Inst. <a href="#">2018-079970</a> ), FP-2019-0056 |
| Acreage     | 2.22 acres                                                                            |

#### B. History

In 2018, the subject property was annexed as part of a larger development area consisting of residential and commercial property zoned R-40 and C-G and included in a preliminary plat. A development agreement was required as a provision of annexation, which governs future development of the property. The property was later included in a final plat as Lots 14 & 15, Block 1, Lost Rapids Subdivision.

### C. Site Development and Use Analysis *(Staff comments in italics)*

#### 1. Proposed Use Analysis *(UDC 11-2)*:

The proposed use aligns with the Commercial FLUM designation in the Comprehensive Plan. A restaurant is a principal permitted use in the C-G district, but a drive-through establishment requires approval of a conditional use permit (CUP) when the property is within 300 feet of another drive-through facility, a residential district, or an existing residence in accord with UDC Table 11-2B-3. In this case, the property is within 300 feet of another drive-through facility directly to the north (i.e. Café Rio), and existing residences and a residential district directly to the west (i.e. Olivia Apartments & Townhomes, zoned R-40). Single-family residential uses and zoning also exist to the east across N. Ten Mile Rd. but are separated from the site by a 5-lane arterial street.

The C-G zoning district limits business hours of operation from 6:00 am to 11:00 pm when the property abuts a residential use or district; extended hours may be requested through a CUP. Technically, this site does not directly abut a residential use or district – there is a 20' wide strip of land between this site and the adjacent residential development and R-40 zoning district owned by Costco, zoned C-G. Although hours of operation wouldn't be restricted by the UDC in this instance per se, hours may still be limited through the CUP.

The Applicant proposes business hours of operation until 1:00 am Sunday through Thursday, and 1:30 am Friday and Saturday. Although business hours are allowed to start at 6:00 am, the Applicant states the business won't open until 10:30 am. Deliveries are proposed to occur between the hours of 2:00 am and 9:00 am during non-business hours. The Applicant states trucks do not have to back up to deliver, which will avoid any back-up warning beeping.

*Note: When Costco was approved, deliveries were not allowed to occur between the hours of 10:00 pm and 5:00 am to minimize noise impacts to adjacent residential neighbors.*

Because this site is in such close proximity to residential uses to the west, Staff does *not* recommend approval of extended hours of operation beyond those allowed in the district, in accord with Comprehensive Plan Policy #5.01.01F below.

*“Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing city code.” (Comprehensive Plan Policy #5.01.01F)*

If the CUP is approved, the Commission should specify allowed hours of operation and if deliveries are allowed after-hours as proposed.

#### 2. Dimensional Standards *(UDC 11-2)*:

Development of the site shall comply with the dimensional standards of the C-G district in UDC Table 11-2B-3. *Staff has reviewed the proposed plans and building elevations and they comply with these standards.*

#### 3. Specific Use Standards *(UDC 11-4-3)*:

**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 proposed site plan depicts stacking lanes and service locations as required. Only one (1) menu board and speaker is proposed; two (2) umbrella stands are proposed for weather protection for employees to take orders remotely farther down the drive-through lane.*

The site plan is required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. *Sidewalks exist within the street buffers along Lost Rapids Dr. and N. Ten Mile Rd. A pedestrian walkway is proposed from the perimeter*

*sidewalk along Ten Mile to the main building entrance in accord with UDC 11-3A-19B.4; another walkway is proposed from the building entrance to the north. If approved, Staff recommends a minimum 5' wide sidewalk is provided along the west side of the site alongside the north/south drive aisle for pedestrian safety.*

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 indicates capacity for 29 vehicles within the proposed stacking lanes. While this would typically be sufficient, Staff is concerned it may not be sufficient for this constrained site. These concerns are informed by ongoing traffic issues in the area and operational challenges observed at the In-N-Out at The Village at Meridian. There, during the extended period following its opening—and potentially still during peak times—vehicle queues exceeded site boundaries, spilling into internal drive aisles that serve parking for the broader development.*

*In that case, the impact was mitigated by lower parking demand due to the area not being fully built out, and the absence of overflow onto a public right-of-way. Since its opening a year and a half ago, activity at that location has decreased, resulting in reduced stacking and impact on adjacent properties.*

*While the addition of a second location may help distribute customer traffic, the proposed site presents greater risk due to its proximity to residential uses, public right-of-way and other high-traffic commercial uses. Vehicle queues may obstruct key internal drive aisles used for on-site parking, the access driveway off Lost Rapids, and potentially the adjacent public right-of-way (Lost Rapids Dr.), compounding existing circulation and safety concerns.*

*Many letters of opposition have been received from area residents and patrons of adjacent commercial uses attesting to the traffic and congestion issues in this area and concerns the proposed use will only exacerbate these issues.*

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.

*Approximately 400 feet of the stacking lane is a separate lane from the circulation lanes needed for access and parking; however, Staff is concerned stacking will extend from this area and block circulation lanes needed for access and parking internal and external to the site during peak hours. If approved, parking spaces nearest the stacking lane along the west boundary of the site should be designated for employee parking only.*

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. The nearest apartment building is approximately 80 feet from the stacking lane.*

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

*The first 170+/- feet of the drive-through has a double stacking lane, which transitions to a single stacking lane with an escape lane for the last 230+/- feet up to the pick-up window, meeting this requirement.*

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

*The two (2) pay windows are located along and are visible from N. Ten Mile Rd. for*

*surveillance purposes.*

The applicant shall provide a six-foot sight obscuring fence where a stacking lane or window location adjoins a residential district or an existing residence.

*The site is separated from the multi-family development to the west by a 2-way drive aisle so this requirement is not applicable.*

**Restaurant:** The proposed use is also subject to the specific use standards listed in UDC [11-4-3-49](#) for restaurants, as follows:

Parking: At a minimum, one (1) parking space shall be provided for every two hundred fifty (250) square feet of gross floor area.

Upon any change of use for an existing building or tenant space, a detailed parking plan shall be submitted that identifies the available parking for the overall site that complies with the requirements of this title.

*Based on 3,886 square feet of gross floor area for the proposed restaurant, a minimum of 16 vehicle parking spaces are required; a total of 73 spaces are proposed, which meets and exceeds the minimum standard.*

#### **D. Design Standards Analysis**

##### **1. Landscaping (UDC 11-3B):**

*“Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.).” (Comprehensive Plan policy #3.07.01C)*

##### **i. Landscape buffers along streets**

Street buffers are required to be provided with development per UDC Table 11-2B-3 based on the street classification with landscaping per the standards in UDC 11-3B-7C.

*A 35-foot wide street buffer was installed on this site along N. Ten Mile Road, an arterial road and entryway corridor, and a 20-foot wide street buffer was installed along W. Lost Rapids Dr., a collector street, with the subdivision improvements as required. Additional buffer width is proposed with development of the site ranging from 7 to 11 feet along N. Ten Mile Rd. and 22 feet along W. Lost Rapids Dr. with additional landscaping.*

##### **ii. Parking lot landscaping**

Perimeter and internal parking lot landscaping is required to be provided in accord with the standards listed in UDC [11-3B-8](#).

Planter islands are required to be placed at the ends of rows of parking to delineate and guide traffic movement within the parking area, prevent cross space driving, and to reduce the visual impact of long rows of parked cars. *If approved, planter islands should be added at the ends of rows of parking that abut the southern driveway for the site.*

##### **iii. Landscape buffers to adjoining uses**

Landscaping within buffers to residential and/or non-industrial uses is required to comply with the standards of UDC 11-3B-9C. *No residential uses adjoin the site (the residential apartments to the west are separated from this site by a driveway); therefore, a landscape buffer is not required.*

##### **iv. Storm integration**

Storm drainage is required to comply with the standards listed in UDC 11-3A-18.

v. Pathway landscaping

Landscaping is required to be provided along all pathways per the standards listed in UDC 11-3B-12C. *No pathways are proposed or required within the site.*

2. Parking (UDC 11-3C):

i. Nonresidential parking analysis

As noted above, a minimum of one (1) off-street parking space is required per 250 square feet of gross floor area for the proposed restaurant. *Based on the 3,886 square-foot building, a minimum of 16 spaces are required. A total of 73 parking spaces are proposed, exceeding the minimum standard by 57 spaces.*

ii. Bicycle parking analysis

A minimum of one (1) bicycle parking space is required 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. *Based on the proposed number of vehicle spaces (i.e. 73), a minimum of three (3) bicycle spaces should be provided. A total of four (4) spaces are proposed, which meets and exceeds the minimum standard.*

3. Structure and Site Design (11-3A-19)

Architectural character: Buildings are required to be designed in accord with the City of Meridian Architectural Standards Manual (ASM). *The conceptual building elevations included in Section VII.E appear to comply with these standards; final design is required to comply with the non-residential design standards in the ASM.*

Site design: Extend or improve streets, drive aisles, cross access easements or similar vehicular and pedestrian connections provided from adjacent properties. *No cross-access easements or driveways exist to this site from the adjacent property to the north. A 5-foot wide sidewalk exists along the west side of the lot to the north adjacent to the north/south drive aisle from W. Lost Rapids Dr. If approved, Staff recommends a sidewalk is also provided on this site along the north/south drive aisle for pedestrian safety and access to/from the north and from the sidewalk along W. Lost Rapids Dr.*

For lots with frontage on a public street, a minimum of 30% of the buildable frontage of the property shall be occupied by building facades and/or public space. *The proposed site design meets this requirement along N. Ten Mile Rd. with only a drive-through lane between the building façade and the public street but does not meet the requirement along W. Lost Rapids Dr.*

Parking lots: For properties greater than two (2) acres in size, no more than 50% of the total off-street parking area for the site shall be located between building facades and abutting streets. *The proposed site design meets this requirement along Ten Mile but does not along Lost Rapids.*

Pedestrian walkways: A continuous internal pedestrian walkway that is a minimum of five (5) feet in width is required from the perimeter sidewalk to the main building entrance(s) for non-residential uses. The walkway should be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks and have weather protection (including, but not limited to, an awning or arcade) within 20 feet of the all customer entrances. *A pedestrian walkway is proposed from the perimeter sidewalk along N. Ten Mile Rd. and along the northern boundary of the site to the main building entrance. **If approved, the pedestrian walkway along the northern boundary should connect to the sidewalk required along the western boundary of the site; and all walkways that cross vehicular driving surfaces should be distinguished as noted above.***



*“Consider needed sidewalk, pathway, landscaping, and lighting improvements with all land use decisions.” (Comprehensive Plan policy #6.01.02D)*

## **E. Transportation Analysis**

### **1. Access (Comp Plan, UDC 11-3A-3, UDC 11-3H-4):**

*Comprehensive Plan Policy 6.01.02B focuses on minimizing access points to arterial streets by implementing strategies like cross-access agreements, access management, and developing frontage and backage roads, while enhancing connectivity between local and collector streets.*

Access for the site is proposed via two (2) full-access driveways from the north/south drive aisle that exists along the west side of the site, which connects to W. Lost Rapids Dr. Direct access via N. Ten Mile Rd. is not proposed or allowed. This is in accord with the above noted Comprehensive Plan policy.

The Applicant submitted a [\*traffic analysis\*](#) focused on the Ten Mile & Lost Rapids area, included in the public record. In short, the analysis states the proposed queuing capacity for 29 vehicles will provide sufficient storage capacity to accommodate vehicles observed at 18 other In-N-Out establishments *once operations normalize*. An overflow management plan is identified, which will be implemented when drive-through lane overflow occurs and will extend the available queuing area by an additional 21 vehicles to accommodate approximately 50 vehicles on-site. The plan extends the queuing area by closing the southern access point and re-purposing 14 parking spaces along the site's western boundary. This modification limits access to a single entry and exit driveway at the northwest corner of the site. **While Staff doesn't necessarily disagree that the proposal should be adequate once operations normalize, Staff is concerned about the impacts to internal drives and adjacent public right-of-way and associated public safety in the interim if vehicles stack beyond the boundary of the site.**

**ACHD has indicated that no additional improvements are required to the adjacent streets.**

### **2. Sidewalks and Parkways (UDC 11-3A-17):**

Sidewalks and parkways are required to comply with the standards listed in UDC 11-3A-17.

Detached 5-foot wide sidewalks exist along N. Ten Mile Rd. and W. Lost Rapids Dr abutting the site. No parkways are proposed or required.

## **F. Services Analysis**

### **1. Pressurized Irrigation (UDC 11-3A-15):**

Underground pressurized irrigation water is required to be provided as set forth in UDC 11-3A-15.

### **2. Storm Drainage (UDC 11-3A-18):**

Storm drainage is required to comply with the standards listed in UDC 11-3A-18.

### **3. Utilities (Comp Plan, UDC 11-3A-21):**

All utilities shall be installed at or below grade in accord with the City's adopted standards, specifications and ordinances. All development shall be connected to the City of Meridian water and sewer systems, unless otherwise approved by the City Engineer.

*Service stubs were provided to this property with development of the subdivision.*

*Comprehensive Plan Policy #3.03.03G requires that urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, and water and sewer utilities. Additionally,*

*all utilities for the proposed development must be installed in accordance with the standards specified in UDC 11-3A-21.*

*“Support infill development that does not negatively impact the abutting, existing development.”* (Comprehensive Plan policy #2.02.02C) – Based on the above analysis and the public testimony received, Staff believes the proposed development *will* have a negative impact on adjacent residential properties. Concerns include deteriorating air quality from vehicle exhaust while cars idle in line for service, and noise generated outside acceptable hours for areas next to residential uses. Additionally, the proposed development will most certainly increase traffic and congestion in an area that is already strained, further exacerbating existing transportation challenges.

*As of the date of this report, 146 letters of public testimony, mostly in opposition to the project, have been received and are included in the public record.*

#### **IV. CITY/AGENCY COMMENTS & CONDITIONS**

##### **A. Meridian Planning Division**

*Staff is not recommending approval of the proposed conditional use permit; therefore, conditions of approval are not included. If the Commission wishes to approve the request, the project should be continued to a subsequent hearing date for Staff to prepare conditions of approval for consideration by the Commission.*

**Other agency comments may be accessed in the project file in the public record. Copy and paste the following link into your browser:**

<https://weblink.meridiancity.org/WebLink/Browse.aspx?id=367313&dbid=0&repo=MeridianCity>

#### **V. FINDINGS**

##### **A. Conditional Use (UDC 11-5B-6E)**

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 not large enough to accommodate the proposed use and comply with the specific use standards listed in UDC 11-4-3-11, which require stacking lanes to have sufficient capacity to prevent obstruction of driveways, drive aisles and the public right-of-way by patrons, per the analysis above in Section III.*

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 infill development will not be harmonious with the Comprehensive Plan in that the proposed use and hours of operation will negatively impact abutting existing residential development, area residents that live nearby traveling on Lost Rapids and patrons of other commercial uses in the area due to excessive noise, traffic and congestion.*

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 and operation of the proposed use will not be compatible with other residential and commercial uses in the general neighborhood, due to noise, air quality and transportation impacts, which are already challenging in this area and will be*



*exacerbated with the proposed use as discussed above in Section III, which will 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 adversely affect other properties in the vicinity and thus, denies the proposed use.*

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 can be served adequately 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 excessive 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 be detrimental to persons, property and the general welfare due to excessive production of exhaust fumes from vehicles idling in line for extended periods of time, noise, traffic and congestion based on the analysis above in Section III and the many letters of testimony received from the public included in the public record.*

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.

*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:

*This finding is not applicable.*

10. 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.*

11. 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.*

## **VI. ACTION**

### **A. Staff:**

Staff recommends denial of the proposed Conditional Use Permit as discussed above in Section III, per the Findings in Section V.

### **B. Commission:**

The Meridian Planning & Zoning Commission heard this item on April 17, 2025. At the public hearing, the Commission moved to deny the subject CUP request.

#### 1. Summary of the Commission public hearing:

- a. In favor: Todd Smith, In-N-Out Burger (Applicant); Robin Sellers; Shawn Sunwell
  - b. In opposition: Wade Ramsey (Bainbridge HOA); Brick Oliver (Cadence HOA); Bri Jones (Olivia Apartments); Diane Hough; Jon Wheeler; Bob Hough; Val Daigle; Don Dalton; Bill Beye; Shawn Sherman; Clayton McCormick; Pat Catenzero; Diane West; Mike Gallenstein; Steve Lozano; Jeff Wertz; Becca Gulden; Robyn Sellers; Jonathan Walker; Robin Friehling; Shawn Sundwall; Maritza Gardner; Lindsay Poyser; Michael McCallister; Dale Draney; Brian Henszel; Joseph Minor; and James Ferguson
  - c. Commenting: Giancarlo Ganddini
  - d. Written testimony: See public record
  - e. Staff presenting application: Bill Parsons
  - f. Other Staff commenting on application: None
  - 2. Key issue(s) of public testimony:
    - a. Traffic generated from the proposed use and on the adjacent roadways.
    - b. Access to the shared driveway between the proposed development and the Olivia Apartments.
    - c. Hours of operation
    - d. Lights, trash, loitering, and noise from the development.
    - e. Analysis in the focused traffic study
    - f. Impact on property values
    - g. Safety of the kids playing at the surrounding parks crossing the street to the proposed use and additional traffic generated from the proposed use.
  - 3. Key issue(s) of discussion by Commission:
    - a. Hours of operation
    - b. Focused traffic study findings
    - c. Proximity of the proposed use to the multi-family development
  - 4. Commission change(s) to Staff recommendation:
    - a. None
- C. The Meridian City Council heard the Applicant's request for City Council review (CR-2025-0002) of the Commission's decision on the CUP on September 9, 2025. At the public hearing, the Council moved to deny the subject City Council Review request.
- 1. Summary of the City Council public hearing:
    - a. In favor: Cassie Ruiz, In-N-Out Burger; Giancarlo Ganddini; Sean Sunwall; Tom Wilkerson; Mark Vickery; Conrad Brinker; Paul McLaughlin; Steve Barbie; Walt Gasser
    - b. In opposition: Steve Elliott representing Bainbridge HOA; Bill Beye; Brian Haenszel; Steve Lozano; Elwood Cleaver; Brick Oliver (Cadence HOA); Jonathan Walker; Clayton McCormick; Derek Bender; Nancy Meyer; Dianne Hough; Pat Catanzaro; Adrienne Weatherley; Andi McGuire
    - c. Commenting: Robin Sellers, Economic Development Coordinator for City of Nampa; Justin Lucas, ACHD; Diane Dwyer
    - d. Written testimony: Many letters of testimony have been received that are included in the public record
    - e. Staff presenting application: Sonya Allen
    - f. Other Staff commenting on application: None
  - 2. Key issue(s) of public testimony:
    - a. Opposed to this location for In-N-Out Burger due to existing traffic congestion in this area from Costco and several other drive-through and businesses in the development, impact to adjacent residential uses and safety concerns of children in the area;
    - b. In favor of the proposed use and request for the CUP to be approved;
    - c. Would like the In-N-Out Burger to be closer to his residence so he doesn't have to bicycle far for safety reasons;

- d. Belief that the north/south driveway along the project's west boundary can't handle any more traffic and safety concerns for bicycles;
  - e. Concern due to vehicles idling while waiting for service;
  - f. Safety concerns due to increased traffic in an already busy area, opinion this isn't the right location for In-N-Out;
  - g. Impact of business operations at the location in Nampa;
  - h. Impact of the proposed use on traffic on Lost Rapids Dr.
  - i. Light pollution, safety issues, traffic, children's safety traveling to and playing at the nearby park, against proposed location,
  - j. Comments on the Applicant's queue analysis and reference to the Idaho Supreme Court Case #51027 Veterans Park Neighborhood Assoc. Inc. vs. City of Boise and Interfaith Sanctuary Housing Services, Inc.
  - k. In favor of the proposed use due to the desire for more fast food options in this area; the proposed use will create much less traffic than Costco does;
  - l. In-N-Out is a good community partner and should be supported;
  - m. What is the City prepared to do to remedy issues if this is approved?
  - n. Opinion the proposed use is appropriate in this development.
  - o. Opinion the proposed use is too close to adjacent residential uses;
  - p. Existing traffic congestion within the development, which will greatly increase with the proposed use, and traffic impact to the adjacent residential neighborhood and associated safety concerns;
3. Key issue(s) of discussion by City Council:
- a. Concern pertaining to vehicles stacking across the southern access driveway and measures that could be taken to prevent that; preference for the northern access driveway to be right-out only for vehicles exiting the drive-through;
  - b. Timeframe in which other locations were self-contained after opening and didn't encroach on adjacent properties;
  - c. The use is too intense next to residential uses and will have a negative impact on existing residences;
  - d. Opinion the size of the lot can't accommodate the proposed use;
  - e. Opinion the findings listed in UDC 11-5B-6E for a CUP have not been met – based on testimony from the Applicant, Staff and from the public, the proposed use constitutes a more intensive use during peak times than a typical drive-through restaurant with an average of 2,400 daily vehicle trips per day. It has an unusually high trip generation, extraordinary stacking needs and a regional draw that demonstrates an intensity of use that's incompatible with the proximity of existing adjacent residential uses; this use would be more suitable in another location;
  - f. Opinion the size of the property is too small to accommodate the use due to the demand of this successful restaurant; the use will have a negative impact on the adjacent residential uses to the west; concerns about the noise, air quality and transportation impacts in this area; concern the 2017 Traffic Impact Study doesn't reflect current conditions – a lot has changed since that time; the proposed use would negatively impact other properties in the vicinity;
  - g. Concern pertaining to the large volume of traffic that will be accessing the site via a private drive, which isn't a fully built out street, and the opinion the proposed use is too intense next to a residential district.
  - h. Not in favor of the proposed location due to incompatibility with existing residences and traffic impact to Lost Rapids Dr.;
  - i. Opinion the proposed use and development plan meets the required findings to grant a CUP and that if the proposed drive-through isn't granted, no drive-through should go here.
4. City Council change(s) to Commission recommendation:

a.    None

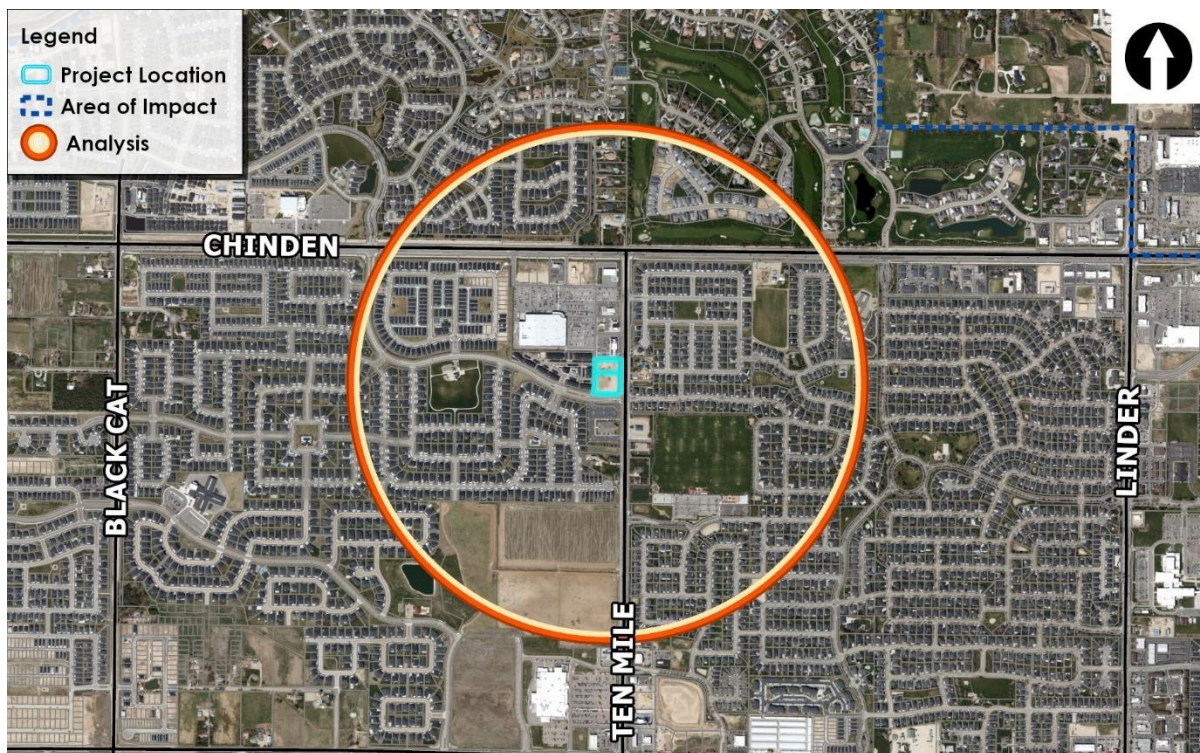
## VII. EXHIBITS

### A. Project Area Maps

(link to [Note for clarification](#): The notice of public hearing included “extended” business hours of operation as the use was believed to abut a residential use and zoning district, which would have limited hours from 6:00 am to 11:00 pm per UDC 11-2B-3B; however, upon closer examination, prior to issuance of the staff report, Staff found the proposed use is actually separated from the residential use/zoning by a 20 foot wide strip of commercially zoned land. Therefore, business hours are not expressly limited by the UDC although they may be limited through the Conditional Use Permit as a condition of approval for compatibility with adjacent uses. The staff report clarified this matter in Section III.C below and Staff also clarified it verbally at the public hearing. Any references in the staff report to “extended” business hours of operation should be disregarded.

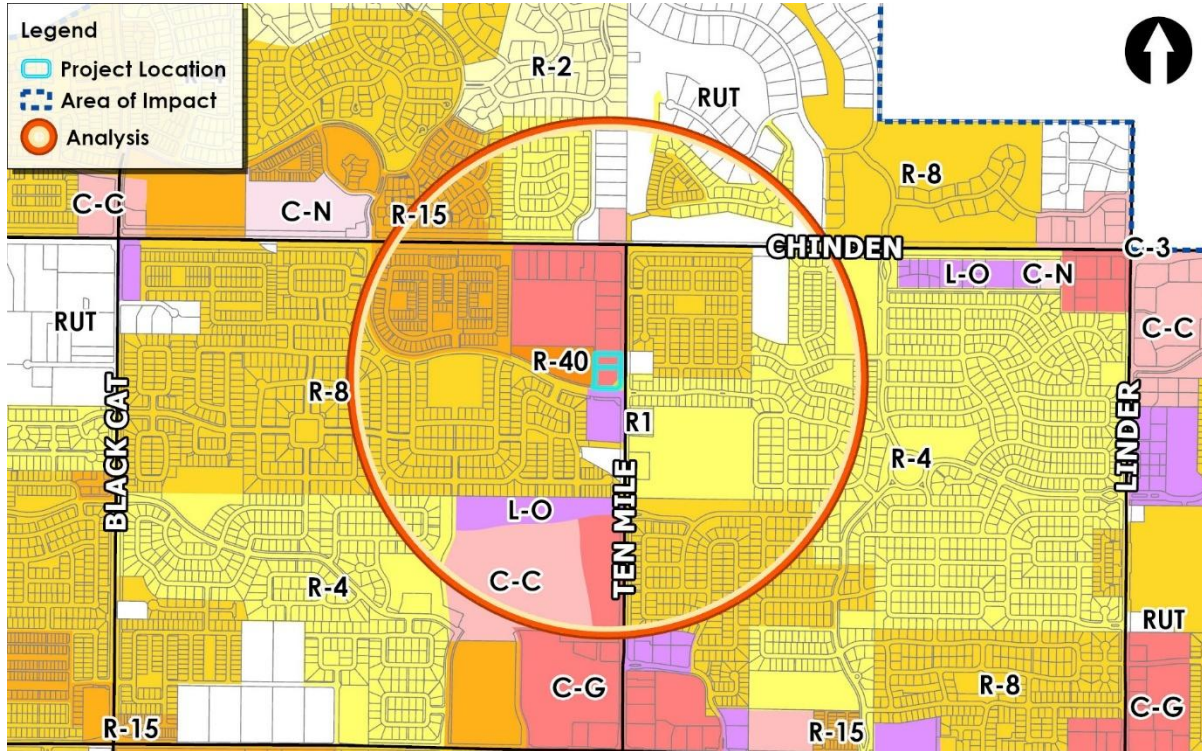
Project Overview)

#### 1. Aerial

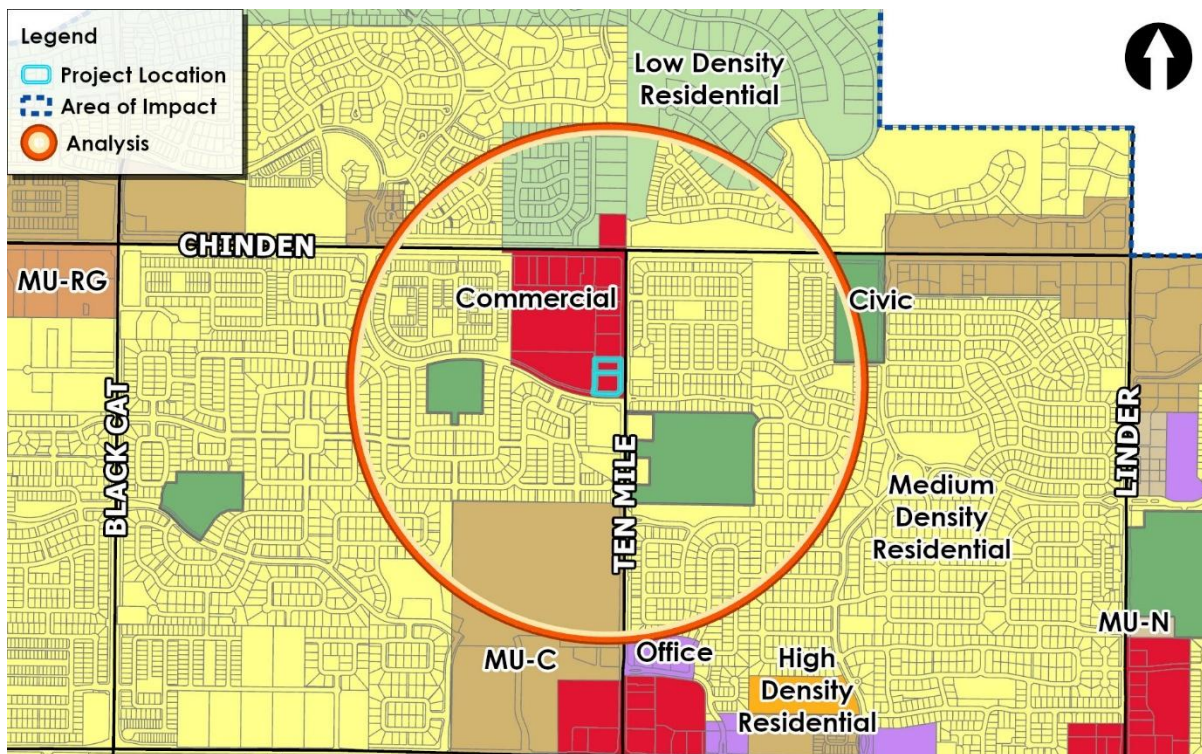




## 2. Zoning Map

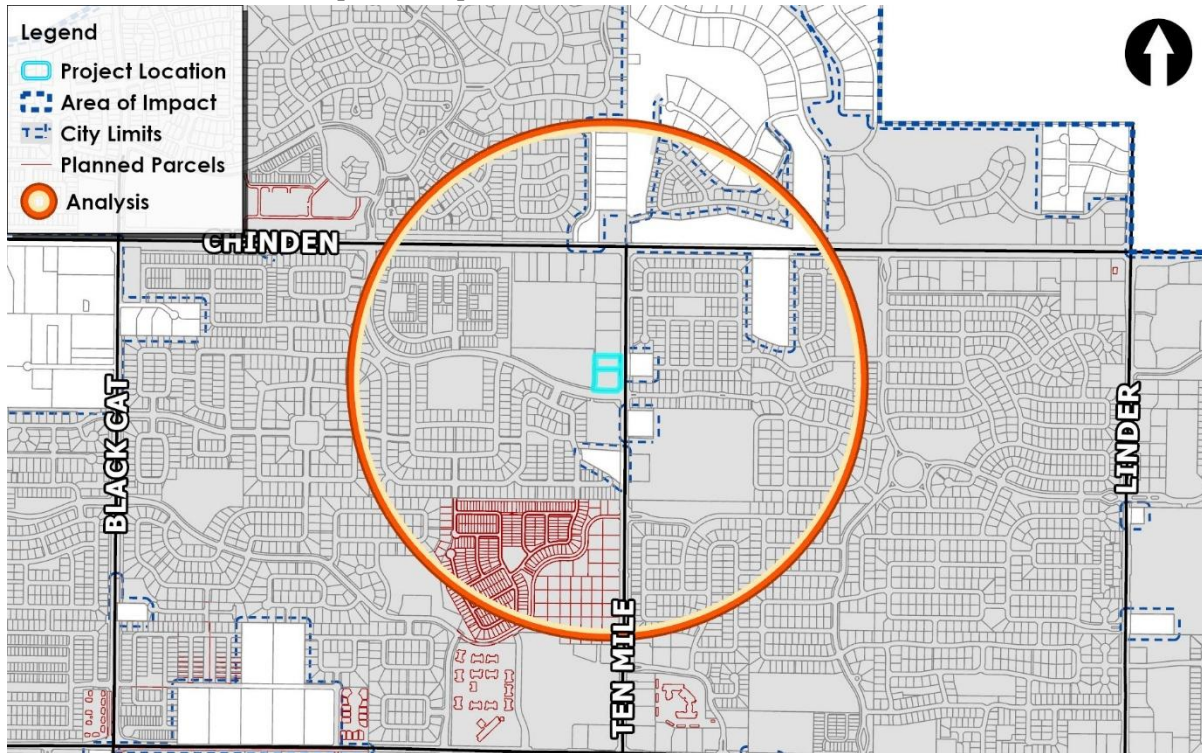


## 3. Future Land Use





#### 4. Planned Development Map



## B. Service Accessibility Report

### PARCEL R5330761510 SERVICE ACCESSIBILITY

|                          |                        |
|--------------------------|------------------------|
| <b>Overall Score: 28</b> | <b>27th Percentile</b> |
|--------------------------|------------------------|

| Criteria                      | Description                                                                                                                | Indicator |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------|
| Location                      | In City Limits                                                                                                             | GREEN     |
| Extension Sewer               | Trunkshed mains < 500 ft. from parcel                                                                                      | GREEN     |
| Floodplain                    | Either not within the 100 yr floodplain or > 2 acres                                                                       | GREEN     |
| Emergency Services Fire       | Response time < 5 min.                                                                                                     | GREEN     |
| Emergency Services Police     | Not enough data to report average response time                                                                            | RED       |
| Pathways                      | Within 1/4 mile of current pathways                                                                                        | GREEN     |
| Transit                       | Not within 1/4 of current or future transit route                                                                          | RED       |
| Arterial Road Buildout Status | Ultimate configuration (# of lanes in master streets plan) matches existing (# of lanes)                                   | GREEN     |
| School Walking Proximity      | Within 1/2 mile walking                                                                                                    | GREEN     |
| School Drivability            | Either a High School or College within 2 miles OR a Middle or Elementary School within 1 mile driving (existing or future) | GREEN     |
| Park Walkability              | Either a Regional Park within 1 mile OR a Community Park within 1/2 mile OR a Neighborhood Park within 1/4 mile walking    | GREEN     |

Report generated on 03-31-2025 by MERIDIAN\sallen

## VII. Exhibits





**PLANTING LEGEND**

| PLANT     | PLANTING NAME | PLANTING NAME |
|-----------|---------------|---------------|
| EVERGREEN | PLANTING NAME | PLANTING NAME |
| ...       | ...           | ...           |

**IN-N-OUT BURGER**  
 15000 HAMBURGERT LANE  
 CONTACT: TODD SMITH  
 PHONE: 808 810-5089

**DIGLINE**  
 Construction Inc. Inc.

**Apogee**  
 Engineering & Surveying  
 10000 N. 10th Ave. Suite 100  
 Phoenix, AZ 85020  
 Phone: 602.998.1111

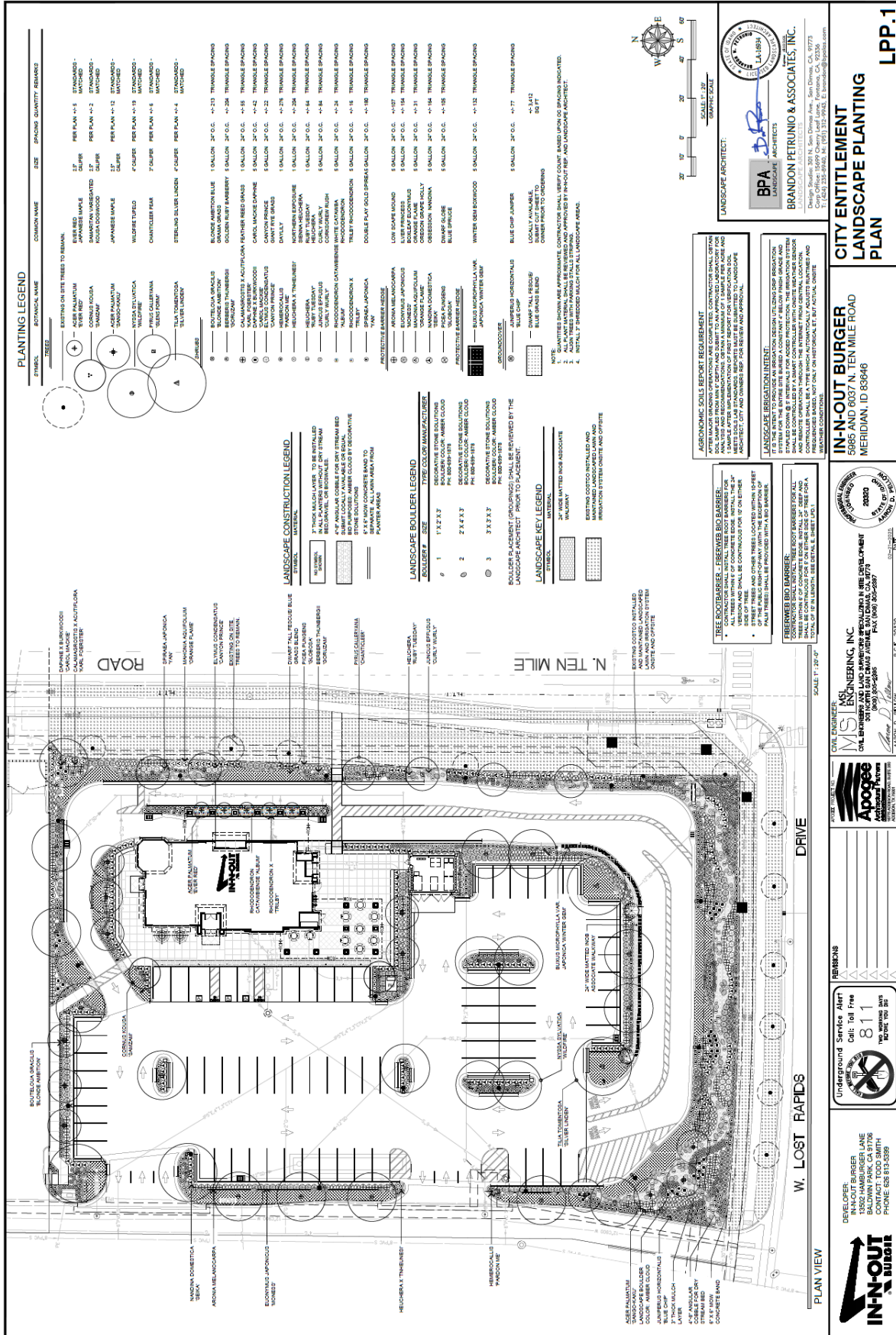
**MS ENGINEERING, INC.**  
 CIVIL ENGINEERING  
 10000 N. 10th Ave. Suite 100  
 Phoenix, AZ 85020  
 Phone: 602.998.1111

**IN-N-OUT BURGER**  
 5985 AND 8037 N. TEN MILE ROAD  
 MERIDIAN, ID 83646

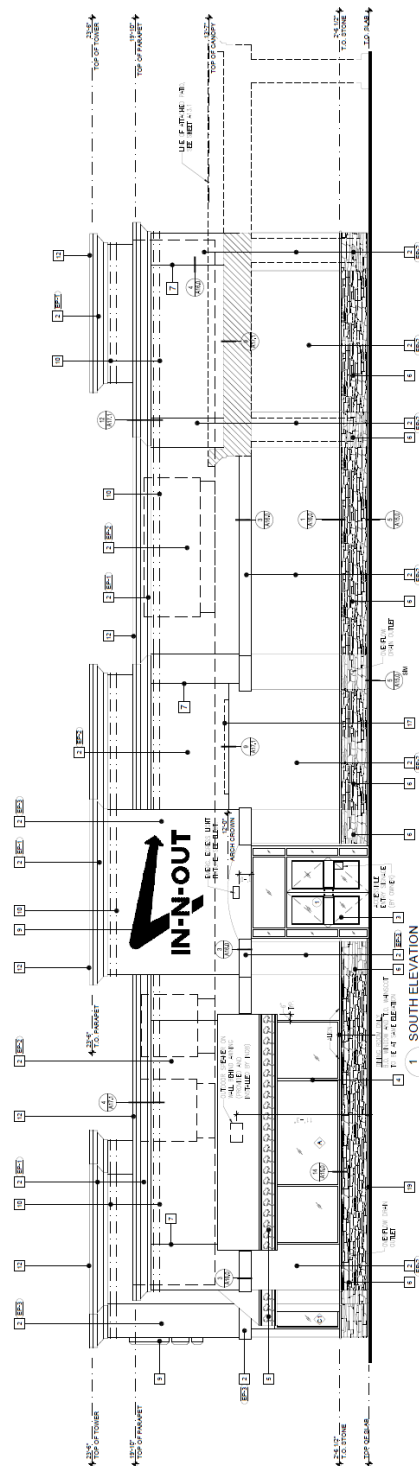
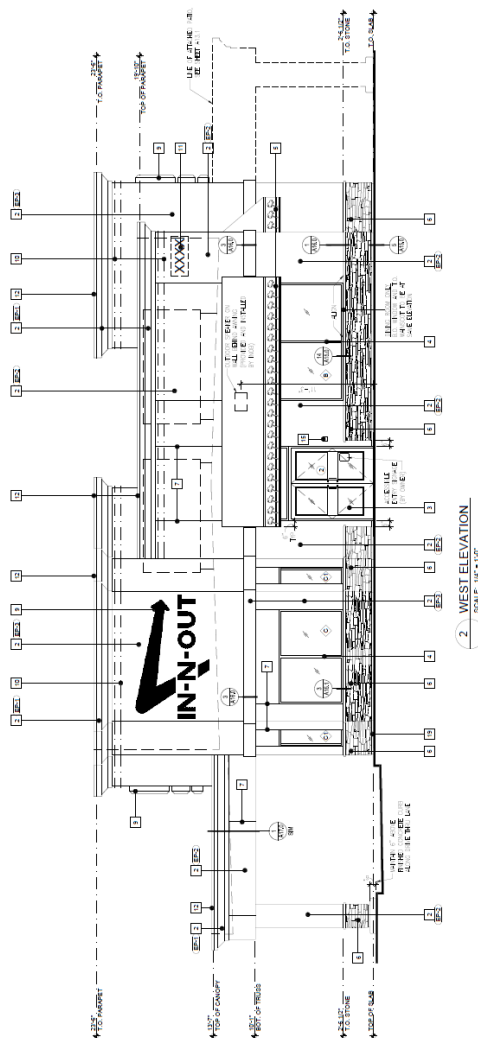
**CITY ENTITLEMENT**  
**LANDSCAPE COLOR**  
**PLAN**

**IN-N-OUT BURGER**  
 5985 AND 8037 N. TEN MILE ROAD  
 MERIDIAN, ID 83646

**LANDSCAPE ARCHITECT**  
**BPA**  
**BRANDON PETRUINO & ASSOCIATES, INC.**  
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 Phone: 208.886.4600  
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BALDWIN PARK, CA 91706

PRELIMINARY ELEVATIONS  
EN MILE RD) MERIDIAN, ID[illegible]

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