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May 30, 2025

Meridian City Council
33 E. Broadway Ave.
Meridian, Idaho 83642

Re: Decision to be reviewed:

Case No. H-2024-0058

In the Matter of the Request for 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 with Business Hours of Operation from 10: 30 AM until 1: 00 AM Sunday Through Thursday and From 10: 30 AM until 1: 30 AM Friday and Saturday, Located at 5985 & 6037 N. Ten Mile Rd., by In- N- Out Burger.

Name and address of person seeking review:

**Cassie Ruiz
13502 Hamburger Lane
Baldwin Park, CA 91706-5885**

Dear City Council Members:

I. Introduction

In-N-Out Burgers (“In-N-Out”) respectfully submits the following letter appealing (“Appeal”) the City of Meridian (“City”) Planning and Zoning Commission’s (“Commission”) decision (“Commission Decision”) denying In-N-Out’s application for a Conditional Use Permit (“Application”) for a drive-through establishment as an accessory to a permitted restaurant (“Project”) located at 5985 & 6037 North Ten Mile Road in Meridian, Idaho (“Property”).

In support of this Appeal, In-N-Out has evaluated the feedback to its Application and hereby submits the following proposed conditions and supplemental information, which illustrate that the Project’s compliance with the Meridian City Code standards, Meridian’s Comprehensive Plan, and original development plan for the Property.

A. Factual Background

In-N-Out intends to operate 3,886 square foot restaurant with indoor seating for 74 people and outdoor seating for 46 people located at 5985 and 6037 North Ten Mile Road in Meridian, Idaho. Because In-N-Out's business is renowned for its drive-throughs, a drive-through is the essential element to the Project. As discussed in more detail below, operating a drive-through within the City requires a conditional use permit in certain circumstances.

The Property is located in the C-G district, which permits the restaurant but requires a conditional use permit for the drive-through. Within this C-G district are already several commercial businesses including, but not limited to:

- Burger King operating from 6:00am to 12:00am on Monday through Saturday, and 7:00am to 12:00am on Sunday.
- Café Rio operating from 10:30am to 10:00pm Monday through Saturday, and 11:00am to 10:00pm on Sunday.
- Costco operating from 10:00am to 8:30pm on weekdays, with reduced operations on Saturday and Sunday (9:30am to 6:00pm and 10:00am to 6:00pm, respectively)
- Costco gas station operating from 6:00am to 10:00pm on weekdays, with reduced operations on Saturday and Sunday (6:00am to 8:30 PM and 6:00am–7:30 PM, respectively)

Several nearby businesses including Dutch Bros Coffee, Café Rio, Burger King, Swig, Slim Chickens, and Firehouse Subs also operate drive-throughs. is the Project is ideally located near important community pillars, including several public parks, churches and schools. In-N-Out views the neighboring communities as important assets and hopes that many residents and customers who frequent this area will become In-N-Out customers. In-N-Out takes pride in its wholesome reputation offering a safe and clean space for families and friends to hang out and enjoy a burger.

The Property is located within a larger shopping complex ("Shopping Complex"). The two parcels involved here were originally proposed to house two individual businesses, rather than just one. The Shopping Complex was proposed in two phases: (1) Phase 1, involving the construction of a 166,000 square-foot Costco warehouse and (2) Phase 2, involving the construction of 60,000 square feet of retail pads, 115 apartment units, and 162 residential homes. Currently, the retail portion of Phase 2 of the Shopping Complex is nearly built out with only three of 10 lots remaining to be developed. However, on a square footage basis, only 31,008 square feet of the originally contemplated 60,000 square feet (less by nearly half) has been built. When the City approved the Shopping Complex's development application, the underlying traffic impact study was a key part of the City's approval. Based on this impact study, the City agreed that Costco shopping complex would require transportation infrastructure improvements and even determined that a variance would help relieve traffic flow concerns. As such, the City required that prior to the first Certificate of Occupancy, SH 20-26/W. Chinden Blvd. be widened to four lanes with signal/intersection upgrades from Tree Farm to Linder (1.5 miles); North Ten Mile Road would be widened to 4 lanes from Chinden to Walmart (0.80 of a mile); and that

signals would be installed at North Black Cat Road and West Lost Rapids Drive.¹ These improvements were developed after City Staff held several additional meetings to review and discuss the Costco application with the Ada County Highway District (“ACHD”), Idaho Transportation Department (“ITD”), and the Community Planning Association of Southwest Idaho (“COMPASS”).² These conditions of approval took into account significant traffic increases expected by 2040 as detailed in the Communities in Motion 2040 Plan.³ Based on these discussions and a detailed traffic study, the City approved the development with these specific conditions so that the full buildout of the Shopping Complex—not just Costco—would be supported. These required road improvements are complete. Currently, even with In-N-Out’s drive-through proposal, the Shopping Complex is still far below the size and density of the original assumptions identified in the Shopping Complex’s site and development plans.

B. Procedural Background

The Staff Report for this Application was issued on April 12, 2025. In-N-Out received the Staff Report on April 15, 2025 shortly before the April 17, 2025 Planning and Zoning Commission hearing (“Hearing”). In-N-Out was disappointed to see that City Staff did not recommend approving the Application; however, because the Hearing was rapidly approaching, In-N-Out was not able to work with City Staff to revise its Application, submit supplemental information or draft mutually agreeable conditions of approval.

At the Hearing, the Commission considered In-N-Out’s Conditional Use Permit Application and public comments on the same. Ultimately, the Commission denied the Application on the basis that the proposed restaurant location’s hours of operation were not compatible with the residential area to the west and determined that there were substantial traffic concerns, including traffic conflicts that will have a negative impact on the north-south private drive aisle that serves the surrounding commercial area. City’s Findings of Fact, Conclusions of Law and Decision & Order (Case No. H-2024-0058 In-N-Out Burger at Ten Mile).⁴

At the Hearing, the Commission determined that In-N-Out was unwilling to “deviate from its corporate plan,” that operational hours and other matters were “non-negotiable,” and

¹ See Findings of Fact and Conclusions of Law, H-2018-0004 (<https://weblink.meridiancity.org/WebLink/PDF10/c3da143f-7d0e-4bf7-a1cb-ac935d7407e6/147764>), p. 7. Exhibit B.1.1.b.15., c.12.,

² *Id.* at p.8.

³ *Id.* at p.11.

⁴ The Staff Report provides a “note for clarification” stating, “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.

that In-N-Out “made it perfectly clear that they’re not willing to deviate from their standard business hours.”⁵ The Commission asked In-N-Out whether it was aware of other In-N-Out locations with operating hours outside of In-N-Out’s proposed business hours of operations. In-N-Out acknowledged that some stores do close at midnight, and that In-N-Out was willing to provide additional information regarding store operational hours and delivery hours, specifically In-N-Out stated that operational hours were something it would discuss.⁶ While this response may not have been a clear acknowledgement that In-N-Out is willing to accept conditions of approval, it was certainly not the refusal that the Commissioners construed In-N-Out’s response to be.

As a result of the Commission’s, City Staff’s and public’s feedback in response to the Application, In-N-Out hereby submits additional material to supplement the record, including a revised proposed site plan dated May 19, 2025 (**Exhibit A**), revised proposed landscape plan dated May 27, 2025 (**Exhibit B**), updated queuing observations of the three existing Idaho stores performed in May 2025 (**Exhibit C**), a proposed photometric plan (**Exhibit D**), and an operational noise study (**Exhibit E**). This material is addressed in this appeal and included in this submission. Since the Hearing, In-N-Out also met with City Staff to gather important feedback necessary to address alleged impacts. For example, In-N-Out originally sought to operate from 10:30am to 1:00am Sunday through Thursday, and from 10:30am to 1:30 am on Friday through Saturday, with deliveries occurring between 2:00am and 9:00am. As discussed in its proposed conditions of approval, In-N-Out now offers that it will operate only until 12:00am every day of the week, and that delivery hours will be restricted to 6:00am until 10:00pm.

Thus, this appeal serves two purposes. First, this appeal explains why the Meridian City Council (“City Council”) should reverse the Commission’s decision because the Commission’s decision was legally insufficient and based on inappropriate considerations, given the limited scope of the conditional use request at issue. Second, this appeal sets forth In-N-Out’s proposed conditions of approval, which are (a) consistent with the interdepartmental memoranda attached to the original Staff Report, (b) address City Staff’s incompatibility concerns, and (c) address a number of concerns expressed by in public comment or by the Commission. Accordingly, In-N-Out respectfully requests approving approval of its Application based on the based on the information and supplemental material provided and discussed herein.

II. Legal Standards

A. Restaurants are permitted uses in the C-G District and only the proposed drive-through’s impacts should be considered.

Meridian’s Uniform Development Code (“UDC”) defines a restaurant as “the use of a site for the primary purpose of food preparation, having a commercial kitchen and cooking

⁵ See <https://www.youtube.com/watch?v=8yLJuAXbeX4> at 4:06:00 (Chair Lorcher’s comments); 4:09:40 (Commissioner Rust’s comments suggesting a continuance to create conditions of approval for operational hours and other matters); 4:10:35 (Commissioner Sandoval’s Comments).

⁶ See <https://www.youtube.com/watch?v=8yLJuAXbeX4> at 3:32:00.

facilities, and where meals are regularly served to the public for compensation.” UDC § 11-1A-1. In-N-Out’s proposed restaurant would be located in a “General Retail and Service Commercial District” generally referred to as the “C-G” district. The purpose of a commercial district is “to provide for the retail and service needs of the community in accordance with the Meridian Comprehensive Plan.” Specifically in a C-G district, there is the “largest scale and broadest mix of retail, office, service, and light industrial uses.” *Id.* at Table § 11-2B-1.

Restaurants are permitted uses within the C-G district, meaning that “the use of land or a structure allowed in a specific district as distinguished from an accessory or conditional use.” UDC § 11-1A-A (defining “Principal Permitted Use”). In the C-G district, business hours of operation are limited to 6:00am to 11:00pm only “when the subject property abuts a residential use or district.” UDC § 11-2B-3(B).⁷ However, when the proposed use does not abut a residential use or district, there are no operational hour restrictions, unless imposed through a conditional use permit as a condition of approval.

Drive-throughs, including stacking lanes, speaker and order areas, pickup windows and exit lanes, are typically an accessory use, meaning the drive-through is “incidental and secondary to the principal use and is conducted upon the same property.” *See* UDC § 11-4-3-11(A); UDC § 11-1A-A (“accessory use, nonresidential”). When a drive through is located within 300 feet of another drive-through facility, a residential district, or an existing residence; separated by an arterial street from any other drive-through facility, residential district, or existing residence, or within an O-T zoning district, then a conditional use permit is required. *Id.* § 11-4-3-11.A.1-3. Such is the case here. As identified in In-N-Out’s Application and the Staff Report, In-N-Out’s new proposed restaurant location is within 300 feet of another drive-through restaurant (Café Rio). Thus, the proposed drive-through is subject to conditional approval.

For the drive-through feature, In-N-Out must meet the specific-use standards outlined at UDC § 11-4-3-11(B), (C), and (D). Under UDC § 11-4-3-11(B), In-N-Out must “identify the stacking lane, menu and speaker location (if applicable), and window location on the certificate of zoning compliance or the conditional use permit.”⁸ UDC § 11-4-3-11(C) requires In-N-Out to submit a site plan that demonstrates “safe pedestrian and vehicular access and circulation on the site and between adjacent properties.” In-N-Out must show that:

⁷ “Hours of operation. Business hours of operation within the L-O and C-N Districts shall be limited from 6:00 a.m. to 10:00 p.m. Business hours of operation within the C-C and C-G Districts shall be limited from 6:00 a.m. to 11:00 p.m. *when the property abuts a residential use or district.* Extended hours of operation in the C-C and C-G Districts may be requested through a conditional use permit. These restrictions apply to all business operations occurring outside an enclosed structure, including, but not limited to, customer or client visits, trash compacting, and deliveries. These restrictions do not apply to business operations occurring within an enclosed structure, including, but not limited to, cleaning, bookkeeping, and after hours work by a limited number of employees. UDC § 11-2B-3(B) (emphasis added).

⁸ UDC § 11-4-3-11(B) also prohibits the use of speakers. As In-N-Out’s proposed location is not within an O-T zoning district, this limitation does not apply.

- stacking lanes have sufficient capacity to prevent obstruction of driveways, drive aisles, and the public right-of-way by patrons.
- the stacking lane has a separate lane from the circulation lanes needed for access and parking, except that stacking lanes may provide access to designated employee parking.
- the stacking lane is not located within 10 feet of any residential district or existing residence.
- if the stacking lane is greater than 100 feet in length, In-N-Out's site design has provided an escape lane.
- the drive-through is visible from a public street for surveillance purposes.

UDC § 11-4-32-11(C)(1)-(5).

More generally, under the UDC, all conditional uses must adhere to several Conditional Use Standards. "In approving any conditional use, the decision-making body may prescribe appropriate conditions, bonds and safeguards in conformity with this title [the UDC] that (1) Minimize adverse impact of the use on other property; (2) Control the sequence and timing of the use; (3) Control the duration of the use; (4) Assure that the use and the property in which the use is located is maintained properly; (5) Designate the exact location and nature of the use and the property development; (6) Require the provision for on site or off-site public facilities or services; (7) Require more restrictive standards than those generally required in this title; (8) Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, that provides services within the city." UDC § 11-5B-6. The decision-making body, must "base its determination on the conditional use permit" on the following findings:

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.
2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this title.
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.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.
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.
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.
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.
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.

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
 - 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.⁹

UDC § 11-5B-6.

In-N-Out's proposed restaurant is permitted by right, subject only to design-related standards outlined above. For the purposes of approving or denying In-N-Out's Application, the City Council should only consider the proposed drive-through operation and its impacts, and not the operation of a restaurant as a whole. Thus, any impacts that would arise from operating a restaurant without a drive-through (e.g., noise from slamming car doors, vehicle headlights in a parking lot pointed toward the Olivia residential development, building and parking lot lighting) should not be considered for the purposes of evaluating the conditional use required findings, approval, denial, or adopting conditions of approval. However, the City Council may consider such impacts that arise specifically from operating a drive-through when evaluating these matters.

B. Standard of Review

The City Council reviews Commission decisions under a de novo standard of review. UDC § 11-5A-7(C) ("All requests for review of the action of the Director or commission, shall require a de novo public hearing before the City Council as set forth in [UDC] Section 11-5A-6") "A de novo review means 'a trying of the matter anew--the same as if it had never been heard before.'" *Marcia T. Turner, L.L.C. v. City of Twin Falls*, 144 Idaho 203, 211, 159 P.3d 840, 848 (2007) (upholding a city council's decision to consider emails sent to the Council after a P&Z Commission decision); *see also Gilbert v. Moore*, 108 Idaho 165, 168, 697 P.2d 1179, 1182 (1985). When the City Council reviews a decision under a de novo standard of review, it is not confined to the record made before the P&Z Commission and may consider new information. *Twin Falls*, 144 Idaho at 211; UDC § 11-5A-7(D). The City Council is "not required to address the P&Z Commission's findings or decision, nor [is] it required to find that the Commission made a legal error or that its findings lacked support in the record." *Twin Falls*, 144 Idaho at 211. The Council's de novo review has "the effect of removing the P&Z Commission's decision from the record." *Id.* (citations omitted).

III. Proposed Conditions of Approval

In-N-Out understands that it is atypical for a conditional use permit applicant to present its own conditions of approval without input from City Staff. However, In-N-Out presents these proposed conditions of approval to show its good faith efforts to mitigate or resolve any alleged impacts from its proposed drive through. In-N-Out suggests the following conditions of approval:

⁹ City Staff determined, and In-N-Out agrees, that the conditional use requirement number nine does not apply to In-N-Out's Application because there is no nonconforming use involved here. Therefore, In-N-Out does not discuss this conditional use requirements in this appeal.

1. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of the building and landscaping so that visual and acoustic impacts of these functions are contained and out of view from adjacent properties as set forth in UDC 11-3A-12.
2. Food service hours of operation shall be from 6:00 am-12:00 am, seven days a week.
3. In-N-Out shall provide pedestrian sidewalks along the western and northern edges of the property connecting the public right of way between Lost Rapids Drive at the southwest and N. 10 Mile Road at the northeast as shown on the attached revised site plan dated May 19, 2025 .
4. Landscaping along the western and southern portions of the property shall be as provided in In-N-Out's revised landscape plan dated May 27, 2025.
5. Routine ingredient deliveries shall take place between the hours of 6:00 am – 10:00 pm.
6. The primary delivery access for In-N-Out-operated delivery trucks shall be from the driveway access via N. Ten Mile Road approximately 660 feet north of W. Lost Rapids Drive. The driveway access via W. Lost Rapids Drive driveway approximately 350 feet west of N. Ten Mile Road may be used when access to the Lost Rapids/Ten Mile traffic signal is needed.
7. Parking lot lighting shall be designed with lighting levels in conformance to the attached photometric plan.
8. Parking lot lights and signs shall be turned off after closing to the public, with the exception of those lights necessary to maintain public and In-N-Out Burger Associates' safety and security.
9. No stacking is permitted in outside travel lane serving as an escape lane; In-N-Out shall install signage that notifies patrons to not block escape lanes or exits.

In-N-Out also agrees to all Ada County Highway District and Meridian Public Works proposed conditions, as set forth in **Exhibit F**.

IV. Grounds for Appeal

As mentioned above, the City Council should reverse the Commission's decision for several reasons: (1) the Commission's decision was legally insufficient under Idaho case law; (2) the Commission made its decision based on considerations outside the limited scope of the conditional use request; and (3) as shown by the record below, and in the supplemental information discussed here, In-N-Out has met the conditional use required findings. These points are covered more fully below.

A. The Commission's decision was insufficient under Idaho case law and should be set aside by the City Council.

The Commission's one-and-a-half-page long decision does not meet the "reasoned statement" standards outlined in Idaho's Local Land Use Planning Act ("LLUPA") or the case law arising out of this Act. As a result, the Commission's decision is invalid and must be overturned by the City Council.

Idaho Code § 67-6535 requires that any “approval or denial of any application required or authorized pursuant to [LLUPA] shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation of the city or county.” An approval or denial must be “in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.” Idaho Code § 67-6535(2). If a decision-making body “fail[s] to identify the nature of compliance or noncompliance with express approval standards or fail[s] to explain compliance or noncompliance with relevant decision criteria” in writing, the denial shall be invalidated on appeal. *Id.* § 65-6735(2)(a).

Recently the Idaho Supreme Court reiterated that “[i]t is well established that LLUPA requires a decision-maker to issue a written statement in support of its decision, setting forth the relevant contested facts relied upon, and explaining the criteria and standards it considered relevant.” *Veterans Park Neighborhood Ass’n, Inc. v. City of Boise*, 564 P.3d 350, 364 (Idaho 2025) (“*VPNA*”). A mere recitation of portions of the record, rather than determinations of facts disputed is insufficient under LLUPA. *Id.* citing *Jasso v. Camas Cnty.*, 151 Idaho 790, 794, 264 P.3d 897, 901 (2011). When a decision does not measure up to LLUPA’s “reasoned statement” standard, it violates an Applicant’s substantial right to due process. *Jasso v. Camas Cnty.*, 151 Idaho 790, 792, 264 P.3d 897, 899 (2011).

The *VPNA* case involved Interfaith Sanctuary’s request for a conditional use permit operate a homeless shelter in Boise, Idaho near the Veterans Park Neighborhood. The matter first went before the Boise City Planning and Zoning Commission which denied the conditional use permit primarily because Interfaith Sanctuary had not created a security plan, and there would be adverse impacts to neighboring communities, city-funded emergency responders like firefighters and police, and Interfaith Sanctuary would not provide assurances that it would mitigate the homeless shelter’s adverse impacts on the community. *VPNA v. City of Boise*, 564 P.3d 350, 356 (Idaho 2025). Further, according to the Boise Planning and Zoning Commission, Interfaith Sanctuary’s materials did not provide enough information to allow the Commissioners to craft conditions of approval. Interfaith Sanctuary then appealed to the Boise City Council which reversed the conditional use permit denial. After this approval, VPNA brought a judicial appeal which ended up before the Idaho Supreme Court.

The Idaho Supreme Court specifically found that the Boise City Council’s one and one-half page reasoned statement, and conditions of approval were inadequate even when referencing nearly 40 hours of public hearing and thousands of pages of submissions. The Court noted that the Boise City Council’s decision offered only summary conclusions, but did not “attempt to wrestle with any of the controversy.” For example, the Boise City Council’s decision offered the blanket statement that “[c]onditions of approval will ensure that the shelter does not adversely impact other property in the vicinity.” But the City Council’s decision stopped short of explaining how conditions of approval would address concerns raised by VPNA and other members of the public. The Court also criticized the Boise City Council for incorporating by reference 30 conditions of approval to provide explanatory support for the Council’s decision. *Id.* at 368. While the Court agreed that it could read these conditions in concert with the reasoned

statement, the conditions alone did not render valid the conclusory opinion by providing a clear explanation or guidance demonstrating the facts that the Boise City Council relied on.

Similarly, in *Jasso v. Camas County*, the Court invalidated a Board of County Commissioners' decision when the findings of fact were mere recitations of procedural history. In that case, the Board of County Commissioners merely recited that a preliminary plat application and reports were submitted, that expert and agency recommendations were made, that fees were paid, and hearings were held. These facts were not enough to create the required reasoned statement under LLUPA. 151 Idaho 790, 795, 264 P.3d 897, 902 (2011). Further, the Board of County Commissioners' conclusions of law consisted of merely eight short statements detailing the contents of the record (e.g., that a warranty deed and easement were included in the application file; that an engineering report had been submitted and deemed complete). This decision was both legally insufficient to withstand judicial review, and violated the applicant's due process rights. *Id.*

The Commission's decision here is similarly inadequate. The Commission's findings of fact here are not full sentences and merely list "Hearing Facts," "Process Facts," "Application and Property Facts," and Required Findings per the Unified Development Code" with cross references to the Staff Report. The Commission provided no explanation as to why some facts were accepted as relevant, valid, or truthful, while others were disregarded. Indeed, In-N-Out is not able to fully refute the findings of fact simply because it unclear which facts the Commission specifically relied on. To refute each and every fact brought before the Commission by City Staff and the public would result in a far lengthier appeal than this document.

In addition, the conclusions of law are not actually conclusions of law determining how the UDC applies to the facts before the Commission. Instead, they are simply sentences discussing that the Commission has power under LLUPA; an acknowledgement of the UDC and Comprehensive Plan; an acknowledgement that the Commission considered comments from agencies; and a statement that the Commission granted an order of denial. The conclusion of law #4 even states that "[i]t 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." Decision, at 1. Yet, there are no conditions of approval attached, nor are there any factual findings discussing governmental services outside of the record's contents.

It is difficult and nearly impossible for In-N-Out to fully refute the facts the Commissioners relied on, and the conclusions made by the Commissioners simply because they are no where to be found in the Commission's Decision. And even when reviewing the record, In-N-Out must infer the facts the Commissioners deemed relevant. In-N-Out acknowledges that there is no "particular form required, and no magic words need be employed," to establish a sufficient statement. *Jasso*, 151 Idaho at 796. But without a more detailed reasoned statement, In-N-Out will be denied the opportunity to seek meaningful judicial review of any denial and thus, In-N-Out's right to substantial due process will be denied should the Commission decision remain in place. *Id.* Thus the City Council must reverse the Commission's decision.

And, as outlined below, it is not appropriate for the City Council to simply issue a more detailed denial of In-N-Out's proposed conditional use. Instead, based on the credible, reliable,

and substantial evidence already provided by In-N-Out at the Hearing, and provided here as supplemental information, the City Council should approve this conditional use.

B. In-N-Out's Application meets each of the conditional use requirements.

1. In-N-Out's proposed location is large enough to accommodate the proposed use and meets all the dimensional development requirement regulations in the district in which the use is located.

The Property consists of two parcels, totaling approximately 2.2 acres. Other Treasure Valley locations are nearly an acre smaller than this proposed location. The In-N-Out located at The Village Shopping Center is 1.2 acres. The Nampa location is 1.4 acres. The In-N-Out location in the Boise Town Square mall is 0.86 acres. Here, the restaurant itself would be 3,886 square feet, leaving the remainder of the Site (91,946 square feet or about 2.1 acres) available for parking, queue stacking, an escape lane, landscaping, and family-friendly outdoor seating.

City Staff determined that the proposed use will comply with the dimensional standards for the C-G District identified in Table 11-2B-B. Drive through establishments must also comply with the specific design standards set forth at UDC § 11-4-3-11. With certain design modifications, which In-N-Out is agreeable to, the Project will also comply with § 11-4-3-11, the design standards for a drive-through establishment.

City Staff determined that the Property would not have “sufficient capacity to prevent obstruction of driveways, drive aisles, and the public right-of-way by patrons.” Decision, at 11 (marked as p. 84 in Department Report). Yet, City Staff also acknowledged that since opening “activity at that location [the Meridian Village location] has decreased, resulting in reduced stacking and impact on adjacent properties” Staff Report at § III.C.3(3).

Under In-N-Out's proposed plan, parking at the Property can accommodate 73 cars, which far exceeds the UDC requirement that In-N-Out provide 16 parking spaces (one parking space is required for every 250 square foot of gross floor area under UDC § 11-4-3-49). Further, In-N-Out's site design shows capacity for 29 vehicles in the stacking lanes. After operations normalize after opening, In-N-Out anticipates this capacity being sufficient to manage on and offsite impacts. At its Village location, the maximum observed queue during a survey occurring in December 2024 was 46 cars. The weekday dinner average queue for that location was about 30 cars. In response to Commission's concerns regarding traffic, In-N-Out Burger commissioned an additional survey of its drive through queues at the Village, Boise, and Nampa locations (attached hereto as Exhibit C). The results of this study show that there will be sufficient capacity at the Site. Each metric measured - average, 85th percentile, 95th percentile and max peak queues - *decreased* from the original observations from December 2024. Specifically at The Village, the results from the recent May 2025 survey yielded a decrease of over 20% in the maximum observed queue to 34 cars and the weekday dinner average queue decreased by over 25% to 22 cars. It should be noted that these queue counts can be accommodated within the proposed site without impacting the southernmost driveway access to the Site, nor the private access road from West Lost Rapids Drive into the shopping center. Per the original Focused Traffic Analysis provided with the initial application, the average queue for stores in comparable

areas is about 27 cars, once restaurant operations normalize, which is accommodated by the dedicated drive-through lane proposed in the Site Plan.

Should queuing exceed capacity, In-N-Out effectively implements overflow management plans. Store associates are trained in directing traffic and managing vehicles in an orderly fashion. As noted in the Hearing through public comment and reiterated here, the In-N-Out location in Nampa is considerably smaller size, yet In-N-Out has proven to responsibly manage car queues and crowds such that there is not spillover onto neighboring properties, drive aisles, or other offsite locations.

2. In-N-Out's proposed location will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of the UDC.

The Commission adopted into its Findings of Fact the Staff Report created for the Hearing. For this required finding, City Staff wrote “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.” Decision, at 11 (marked as p. 84 in Department Report).

In adopting the Staff's findings, the Commission provided no references to the Comprehensive Plan itself and instead offers a blanket statement about the incompatibility of the uses. However, In-N-Out refutes this incompatibility finding. In-N-Out's proposed location is harmonious with the Meridian City Comprehensive Plan and consistent with the Comprehensive Plan's focus on private property rights. Comprehensive Plan, 3-3.

It goes without saying that Meridian in general, and the Ten Mile and Chinden Road area specifically, is bustling with economic growth. Meridian's Comprehensive Plan (“Comprehensive Plan”) highlights the importance of a vibrant, diverse, clean, safe, and secure community in which to live, work, and thrive. As noted in the Comprehensive Plan, “Meridian has seen a significant increase in population over the last decade and it is predicted to grow another 52% between 2017 and 2040.” Plan at 1-7. The City's economic goals and objectives include:

- Promoting “business retention, expansion, and improvement programs”;
- “Proactively recruit[ing] and attract[ing] new businesses to the area”;
- “Capitaliz[ing] on the City's central location by promoting more tourism and business growth along entryways and key corridors.”
- “Creat[ing] positive, vibrant, and accessible commercial activity centers within the community.”

Comprehensive Plan, at 2-13, -14.

In-N-Out shares these values, making Ten Mile and Chinden an ideal location for its business. In-N-Out's proposed location is nestled near several other successful businesses and community gathering places, including Costco, several churches, and other restaurants. In-N-Out specifically identified this location as desirable due to customer convenience, its proximity

to In-N-Out owned and operated distribution centers (ensuring fresh delivery of ingredients), and the location's high visibility.

In-N-Out is renowned for its workplace practices and paying its associates significantly higher wages than industry standards. In fact, In-N-Out was recently named the number three best place to work nationwide on Glassdoor's 2025 Best Places to Work, with reviewers positively citing In-N-Out's company culture, pay, flexible hours, benefits, and ability to advance in the company. Starting wage for store associates is \$17.50 per hour and the average associate makes \$19.21 per hour, far better than Idaho's \$7.25 minimum wage. In-N-Out also prides itself in attracting, training, and retaining talented employees who often make In-N-Out their lifelong company. This is consistent with the Comprehensive Plan's Economic Excellence goals which focus on increasing average income and stimulating economic investment in the community.¹⁰ In-N-Out locations, on average, employ 95 associates per store, offering each of them the opportunity to grow with the company should they so choose. These careers are also diverse, offering both full and part-time positions.

This location also offers a thoughtful transition between residential and commercial uses. The proposed restaurant, located in a commercial C-G district, is also located near an R-40 district (high-density residential). The Comprehensive Plan acknowledges that high-density residential districts are "typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents." The nearby R-8 district (medium-density residential) is buffered from the C-G district where the proposed restaurant would be located by limited office and the higher density residential district by a roadway, and significant landscaping area. This ensures a gradual and appropriate transition between residential and higher-density commercial uses. Given the proximity of the residential areas, churches, schools, and parks, this location offers a central location for community members to gather and enjoy an affordable fresh meal, in a clean family-friendly atmosphere. In-N-Out has also discussed revisions to its Site Design with City Staff and implemented those in its updated Site Plan to further improve the Site's safe pedestrian access and community connectedness.

Overall the proposed location is consistent with the Comprehensive Plan's goals to achieve a premier, evolving, livable, vibrant and connected Meridian. To the limited extent that the record shows alleged incompatibility with neighboring land, such impacts can be reduced or eliminated by In-N-Out's proposed conditions of approval. And to the extent that City Staff determined that the proposed use is inconsistent with the Comprehensive plan due to excessive noise, traffic and congestion, In-N-Out has provided additional information refuting these findings as discussed further herein.

3. **In-N-Out's drive-through 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.**

¹⁰ <https://meridiancity.org/community-development/planning/comprehensive-plan/premier/>

The Commission's Decision City Staffs' findings that the proposed In-N-Out location's "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 ...which will adversely change the essential character of the area. Each of these impacts is discussed below.

a. Noise

First, it should be noted that In-N-Out's proposed location is already in a heavily populated and trafficked area. Costco, with its many daily deliveries and hundreds of customers per day, is of course a bustling location throughout most of the day. Carts rumbling, car doors slamming, cars honking, people talking loudly, and the general machine noise that comes from operating a warehouse with large HVAC systems, garage doors, parking lot maintenance are all inherent to commercial development located in a C-G zone. This noise is consistent with the essential character of a C-G zone. Adjacent to In-N-Out's proposed location, Ten Mile Road is a main roadway and, with its arterial status, there is road noise from cars and truck traffic. Additionally, there are several other drive-through locations, including Café Rio and Burger King, near In-N-Out's proposed location, which also have speaker systems. The noise that would be generated by In-N-Out's drive-through is consistent with these uses.

Much of the noise identified during Hearing by the public and the Commissioners would still exist for *any* permitted use allowed at this location. Animal care facilities, churches, educational institutions, food truck courts, minor vehicle repairs and other permitted uses will all involve outdoor conversational, car, and delivery noises.

That said, In-N-Out has heard the concerns of neighboring residents in the Olivia Apartments and Townhomes and the residential area beyond. To the extent that noise concerns remain, In-N-Out has completed and provided a Noise Study (attached Exhibit E) assessing and discussing operational noise impacts. This Noise Study took measurements over the course of 24 hours and determined that the daytime (7:00AM -7:00PM) ambient noise level was around 67 dBA; the evening (7:00PM-10:00PM) ambient noise level was about 71.9 dBA; and the nighttime (10:00PM – 7:00AM) ambient noise level was about 67.3 dBA. The 24-hour CNEL (community noise equivalent) was 67.5 dBA. This noise level correlates to a normal conversation or a business office.¹¹ In-N-Out's Noise Study considers noise related to drive-through traffic, parking, amplified speech emanating from a speaker and considers its range accounting for changes in topography. Even when modeling for operational noise and truck deliveries, the Noise Study does not anticipate noise exceedances over this level of ambient noise. Further the study illustrates that there will be no increases in noise that would be generally perceptible to the human ear or otherwise result in disturbance to everyday speech and sleep conditions. Exhibit E.

To the extent that the Commission and residents identified noise concerns, these are likely to go unrealized given In-N-Out's thoughtful approach to its store operations. First, with

¹¹ See Yale University Health & Safety, Decibel Level Comparison Chart, at <https://ehs.yale.edu/noise-hearing-conservation>.

respect to truck deliveries, In-N-Out has designed this project such that trucks may pull through with deliveries. There should be little need for delivery trucks to back up, and thus, very little need for backup beepers. Should the need to back up to the restaurant building arise, In-N-Out owns, operates, and controls its delivery trucks and thus can set strict time parameters for when a driver would be allowed to back up at the Site, effectively eliminating concerns regarding backup beepers. And, as mentioned above, In-N-Out is agreeable to conditions limiting ingredient deliveries to specific hours between 6:00am and 10:00pm. Further, truck noise associated with ingredient deliveries would generally occur, at most, once per day. There are very few instances where trucks must deliver ingredients more than once per day, and more typically, deliveries occur every other day.

Further, to take and receive orders, In-N-Out uses speaker systems that involve Manual Volume Control and Ambient Noise Compensation. These speakers ensure clear communication between the customer and the speaker, reducing the need for repeating orders. These systems also adjust to ambient noise levels, resulting in an overall quieter speaker. In-N-Out maintains control of the noise emanating from the Property by its manual controls. Further, In-N-Out places its speakers accordance with operational manuals and best management practices to ensure that these speaker systems are not a nuisance. This project was designed specifically placing the speakers along the North Ten Mile frontage of the site near the existing noise and activity of the five-lane arterial road. In-N-Out is also aware of the Meridian City Code provisions prohibiting horns and sirens, building noises, audio equipment and more set forth in Meridian Code § 6-3-6 and will comply with those code requirements.

Thus, operational noise is compatible with other uses, including the residential uses, the commercial uses in the general area, and the intended character of the C-G district, and is consistent with the essential character of the already industrialized area.

b. Traffic and Congestion

City Staff also determined that traffic congestion would be incompatible with the character of the general area and would adversely change the essential character of the area. The arguments that an In-N-Out location would cause excessive traffic and congestion were based on anecdotal evidence presented by the public. In-N-Out reiterates that traffic generated by a permitted use should not have been considered by the Commission in reaching its Decision. The information provided below shows that a drive-through operation is a prudent choice for this location.

It appears that the Commission incorrectly correlated increased traffic impacts with drive-through queue impacts as a potential source for backup into public roads. However, the drive-through queue will not back up into public roads, as discussed in the Traffic Study presented to the Commissioners.

In-N-Out provided a detailed traffic study that came to the following important conclusions:

- Based on the Ganddini Group's analysis, it is not anticipated that In-N-Out's proposed use will negatively impact the intersection of Lost Rapids Drive and Ten

Mile Road. Data show that intersection queuing has only a five percent probability of being exceeded during a given time period.

- This location has been specifically designed to accommodate large crowds such that they enter and exit the location efficiently. This Property, consisting of two parcels, is significantly larger than other Treasure Valley locations, which have proven to operate efficiently and without traffic impacts to neighboring properties, and contains significantly more drive through queuing. This location will also be operated with three grills, to ensure consistent queue service. In all In-N-Out locations, once queue lengths reach the menu board and speaker box, associates are directed to take orders via wireless handheld ordering systems allowing orders to be processed sooner and ready by the time the vehicle reaches a pickup window. At all times, locations are monitored by a camera system so that management-level employees can control and assist with queue management.
- The two proposed drive-through stacking lanes are quite long, and data show that the proposed queuing capacity and additional site vehicular storage are sufficient to accommodate even the largest crowds for peak business, and contain patrons within the footprint of the In-N-Out location's boundaries.
- As In-N-Out continues to expand throughout the Treasure Valley, Idaho in general, and in neighboring states, customer demand distributes more evenly across numerous stores. This trend has been observed and confirmed through data shown at multiple In-N-Out locations. In-N-Out stores located in the same city typically have a symbiotic relationship where multiple stores work together to serve customers more efficiently, resulting in shorter queue lengths over time.

There is no evidence, outside of anecdotes, that operating a drive through will create congestion on public roads. While the public's insights here are important, anecdotes and hypothetical concerns are not equal to the data and studies that In-N-Out has performed, not only in preparation for this Application, but in choosing this location in general. Indeed, this shopping complex was designed recognizing traffic congestion in this area, as discussed above. These data show that increased traffic and congestion in the area directly attributable to In-N-Out's proposed drive-through operation are unlikely because expanded area road systems and light-guided intersections can adequately distribute traffic. To claim now that the project cannot support In-N-Out's traffic or circulation belies the data that City Council unanimously adopted with the original Costco shopping complex application. Further, ACHD was intimately involved traffic planning for In-N-Out's Village location, and offered significant feedback during that proposal. In-N-Out notes that ACHD offered no comments here besides those providing routine comments that In-N-Out must comply with its policies for any future work within the roadway right-of-way or related matters. It is telling that ACHD "determined that there are no improvements required to the adjacent street(s)."¹²

¹² Letter from Matt Pak, Development Services Planner, ACHD to Todd Smith, In-N-Out Burger (Nov. 1, 2024), at 1-3.

The above-discussed factors show that In-N-Out's proposed drive-through is compatible with the neighboring C-G district, uses beyond the immediately adjacent districts, and does not negatively change the essential character of this area. Thus, the Council should find that this conditional use requirement is met here.

4. In-N-Out's proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

The Commission incorporated City Staffs' findings that the proposed In-N-Out location will "adversely affect other properties in the vicinity of, and thus denies the proposed use." Decision at, 12 (marked as p. 85 in Department Report). But neither City Staff, nor the Commission identified measured data supporting this finding and also failed to offer any potential conditions of approval to mitigate their concerns, and In-N-Out's proposed conditional use necessitated more discussion than this abbreviated response.

First, since Commission determined that there would be adverse effects in its Decision and Order (notably, only that "hours of operation are not compatible with the residential area to the west" and that there would be "substantial traffic concerns, including traffic conflicts" Decision, at 2.C.1.), it must consider whether conditions of approval and adherence to those conditions of approval could mitigate or eliminate those adverse effects. City Staff presented no proposed conditions of approval to Commission. And although the Commissioners did question whether conditions of approval could mitigate these effects, the Commissioners ultimately determined that they would not explore this discussion and summarily denied In-N-Out's conditional use application.

To the limited extent that the Commission identified these potential impacts, the proposed conditions of approval discussed above mitigate such concerns by keeping In-N-Out's operating hours and practices consistent with those already existing in the C-G district, including housing, Costco, and several other drive-through establishments. In-N-Out's proposed conditions of approval ensure during the evenings, residents will not be disturbed through additional noise and visual impacts beyond what already exists near these residential uses, and what would exist for any permitted use. And, as discussed above, there is no true incompatibility related to traffic impacting the north-south drive aisle that serves the surrounding commercial area. But, to the extent that such impacts are predicted, they can be mitigated by In-N-Out's proposal to direct site access via certain routes when specific conditions are present. Therefore, the City Council should find that In-N-Out's proposed use will not adversely affect property in its vicinity when it acts in compliance with In-N-Out's proposed conditions of approval.

5. In-N-Out's 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.

City Staff determined that In-N-Out's location will be adequately served by essential public facilities and services. All In-N-Out locations are designed with police, fire, and emergency services access in mind. In-N-Out anticipates no school impacts. Public Works and

transportation agencies (ACHD and ITD) identified no adverse impact to roads and no need for additional infrastructure beyond what In-N-Out identified in its Application, specifically its site plan. Further, these matters were already taken into consideration during the design of the Shopping Complex, as discussed above. Thus, City Council should find that this conditional use requirement is met.

6. In-N-Out's 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 incorporated City Staff's findings that the proposed In-N-Out location "will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community." Decision, at 12 (marked as p. 85 in Department Report). In-N-Out agrees and reiterates that there are not excessive additional public costs associated with the proposed development. As evidenced by the record, transportation, school, and environmental agencies and entities offered no comments illustrating the need for additional public services. To the extent that Meridian Public Works requested general and specific conditions of approval for water and fire hydrant easements, specific water and sewer development standards, and similar, In-N-Out accepts these suggested conditions of approval as workable within its site design and will work with Meridian Public Works to meet these goals. Thus, the City Council should find that this conditional use requirement is met.

7. In-N-Out's 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.

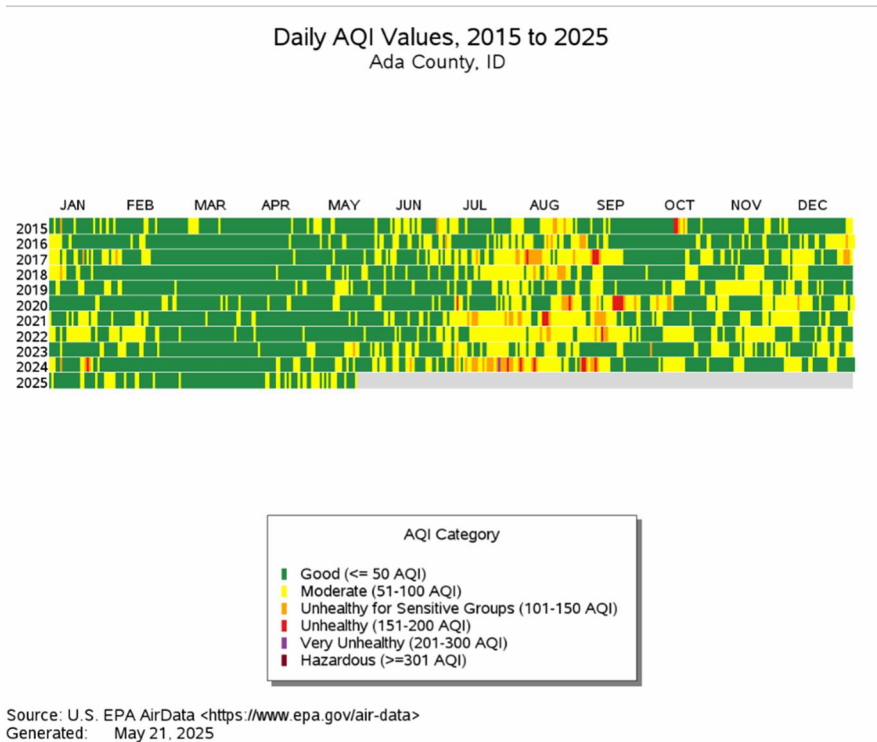
City Staff found that In-N-Out's proposed use will involve conditions that will be detrimental to persons, property, and the general welfare based on excessive exhaust fumes and traffic congestion. Because traffic was addressed above in Section IV.B.3, these points are not repeated here.

a. Air Quality

With respect to air quality, In-N-Out's proposed location is already in a heavily populated and trafficked area. During the Hearing, Commissioners noted the high likelihood that another drive-through restaurant would likely be developed in this location if In-N-Out did not develop here. Any other restaurant and/or drive-through would likely have similar air quality impacts, and many permitted uses, including food trucks operating from diesel generators or minor vehicle repairs would also involve idling motors contributing to air quality issues, perhaps to an extent greater than In-N-Out's proposed use.

The agency charged with air quality regulation, the Idaho Department of Environmental Quality, offered no comments or recommendations regarding air quality concerns. In fact, United States Department of Environmental Protection Agency ("EPA") air quality data show that Ada County as a whole has good to moderate air quality, with most days with unhealthy air quality likely being attributable to factors like wildfire and weather-driven inversions common in the

Treasure Valley.¹³ The graph below, showing EPA data, confirms this fact. It is unlikely that operating this drive-through creates the excessive fumes needed to tip the Meridian’s scales to unhealthy to hazardous air quality, such that the general welfare would be put at risk. Thus, air quality impacts do not render the proposed drive through detrimental to persons, property, or general welfare by excessive fume production.



b. Light

In-N-Out has prepared a photometric plan, included here as Exhibit D, to reflect the proposed lighting levels of the property associated with the In-N-Out development. As shown , the light impacts from In-N-Out’s drive through are minimal. Further, any commercial retail user developing this site will have light impacts, as any such user would have similar parking lot lighting for safety and operational purposes, in conformance with the UDC’s lighting mandates. As is customary with all retail uses, parking lot lights remain on at night during business operational hours and, except for the minimum security lights for public safety and security purposes, parking lot lights and lighted signs would be turned off upon closing. Similar lighting

¹³ See EPA, Air Now Interactive Map of Air Quality and archived information, <https://gispub.epa.gov/airnow/index.html?tab=3>; Boise State University, Air Quality and Smoke, <https://www.boisestate.edu/research-hcri/resources-hazards/air-quality-and-smoke/#:~:text=Another%20cause%20of%20poor%20air,air%20quality%20reaches%20unhealthy%20conditions>; Idaho Department of Environmental Quality, Regional Air Quality Plans and Reports, <https://www.deq.idaho.gov/air-quality/regional-air-quality-reports/#:~:text=Air%20quality%20in%20the%20Lewiston,report%20available%20at%20this%20time>.

is installed for all of the existing commercial uses, including the access road lighting abutting the residential uses to the west.

Further, In-N-Out's site plan shows that vehicle lights, when waiting in the drive-through queue, are not pointed toward residences. Vehicle lights are instead pointed toward Ten Mile Road, and eventually hidden behind the In-N-Out store. Only when vehicles exit the drive-through lane will vehicle lights be pointed toward the residences. And, as shown in In-N-Out's landscaping plans, In-N-Out has proposed landscaping that minimizes such impacts. Thus, the alleged light impacts from operating a drive-through do not render the proposed drive through detrimental to persons, property, or general welfare by excessive glare or light production. In-N-Out's proposed lighting plan ensures that pedestrians and employees remain safe during nighttime hours.

8. In-N-Out's proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

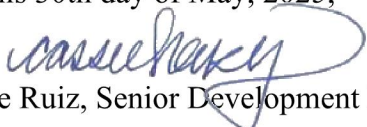
City Staff found that the proposed location "will not result in the destruction, loss or damage of any such features." Decision, at 12 (marked as p. 85 in the Department Report). In-N-Out agrees and reiterates here that there are no natural, scenic, or historic features at the Site that will be impaired or impacted by any future construction or operation of an In-N-Out location. Thus, City Council should find that this conditional use requirement is met.

V. Conclusion

As set forth here, and supported by substantial evidence in the record, In-N-Out has met the required findings for a conditional use permit outlined in UDC § 11-5B-6. And, as shown in its site plan, will comply with all necessary design standards outlined in the UDC. In-N-Out has repeatedly demonstrated that it operates its Treasure Valley restaurants responsibly and has kept its promises to efficiently manage its restaurants. In-N-Out has cultivated good relationships with neighboring landowners and government agencies providing services to In-N-Out, as evidenced by those individuals who spoke in In-N-Out's favor during the Commission Hearing. These conclusions are supported both in anecdote from government officials and data presented here by In-N-Out.

Thus, In-N-Out respectfully requests that the City Council reverse the Commission's denial of In-N-Out's requested drive through conditional use permit, and approve In-N-Out's construction and operation of this drive through.

Respectfully submitted this 30th day of May, 2025,


Cassie Ruiz, Senior Development Manager

Attachments:

Exhibit A: Meridian Revised Site Plan Dated 5.19.25

Exhibit B: Meridian Revised Landscape Plan Dated 5.27.25

Exhibit C: Updated Queuing Observations May 2025

Exhibit D: Exhibit Photometric Plan
Exhibit E: Operational Noise
Exhibit F: Public Works
Exhibit G: ACHD Project Memo