



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

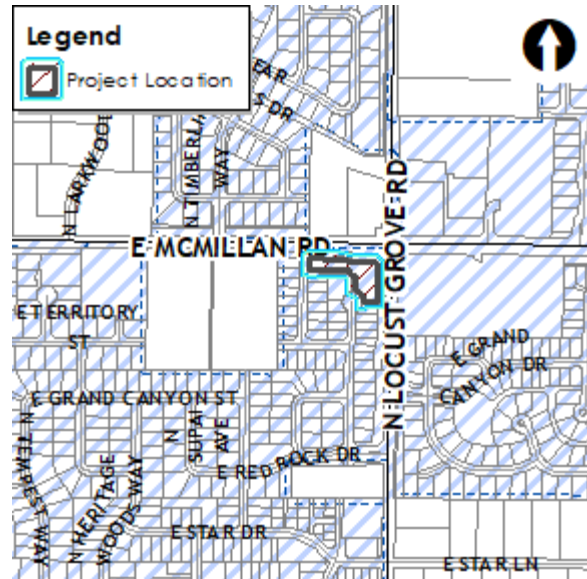
HEARING DATE: 7/1/2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0037
DaVinci Park Drive-Through – CUP

LOCATION: 4744 N. Park Crossing Ave. (Lot 11, Block 3, Da Vinci Park Subdivision), in the NE ¼ of Section 31, Township 4N., Range 1E.



I. PROJECT DESCRIPTION

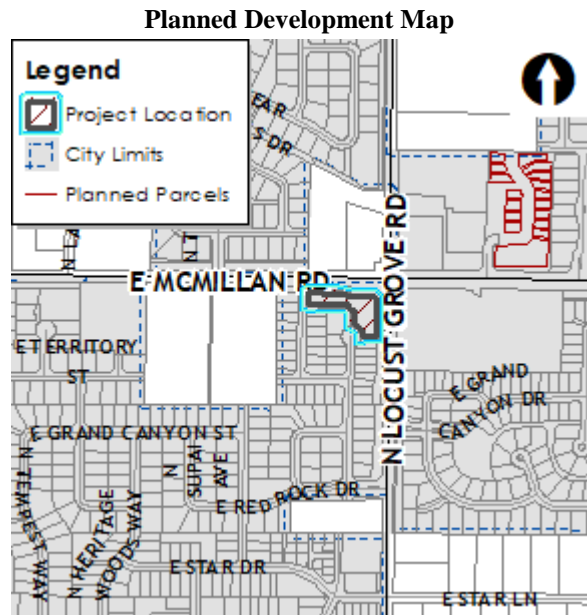
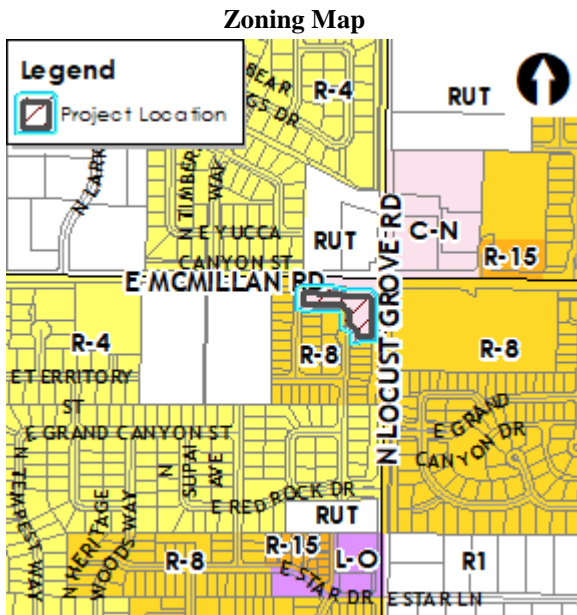
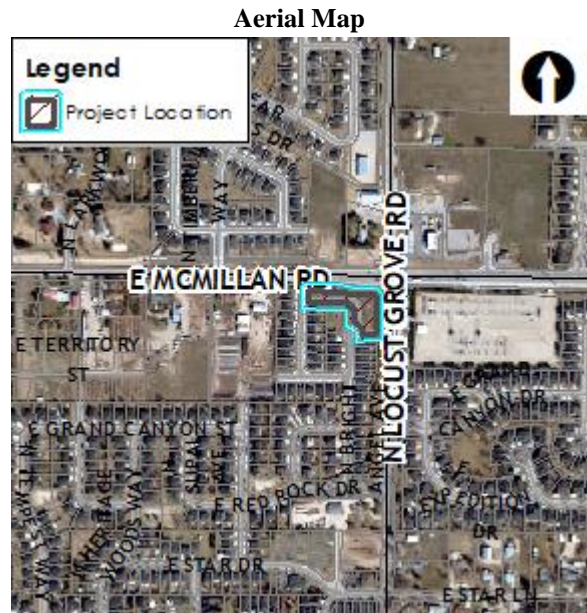
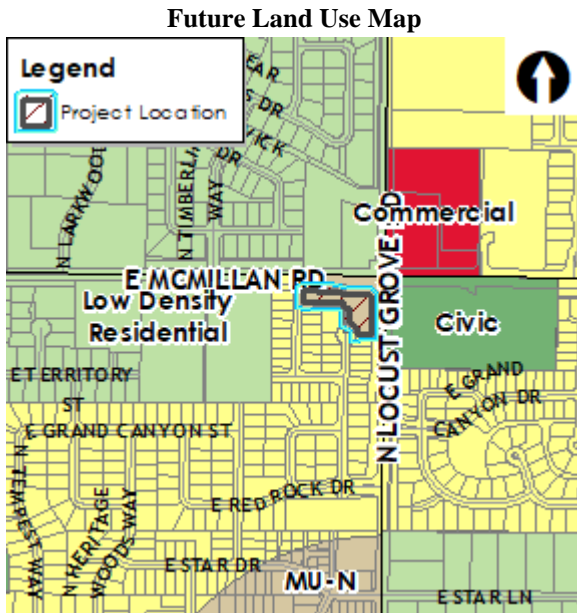
Conditional use permit (CUP) for a drive-through establishment for a coffee kiosk within 300-feet of an existing residence and residential district on 1.19-acres of land in the C-N zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.19-acres	
Future Land Use Designation	Mixed Use – Neighborhood (MU-N)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Restaurant (coffee shop) with a drive-through	
Current Zoning	Neighborhood Business District (C-N)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	5/4/21; no attendees other than the Applicant	
History (previous approvals)	AZ-06-041 (DA #107005526, Harpe Sub.); PP-06-042 (Harpe Sub. – expired); RZ-13-016; PP-13-036 (DaVinci Park); MDA-14-002 (DA #114034781); FP-14-013	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Marla Carson, NeuDesign Architecture – 725 E. 2nd Street, Meridian, ID 83642

B. Owner:

Cory Swain, CS2, LLC – 3363 E. Presidential Dr., Ste. 203, Meridian, ID 83642

- C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	6/11/2021
Radius notification mailed to properties within 300 feet	6/8/2021
Site Posting Date	6/9/2021
Next Door posting	6/8/2021

V. STAFF ANALYSIS

The proposed drive-through is for a 620 square foot coffee shop (classified as a restaurant) within 300-feet of an existing residence and residential district, which requires Conditional Use Permit approval (CUP) per UDC Table 11-2B-2 and 11-4-3-11A.1.

The proposed development plan is in substantial conformance with the provisions in the existing Development Agreement (Inst. #114034781) and with the approved conceptual development plan included in the agreement.

Specific Use Standards: The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. A site plan is required to be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum, the plan is required to demonstrate compliance with the following standards: *Staff's analysis is in italics.*

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

The width of the area proposed for the one-way drive aisle for access to the northern row of parking and stacking lane for the drive-through is too narrow to accommodate both travel lanes – vehicles in the stacking lane will encroach into the drive aisle. Staff recommends the northern row of parking is removed and a planter island is added to guide traffic to avoid conflicts.

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

The stacking lane and escape lane should be clearly delineated. The northern row of parking adjacent to the stacking lane should be removed.

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

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

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

The stacking lane exceeds 100' in length and an escape lane is proposed that should be signed accordingly.

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

The drive-through is visible from E. McMillan Rd. and N. Park Crossing Ln., public streets along the north and west boundaries of the site, for surveillance purposes.

Based on the above analysis, Staff deems the proposed drive-through in compliance with the specific use standards as required if the recommended revisions to the site plan are made.

The proposed restaurant is subject to the specific use standards listed in UDC [11-4-3-49](#) Restaurant, which requires at a minimum, one (1) parking space to be provided for every 250 square feet of gross floor area. Upon any change of use for an existing building or tenant space, a detailed parking plan is required to be submitted that identifies the available parking for the overall site that complies with UDC standards.

Hours of Operation: The hours of operation are restricted to 6:00 am to 10:00 pm in the C-N zoning district per UDC 11-2B-3B. The proposed hours of operation are 6:00 to 10:00 pm in accord with this standard.

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

Access: A full-access driveway exists to this site from the west via N. Park Crossing Ln. and a right-out only driveway exists to N. Locust Grove Rd. on the east side of the lot. Direct access via E. McMillan Rd. is prohibited.

Parking: A minimum of one (1) parking space is required to be provided for every 250 square feet of gross floor area for restaurant uses. The restaurant space is proposed to consist of 620 square feet; therefore, a minimum of two (2) spaces are required for the restaurant (i.e. coffee shop). A total of 42 spaces exist and/or are proposed between the proposed use and the existing 9,500 square foot retail building on the east side of the site. The minimum number of parking spaces required for the retail use is 19 based on one space per 500 s.f. of gross floor area. The proposed number of spaces exceeds UDC standards by 21 spaces. However, with removal of the northern row of parking adjacent to the vehicle stacking lane for the drive-through, there will be 5 fewer spaces. Staff believes the remaining number of spaces is still sufficient to serve the use(s).

A minimum one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). A bicycle rack exists on the eastern portion of the site by the retail building. **A bicycle rack should also be provided with the proposed use, capable of holding a minimum of one bicycle.**

Pedestrian Walkways: A continuous internal pedestrian walkway that is a minimum of 5-feet in width is required to be provided from the perimeter sidewalk to the main building entrance per UDC 11-3A-19B.4. The pathway should be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks. The walkway should have weather protection within 20' of all customer entrances. The site plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.

Landscaping: Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. **Landscaping is required within all planter islands within the parking area as**

required. The landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.

There is an existing street buffer and sidewalk along E. McMillan Rd. and N. Locust Grove Rd. that was installed with the subdivision improvements.

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

Building Elevations: Conceptual building elevations were submitted as shown in Section VII.C that incorporate a mix of materials consisting of hardiplank cement lap siding, accoya wood siding and glazing. **Per the Development Agreement, some of the same design elements are required to be incorporated in the commercial portion of the development as in the residential portion.**

The proposed elevations are not approved with this application; final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#) and with the Development Agreement.

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

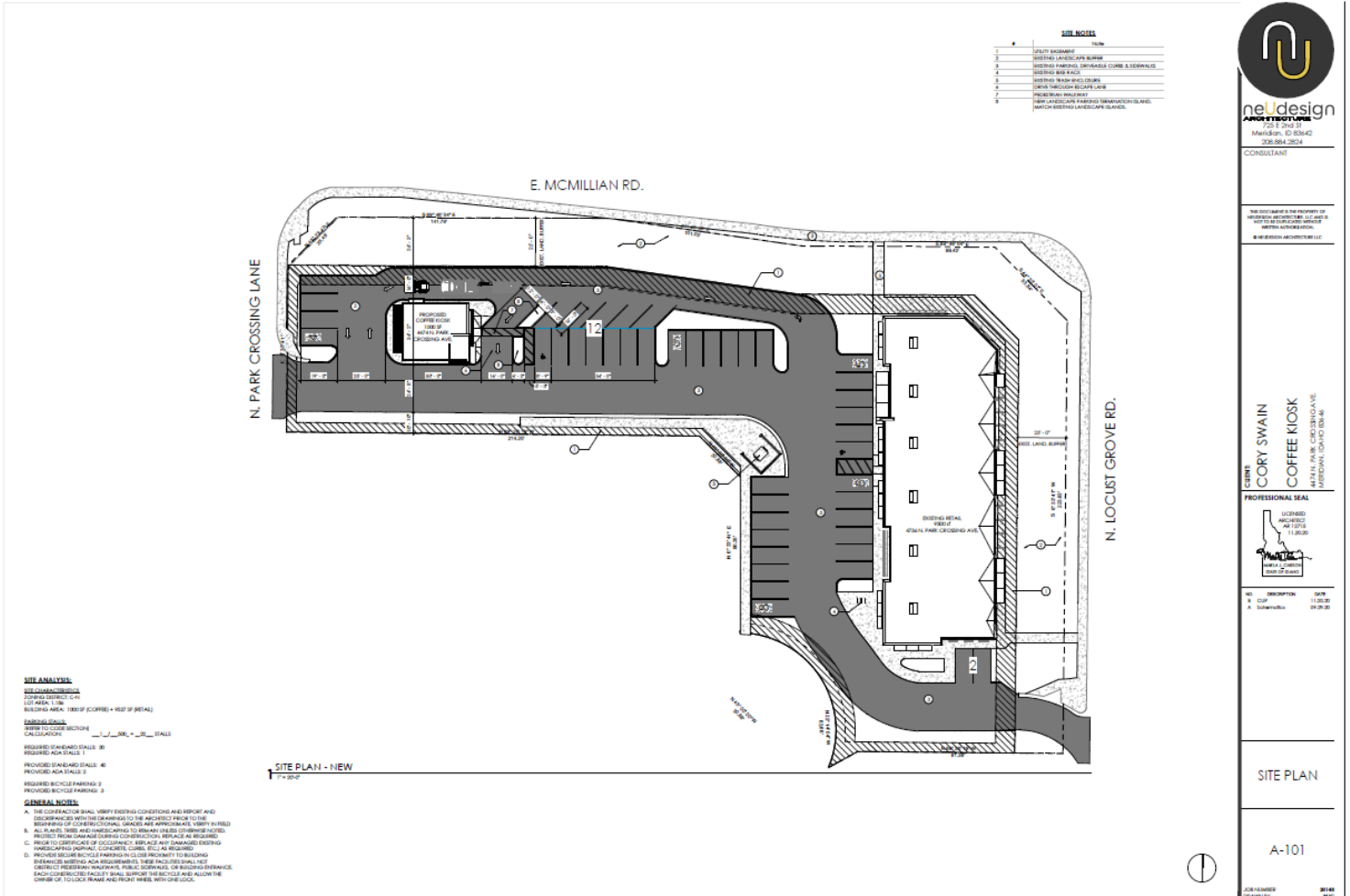
VI. DECISION

A. Staff:

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

VII. EXHIBITS

A. Proposed Site Plan (dated: 11/20/2021)



neUdesign
 ARCHITECTURE
 1111 S. 10th St.
 Mandan, ND 58042
 701.784.2024

CONSULTANT

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OWNER:
 CORY SWAIN
 COFFEE KIOSK
 1011 N. B. CROSSING AVE.
 BISMARCK, ND 58103

PROFESSIONAL SEAL:
 CORY SWAIN
 ARCHITECT
 11/20/21
 ND 0000000000

SITE PLAN

A-101

JOB NUMBER: 2021-01
 DRAWN BY: MJC

C. Conceptual Building Elevations (dated: 4/14/21)

1 EAST ELEVATION
1/8" = 1'-0"

#	REVISION	DATE
1	ISSUED	
2	REVISED EAST ELEVATION DRAWING	
3	IMPROVED AND REFINED	
4	FINAL FINISHES CAP	
5	DESK ADJUSTED	
6	DISMISSED REVISION	

2 NORTH ELEVATION
1/8" = 1'-0"

3 SOUTH ELEVATION
1/8" = 1'-0"

4 WEST ELEVATION
1/8" = 1'-0"

EXTERIOR FINISH LEGEND

PAINT: PPG COLOR NAME: SHADERS WILLIAMS COLOR NO.: SW758	ALUMINUM EXTRUSION: HOLLOW METAL COLOR: BLACK ANODIZED	SPLIT RAIL FENCE COLOR: NATURAL WOOD
ACACIA WOOD SIDING SPEC: DELTA WOODS FINISH: TONGUE AND GROOVE GRAIN: SMOOTH SEAL: BARNWOOD ROXY	METAL TRIM SPEC: GMP SUBSTITUTED COLOR: BRUSH GREY	PARAPET CAP SPEC: T&B PAINT: PPG COLOR NAME: SHADERS WILLIAMS COLOR NO.: SW758

neidesign
ARCHITECTURE

221 E. 2ND ST.
MERRISAN, ID 83842
208.884.2824

CONSULTANT

WE OCCUPY A SMALL PORTION OF
PROPERTY BELONGING TO US AND
DO NOT OWN THE WHOLE
PROPERTY DESCRIBED.

CORNER
CORY SWAIN
COFFEE KIOSK
MERRISAN, IDAHO 83842

PROFESSIONAL SEAL

NO. DESCRIPTION DATE
1. CIP A 1/13/21
2. Submittals A 1/14/21

EXTERIOR ELEVATIONS

A-211

DESIGNER: [Signature]
DRAWN BY: [Signature]

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement [Inst. #[107005526](#) (AZ-06-041 Harpe Sub.), amended as Inst. #[114034781](#) (MDA-13-021, MDA-14-002 DaVinci Park); PP-13-036 (DaVinci Park); FP-14-013] and the conditions contained herein.
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. The stacking lane, menu and speaker location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
 - b. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
 - c. A bicycle rack shall be provided on the site capable of holding a minimum of one bicycle; bicycle parking facilities are required to comply with the location and design standards listed in UDC 11-3C-5C.
 - d. Depict a continuous internal pedestrian walkway that is a minimum of 5-feet in width from the perimeter sidewalk to the main building entrance per UDC 11-3A-19B.4. The pathway shall be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks and shall have weather protection within 20' of all customer entrances.
 - e. Depict landscaping within all planter islands within the parking area in accord with the standards listed in UDC 11-3B-8C. The planting area shall not be less than 5-feet in any dimension, measured inside curbs as set forth in UDC 11-3B-8C.2a.
 - f. Remove the northern row of parking adjacent to the stacking lane and install signage for the escape lane. Depict a planter island along the northern side of the remaining row of parking to guide traffic, landscaped per the standards in UDC 11-3B-8C.
 - g. Clearly delineate the vehicle stacking lane for the drive-through and the escape lane.
3. Direct access via E. McMillan Rd. is prohibited.
4. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required.
5. Compliance with the standards listed in UDC [11-4-3-49](#) – Restaurant is required.
6. Parking for the overall site shall be provided in accord with the standards listed in UDC 11-4-3-49 for restaurants.
7. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#); the design standards listed in the *Architectural Standards Manual* and with the Development Agreement. *The Development Agreement requires some of the same design elements to be incorporated in the commercial portion of the development as in the residential portion.*
8. The conditional use permit is valid for a maximum period of two (2) years unless otherwise

approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC 11-5B-6. A time extension may be requested as set forth in UDC 11-5B-6F.

B. ADA COUNTY HIGHWAY DISTRICT (ACHD)

Staff Report:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230160&dbid=0&repo=MeridianCity>

A Traffic Impact Study (TIS) is not required for this project.

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230615&dbid=0&repo=MeridianCity>

IX. FINDINGS

Conditional Use (UDC 11-5B-6)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This finding is not applicable.

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

This finding is not applicable.