

**STAFF REPORT**

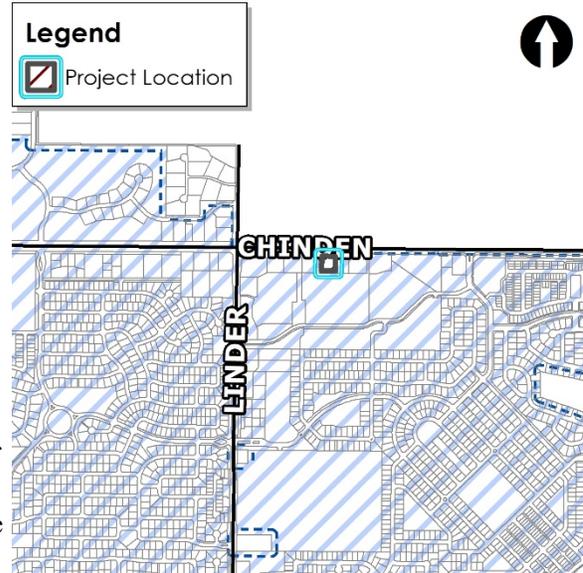
**COMMUNITY DEVELOPMENT DEPARTMENT**

HEARING DATE: 7/1/2021

TO: Planning & Zoning Commission  
 FROM: Joseph Dodson, Associate Planner  
 208-884-5533

SUBJECT: H-2021-0039  
 Orchard Park Pad C Drive-Through – CUP

LOCATION: The site is located at 1245 W. Chinden Boulevard, approximately ¼ mile east of Linder Road (Lot 8, Block 1, Linder Village Subdivision), in the NW ¼ of the NW ¼ of Section 25, Township 4N., Range 1W.



**I. PROJECT DESCRIPTION**

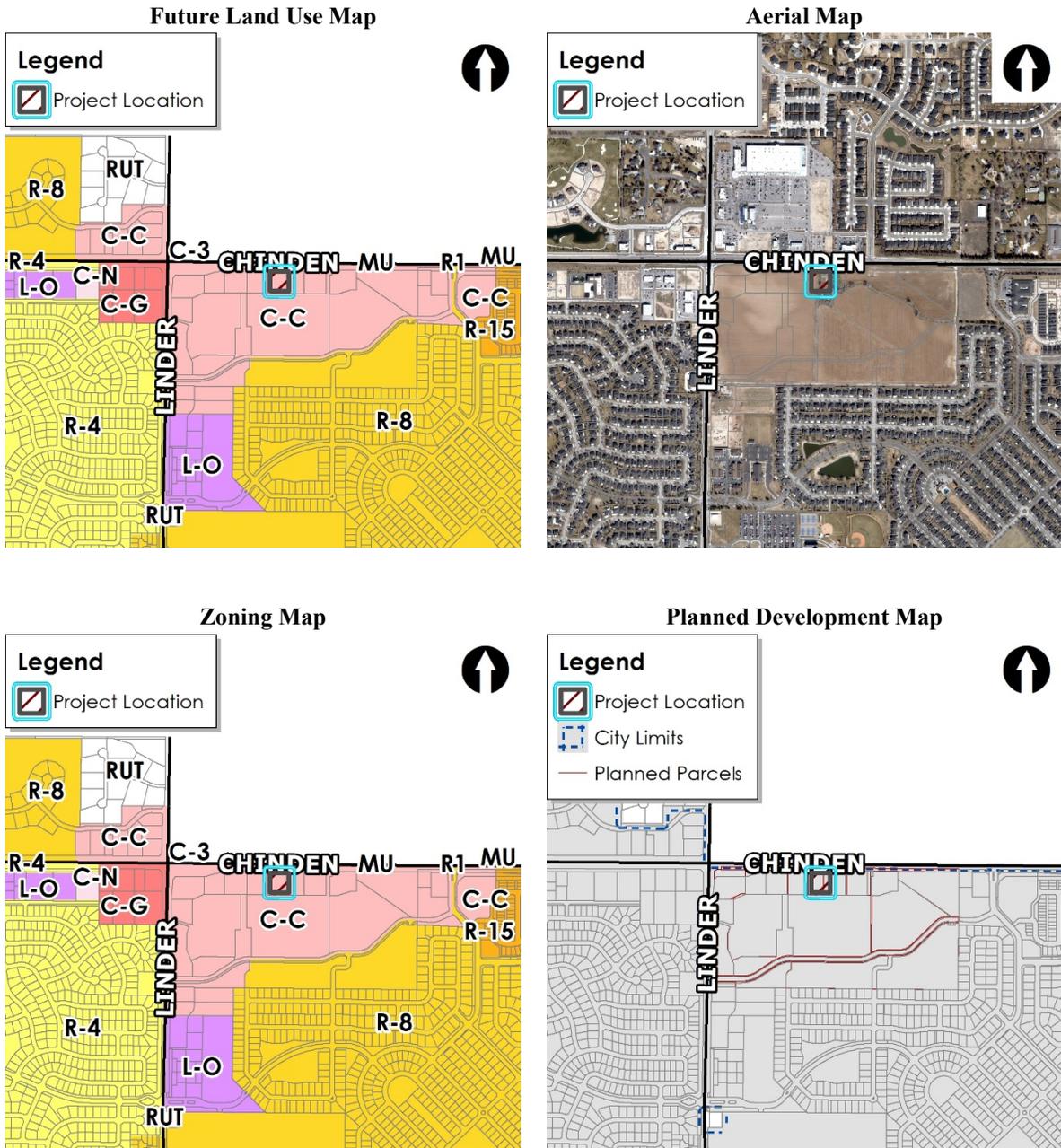
Conditional Use Permit for a dual drive-through for a multi-tenant establishment within 300-feet of an existing drive-through on 1.47 acres of land in the C-C zoning district.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	1.47 acres	
Future Land Use Designation	Mixed-Use Community	
Existing Land Use	Vacant/undeveloped	
Proposed Land Use(s)	Multi-tenant building with two crossing drive-throughs	
Current Zoning	Community Business District (C-C)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	May 3, 2021; 2 attendees	
History (previous approvals)	H-2017-0088 (AZ, CPAM, PP, VAR); FP-2020-0004; and H-2021-0034 (MDA, currently in process)	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Mandie Brozo, CSHQA – 200 Broad Street, Boise, ID 83702

B. Owner:

High Desert Development Linder Village LLC – 2537 W State Street, Ste. 110, Boise, ID 83702

- C. Representative:  
Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>
Newspaper Notification	6/11/2021
Radius notification mailed to properties within 500 feet	6/8/2021
Site Posting Date	6/18/2021
Next Door posting	6/8/2021

**V. STAFF ANALYSIS**

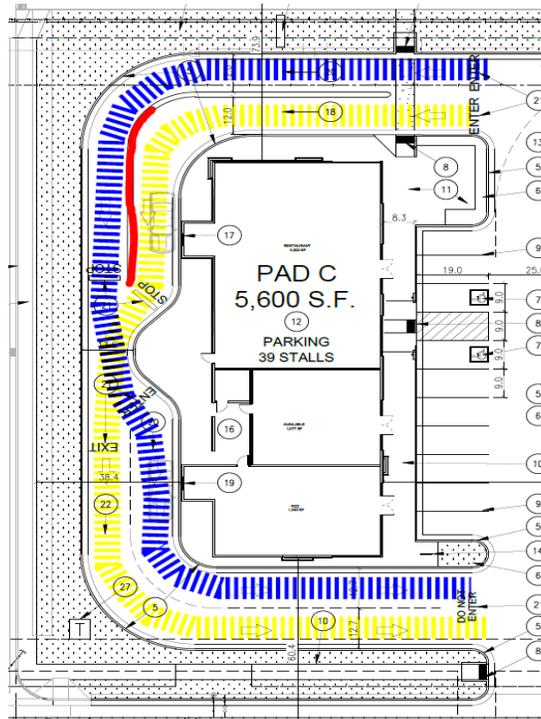
The proposed drive-through is for dual drive-throughs serving a multi-tenant building (three tenants) that is proposed as approximately 5,600 square feet. The submitted site plan shows both the northern most and the southernmost tenants as those utilizing a drive-through with the central tenant being a standard commercial tenant. These drive-throughs are within 300-feet of a separate multi-tenant building and drive-through to the west of this site and across the adjacent drive aisle. In addition, a nearly identical building as the one proposed in this application has already been approved at the administrative level via Certificate of Zoning Compliance (CZC) and Design Review (DES) and is located to the east of this site. These buildings and drive-throughs are also within 300 feet of one another and share a portion of its parking facilities between the two buildings. Therefore, Conditional Use Permit approval (CUP) per UDC Table 11-2B-2 is required due to its proximity to the other drive-throughs. Furthermore, this use is also subject to specific use standards, UDC 11-4-3-11, which are further analyzed below.

The submitted site plan shows a rectangular building situated to the west portion of the buildable site area and is proposed with 36 new parking spaces—the shared parking area between the two multi-tenant buildings will have at least 74 parking spaces; code requires a minimum of 44 spaces. The site plan shows two two-way drive aisles to the east of the building with parking adjacent to both drive aisles. These drive aisles connect to the east-west drive aisle closest to Chinden Boulevard that is the entrance to the proposed drive-throughs. Because the drive-throughs serve two separate tenants, the traffic patterns for each cross over one another midway through the site along the west side of the building.

The Applicant provided a circulation plan that shows the intended traffic patterns and Staff agrees with the proposal but with some minor recommended revisions. The submitted plan shows Tenant “A,” the north tenant, as utilizing the yellow path which includes the southern drive-through at the north side of the building. Once a customer orders along the north side of the building they continue to the west side of the building and pick-up their order. They then stop at the determined drive-through crossing and go from being the inside lane to the outside lane to exit the drive-through at the south end of the site. After this crossing point, the yellow lane (the outside lane) becomes the escape lane which is required for the length of the drive-through lanes. Tenant “B” utilizes the blue path according to the submitted site/circulation plan and essentially follows the opposite path of Tenant A. For Tenant B, the entrance along the north side of the building is the stacking lane and order position. Once customers for this tenant order and then stack at the determined crossing point, they would cross

from the outside lane to the inside lane to pick-up their order. After pick-up, customers would continue south to turn east around the south side of the building and exit the drive-through.

The proposed drive-through design is uncommon and complex with the added crossing point. Staff finds that with adequate signage and striping the proposed drive-through can work. Therefore, Staff is recommending not only striping on the pavement but also signage at the entrances and along the drive-through lanes to ensure customers know which business they are in line for. The proposed signage and striping should be submitted with the future CZC and DES applications for the building should it receive CUP approval for the drive-throughs. In addition, the north half of the proposed drive-throughs show a curbing of some kind that separates the two lanes. Staff understands the purpose of this but finds that a portion of it should be removed to allow for customers to use the outside lane as an escape lane earlier in the drive-through. See area noted below in red:



The subject site is located within the Mixed-use Community (MU-C) future land use which contemplates a multitude of uses – residential, commercial, and otherwise. Due to the size of the site, this singular site cannot be expected to contain three distinct uses as discussed within the mixed-use sections of the Meridian Comprehensive Plan. Instead, those uses within the nearby radius should also be contemplated for compliance with this future land use. Staff finds the proposed use and the surrounding uses within the Orchard Park Development, both existing and planned, comply with the MU-C future land use designation.

**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:

*In general, Staff supports the proposed site design; Staff's analysis of the specific use standards and any recommendations are in italics.*

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

*Per the submitted site plan, no public right-of-way has direct access to the site so there is no possibility for stacking to impede public ROW. The stacking lanes for each drive-through vary in length but both entrances are at the north end of the site and begin at the west end of the northernmost east-west drive aisle. Based on an exhibit (Exhibit VII.C) provided by the Applicant, the two ordering locations appear to be approximately 65 feet into the drive-through lanes. This should allow for 3-4 cars stacking prior to getting to the menu boards; if more cars stack in either lane, they will impede the east-west drive aisle along the north boundary of the site. Staff does not foresee the proposed businesses requiring extended stacking lanes like that of a Dutch Bros. or other solitary coffee shop. However, Staff recommends moving the menu boards further into the drive-through lanes to help alleviate the potential of this conflict. The north drive-through can move the menu board and order speaker at least 10 feet to the west with no foreseeable issues. The internal drive-through lane does not have as much room but should be able to move them at least 5 feet further west; any additional distance is a benefit.*

*Furthermore, there are multiple drive aisles that run north-south within the site and patrons would have multiple avenues of ingress and egress for the site especially when taking into account the only avenues to exit the site are to the south so there should not be much desire or need for patrons to exit the site by going north.*

*Again, Staff does not foresee stacking for the proposed businesses being an existential crisis but understands the concern and has thus made minor recommendations to help with the potential problem. At a minimum, Staff is recommending the distance from the start of the drive-through to the order speakers shall be no less than 65 feet to ensure at least this distance is maintained.*

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 designed employee parking.

*The stacking lanes for each drive-through are separate from the circulation lanes for at least 65 feet from the menu boards to the adjacent drive aisle. Staff finds this shows compliance with this requirement.*

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 for at least one of the proposed drive-through lanes appears to be greater than 100 feet in length. As noted, Staff is unaware of where the ordering location is on the submitted site plan but it appears to be along the north end of the site for both lanes. With this assumption, the stacking lane for the overall drive-through is long enough to require an escape lane. As discussed previously, the outside lane is the escape lane following the crossing point of the two drive-throughs. Staff finds the proposed escape lane layout complies with this requirement. To ensure that the outside lane can be better utilized as an escape lane earlier in the drive-through process, Staff is recommending a section of curbing shown on the site plan at the north half of the site is removed (see exhibit above in previous section).*

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

*The proposed drive-throughs are located along the north, west, and south sides of the proposed*

*building. With Chinden Boulevard and a multi-use pathway abutting the site along the north boundary, Staff finds the location of the drive-throughs are in appropriate locations for surveillance. In addition, the drive aisle abutting the drive-through to the west is intended to be one of the main commercial entrances to the overall Orchard Park Development which should offer additional surveillance opportunities. Meridian Police have also reviewed the site plan for compliance with this standard and have not brought any concerns to Staff.*

**Staff's specific recommendations can be found in Section VIII.A2 & A3.**

The proposed use of a Restaurant is subject to an additional specific use standard listed in UDC 11-4-3-49 and notes that the minimum amount of parking shall be one (1) space for every 250 square feet of gross floor area. *Based on the proposed building size of 5,600 square feet noted on the submitted site plan, a minimum of 22 parking spaces are required. The proposed site plan shows 36 parking spaces, exceeding UDC minimums. In addition, this building shares a larger parking area with an identical building to the east with an overall parking count of 74 spaces between the two sites, exceeding the minimum amount required by code by 30 spaces. At the time of the future Certificate of Zoning Compliance (CZC) application, the data table on the site plan should be corrected to reflect the correct minimum standards of a restaurant use instead of the general commercial ratio.*

**Access:** Access to the site is shown via multiple parking drive aisles along the south boundary of the site; these connect to a drive aisle that circumnavigates through the entire Orchard Park Development. Abutting the site to the west but with no direct lot access is a restricted entrance from Chinden Boulevard. In short, there are multiple access points to the subject site from Chinden, Linder, and other nearby public roads to the south and east. Staff does not find any issues with the proposed and existing access points in relation to the subject application.

**Parking:** A minimum of one (1) parking space is required to be provided for every 250 square feet of gross floor area for the proposed restaurant use. *The proposed building is shown as 5,600 square feet requiring a minimum of 22 parking spaces; the submitted site plan shows 36 proposed parking spaces in addition to other shared parking spaces to the east, exceeding UDC minimums. All proposed drive aisles and parking spaces also meet the required dimensional standards.*

The existing Development Agreement requires cross-access through all of the commercial parcels within the Orchard Park Development. Due to all of the shared drive aisles and parking areas, Staff does not have concerns with the Applicant complying with the existing requirement.

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](#). *Bicycle parking is shown on the submitted plans in compliance with code (noted as callout number 14 on the site plan).*

**Pedestrian Walkways:** A pedestrian walkway is depicted on the site plan from the proposed building entrance sidewalk to the multi-use pathway along W. Chinden Blvd. as required by UDC 11-3A-19B.4a. This walkway is depicted to traverse both entrances of the drive-through lanes which introduces a known conflict between pedestrians and vehicles. *Therefore, Staff is recommending this walkway be distinguished from the driving surface by being constructed with pavers, brick, or scored/colored concrete, per subsection B of this code section. The proposed site plan appears to show a different material than the drive surface but its material is not called out. The Applicant should confirm compliance with this code section with a future CZC submittal and note the proposed material for this walkway.*

**Landscaping:** Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. Landscaping is depicted on the landscape plan in Section VII.B. The required landscape buffer adjacent to Chinden is already constructed or under construction with the subdivision approvals and is not part of this application.

A minimum 5-foot wide landscape buffer is required to be provided along the perimeter of the parking or other vehicular use areas as set forth in UDC 11-3B-8C.1. *The proposed parking drive aisles and drive-through around the perimeter of the subject site are proposed with landscaping at least 10 feet wide and vegetated with appropriate trees, shrubs, and other vegetative ground coverage. Staff finds these areas and proposed sidewalks meet and exceed the minimum landscape requirements. Furthermore, the submitted landscape plan shows all adjacent parking spaces with the required planter beds and landscaping.*

**Mechanical Equipment:** All mechanical equipment adjacent to 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](#). If mechanical equipment is proposed to be roof-mount, all equipment should be screened and out of view as noted above and should not be visible from the nearest right-of-way.

**Building Elevations:** The Applicant did not apply for Design Review concurrently with this CUP application but has prematurely submitted for Certificate of Zoning Compliance and Administrative Design Review for the proposed building. These administrative applications will not be reviewed until after the CUP has been heard. Therefore, proposed building elevations have been provided to Staff but Staff has not done a detailed review of the elevations at this time. In general, the elevations show dark brick and white stucco with reveals as field materials; architectural metal siding and aluminum framed storefront windows on the north, east, and south elevations for accent materials; and a concrete banding along the base of the building to tie it to the ground elevation. Detailed review will occur with the Design Review application but Staff finds the proposed elevations to be substantially compliant with the Architectural Standards Manual.

## VI. DECISION

### A. Staff:

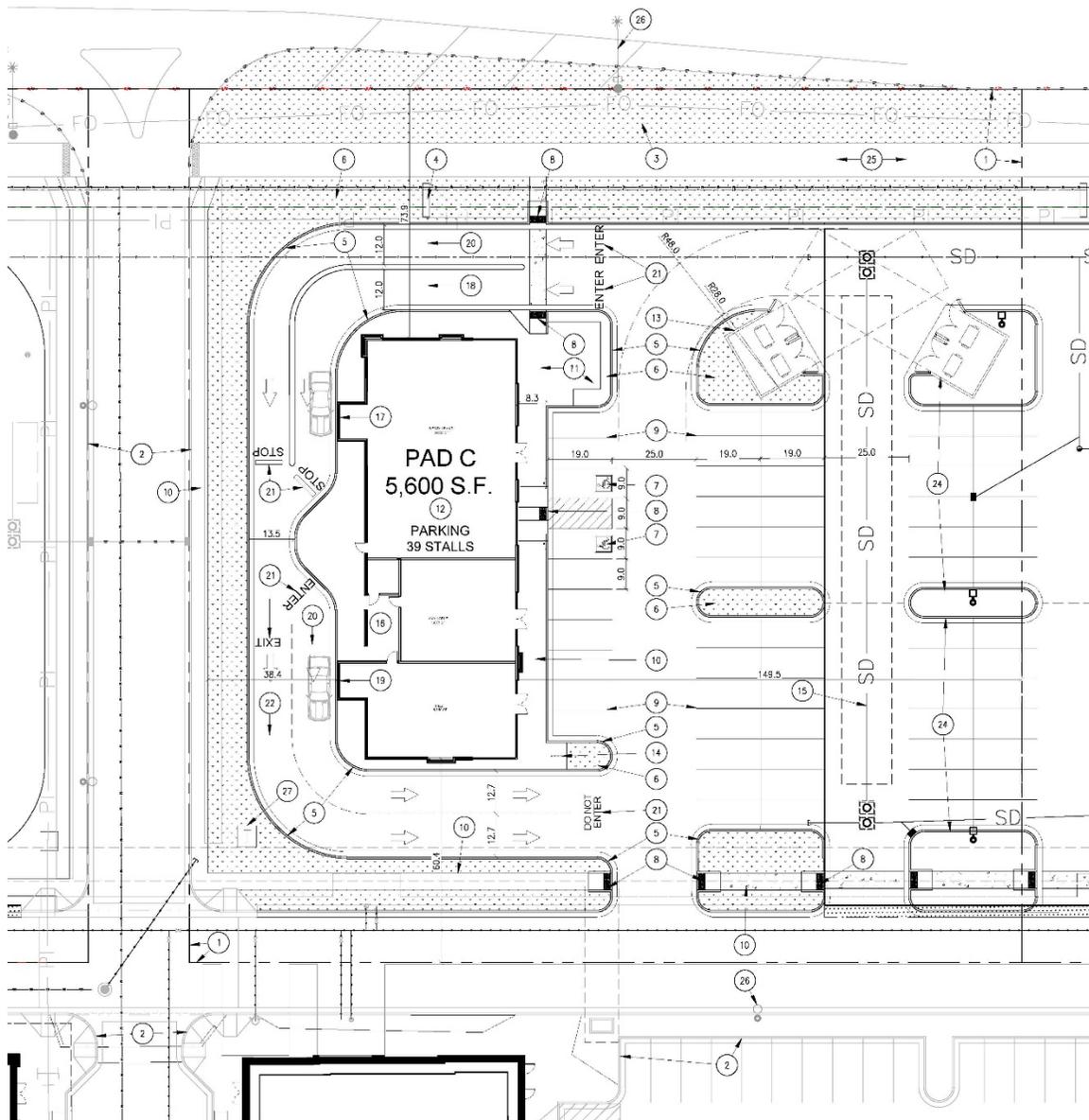
Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX. The Director has approved the administrative design review request with conditions.

**VII. EXHIBITS**

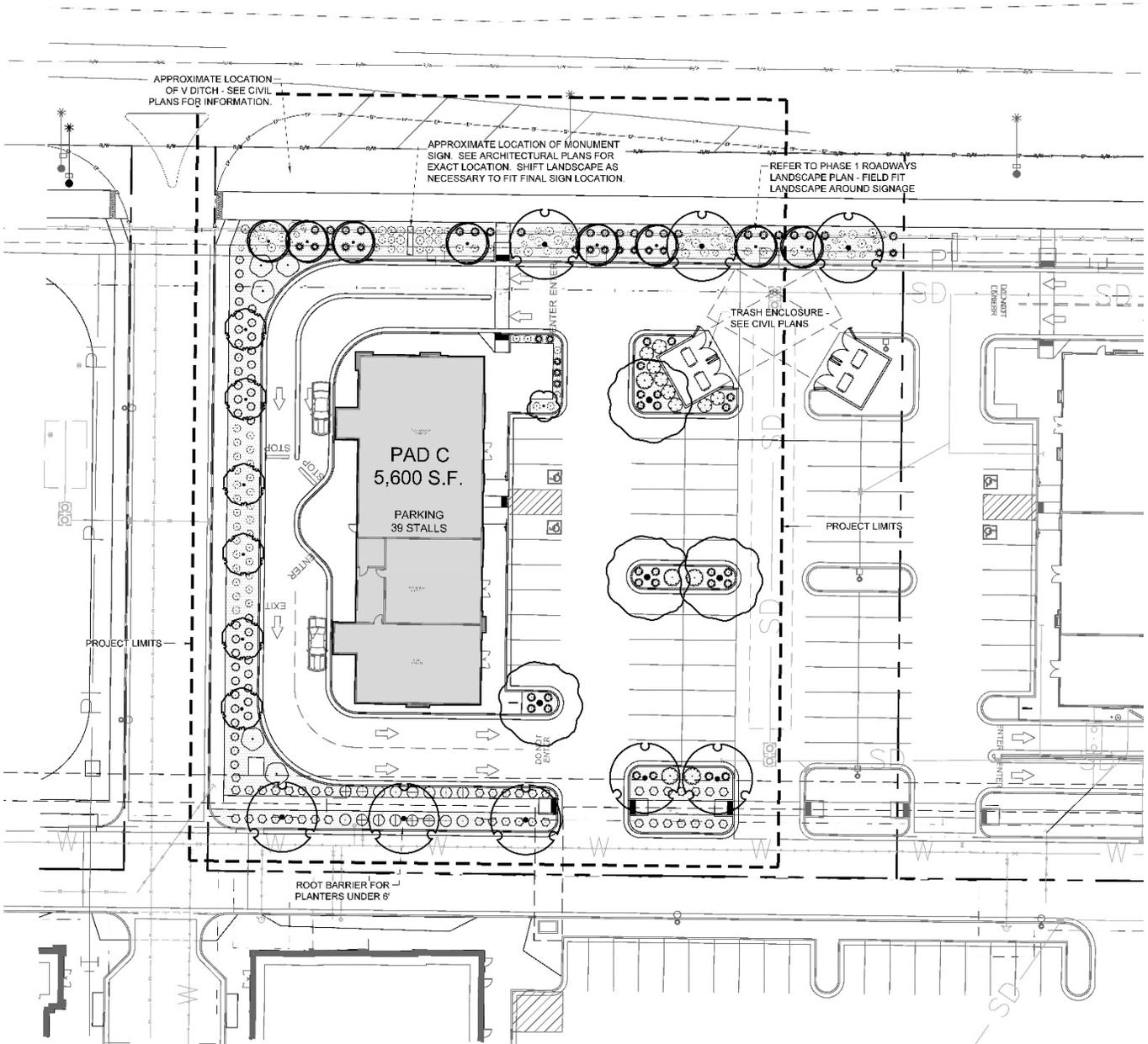
**A. Proposed Site Plan (dated: 4/09/2021)**



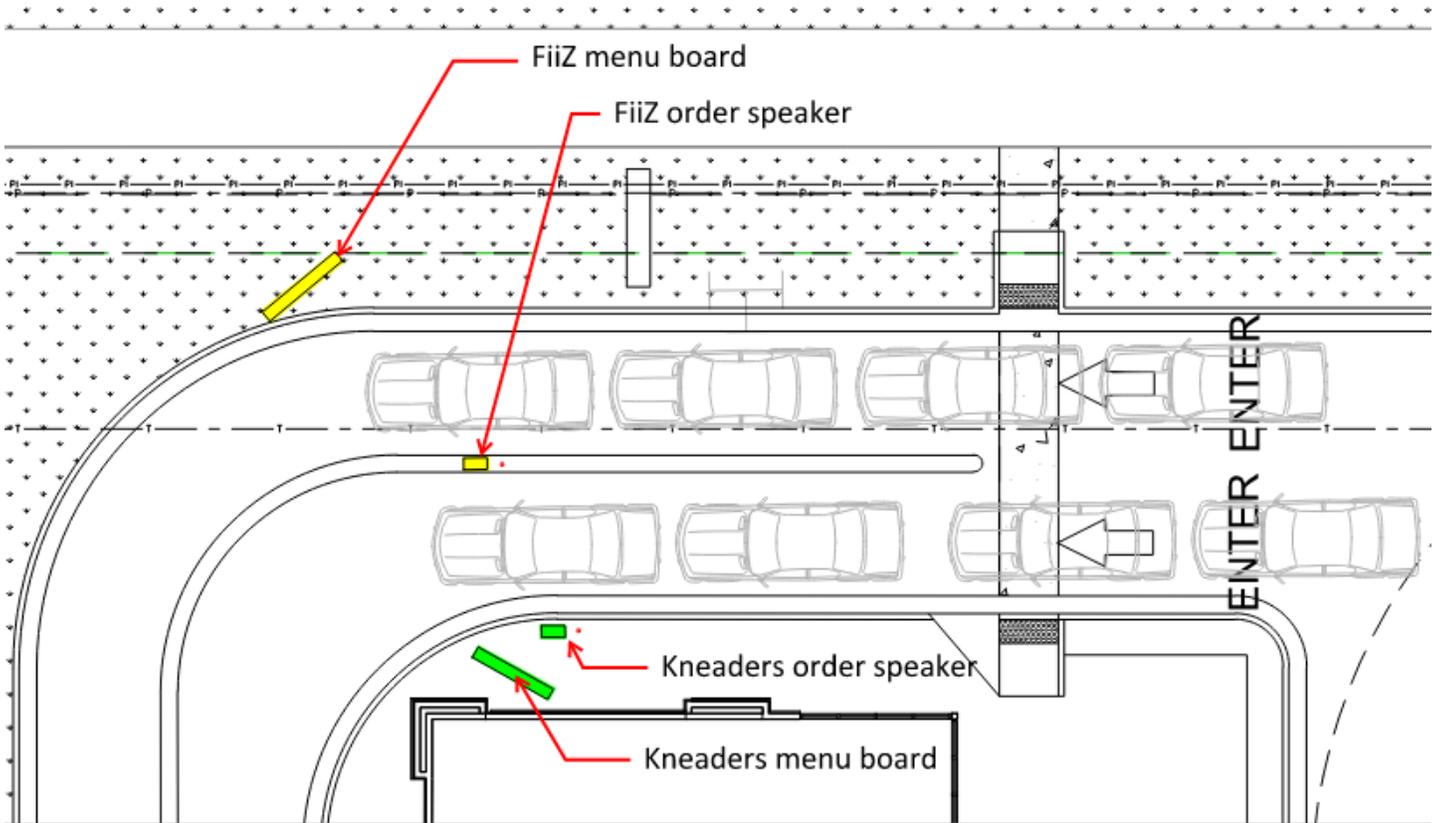
DMG REAL ESTATE PARTNERS, LLC



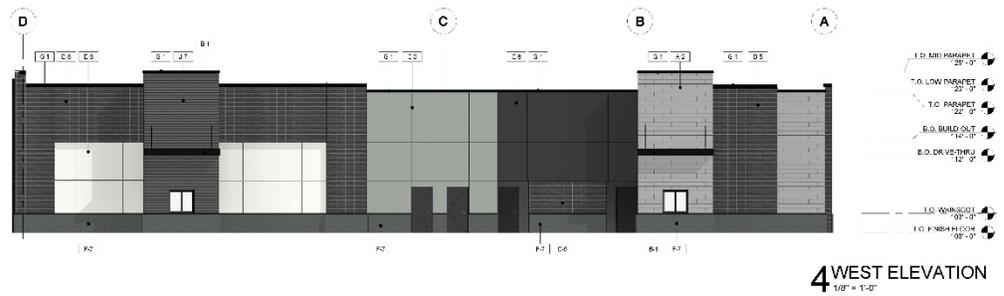
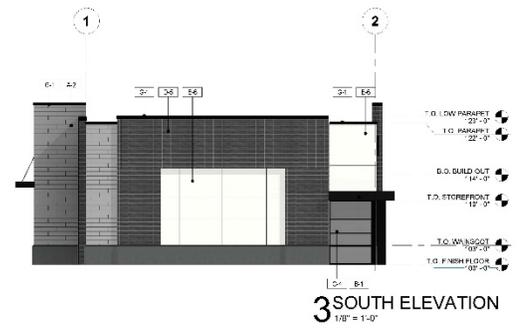
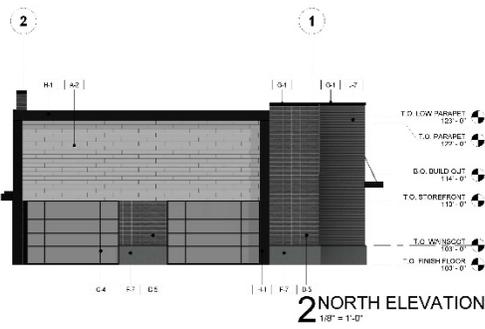
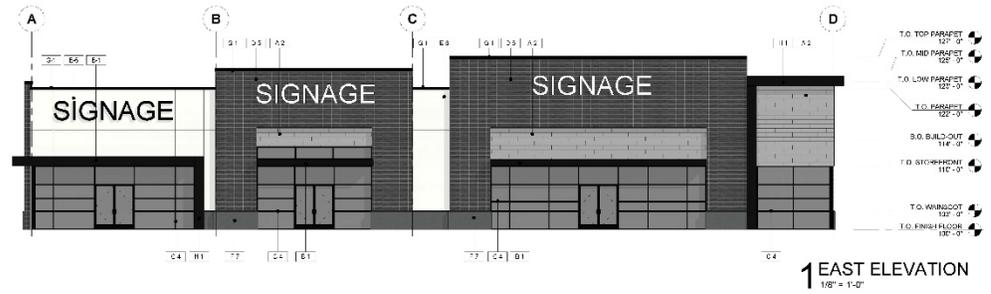
B. Proposed Landscape Plan (dated: 4/08/2021)



C. Proposed Menu Board and Order Speaker Locations



D. Proposed Building Elevations (not a part of approvals)





Front Perspective



Side Perspective



Rear Perspective

## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING

1. Future development of this site shall comply with the existing Development Agreement ([DA Inst. #2019-028376](#)), and associated conditions of approval: H-2017-0088 (AZ, CPAM, PP, VAR); FP-2020-0004; Comply with amended DA approved with H-2021-0034 (MDA, DA is not yet recorded).
2. The Conditional Use Permit for the proposed Drive-Through Establishment is hereby approved with the following conditions of approval:
  - a. The proposed menu boards/order speakers shall be located no less than 65 feet from the near edge of curb at the drive-through entrances. Compliance shall be depicted with the Certificate of Zoning Compliance site plan.
  - b. **The Applicant/Owner shall include both pavement striping and signage throughout the site and within the drive-throughs to ensure traffic circulation pattern is clear to patrons; proposed signage AND striping locations shall be submitted and depicted on the site plan at the time of Certificate of Zoning Compliance application and include both directional and tenant signage to direct patrons to desired tenant drive-through.**
  - c. Per UDC 11-3A-19B.4b, depict all pedestrian walkways traversing driving surfaces to be constructed with bricks, pavers, and/or colored or scored concrete to clearly delineate the driving surface from the pedestrian walkway.

3. The site plan submitted with the future Certificate of Zoning Compliance application shall be revised as follows:
  - a. Per the exhibit within Section V above, remove a segment of curbing within the north half of the separated drive-throughs.
  - b. Provide exhibits of and depict on the plans the striping and directional and tenant signage
4. The submitted landscape plan is approved as submitted. Applicant shall maintain the required 35-foot landscape buffer to Chinden Boulevard per City standards outlined in UDC 11-3B-7.
5. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required in perpetuity.
6. Comply with the standards listed in UDC [11-4-3-49](#) – Restaurant.
7. A Certificate of Zoning Compliance and Administrative Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. Future Commercial building shall comply with the standards outlined in the Architectural Standards Manual.
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)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230267&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-C 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 multi-tenant building and dual drive-throughs 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.**

*With the conditions of approval in Section VIII and the approved and existing uses in near proximity to the subject site, Staff finds the design, construction, operation and maintenance of*

*the proposed use will be compatible with other uses in the general neighborhood, be compatible 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.*