

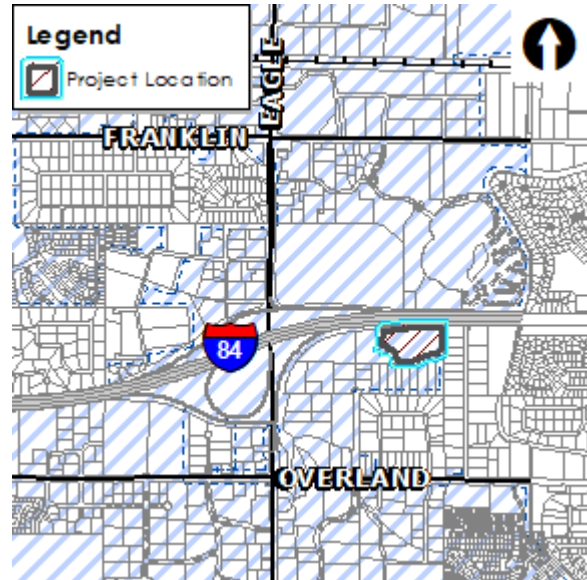
# EXHIBIT A

## STAFF REPORT

### COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: June 17, 2021  
 DATE: Continued from: 6/3/2021  
 TO: Planning & Zoning Commission  
 FROM: Sonya Allen, Associate Planner  
 208-884-5533  
 Bruce Freckleton, Development Services Manager  
 208-887-2211  
 SUBJECT: H-2021-0033  
 Topgolf  
 LOCATION: 948 S. Silverstone Way  
 SW ¼ of Section 16, T. 3N., R.1E.



### I. PROJECT DESCRIPTION

Conditional use permit for an outdoor entertainment/recreation facility with a non-permanent outdoor stage/music venue on 11.56-acres of land in a C-G zoning district to include extended hours of operation from 8:00 am to 2:00 am, seven days a week, abutting a residential zoning district.

### II. SUMMARY OF REPORT

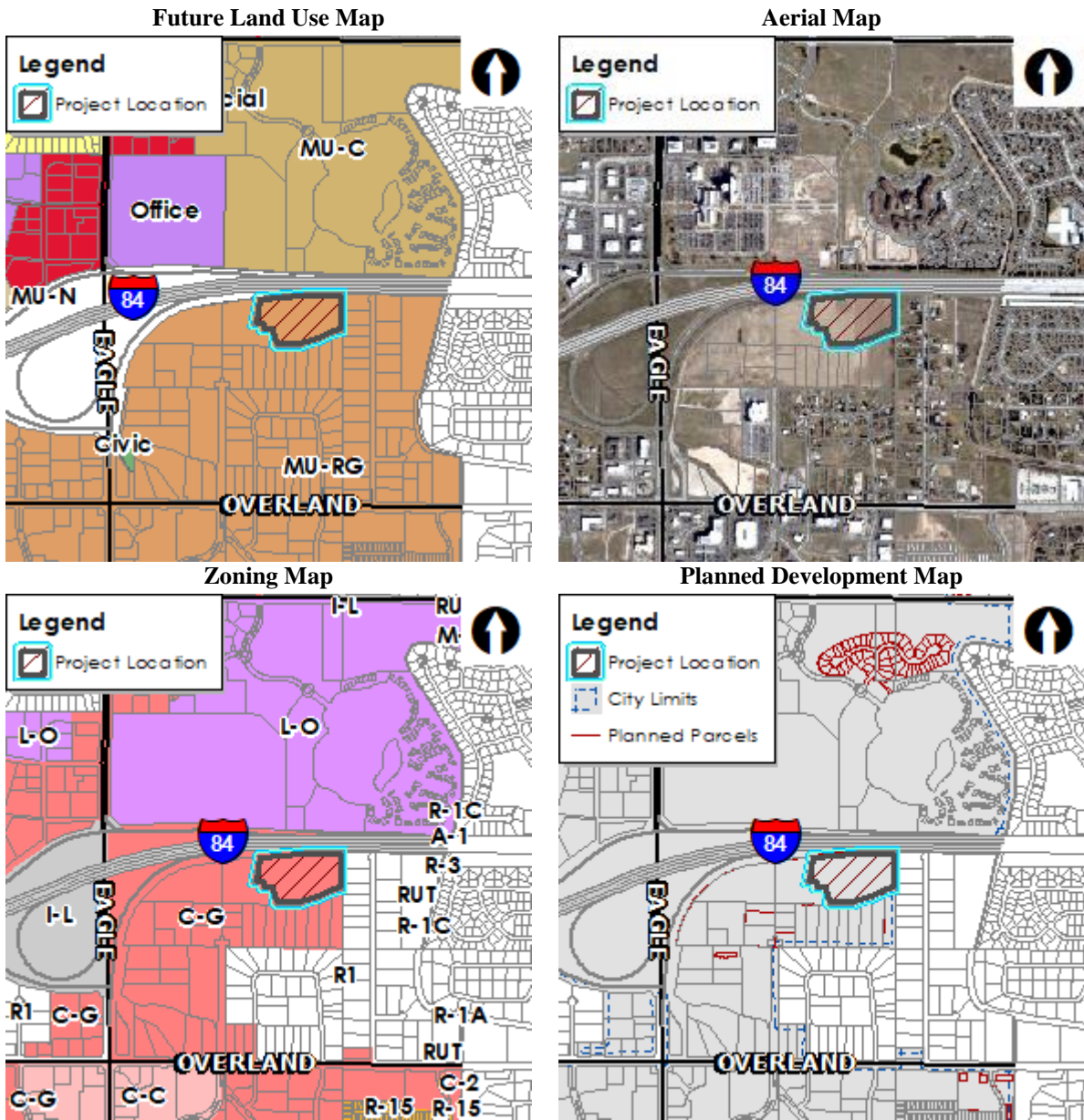
#### A. Project Summary

Description	Details	Page
Acreage	11.56-acres	
Future Land Use Designation	Mixed Use – Regional (MU-R)	
Existing Land Use(s)	Vacant/undeveloped land	
Proposed Land Use(s)	Outdoor entertainment/recreation facility	
Neighborhood meeting date; # of attendees:	March 30, 2021; one (1) attendee (neighbor)	
History (previous approvals)	H-2018-0126 (PP); H-2019-0005 (MDA Inst. #2019-0037825); H-2019-0081 (MDA Inst. #2019-088365); H-2019-0128 (FP) – Rackham Subdivision (recorded)	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>• Staff report (yes/no)</li> </ul>	Yes - letter stating no improvements are required to adjacent streets; a traffic impact fee is required to be paid.	
<ul style="list-style-type: none"> <li>• Requires ACHD Commission Action (yes/no)</li> </ul>	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	E. Overland Rd./Silverstone Way (existing)	
Existing Road Network	Yes	

C. Project Area Maps



**III. APPLICANT INFORMATION**

A. Applicant:

Paul Straits, Arco/Murray – 113 N. May St., Chicago, IL 60607

B. Owner:

Tonn Peterson, BVA Development, LLC – 2775 W. Navigator Dr., Ste. 220, Meridian, ID 83642

C. Representative:

Tanner Micheli, Topgolf International, Inc. – 8750 N. Central Expy, Ste. 1200, Dallas, TX 75231

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper Notification	5/14/2021	
Radius notification mailed to properties within 300 feet	5/11/2021	
Site Posting Date	6/3/2021	
NextDoor posting	5/12/2021	

**V. COMPREHENSIVE PLAN (*Comp. Plan*)**

This property is designated Mixed Use – Regional (MU-R) on the Future Land Use Map (FLUM) in the Comprehensive Plan.

The purpose of the MU-R designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted in Figure 3D (pg. 3-17).

The Applicant proposes to develop an entertainment complex (i.e. Topgolf) on the site consisting of a multi-level golf driving range with a full-service restaurant and bar. The site is located in close proximity to a major intersection at S. Eagle Rd. and E. Overland Rd. and near the Eagle Rd./I-84 interchange. This use will have a regional draw and will have supportive uses in the vicinity consistent with the MU-R designation.

The following goals and policies in the Comprehensive Plan are supported by the proposed development:

- “Plan for an appropriate mix of land uses that ensures connectivity, livability, and economic vitality.” (3.06.02)  
*The proposed use will contribute to the mix of uses in this area that ensure livability and economic vitality of the community.*
- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)

*The subject mixed-use area currently contains office uses and will eventually include other commercial and residential uses. The proposed entertainment center will offer opportunities for play and recreation in close proximity to employment and residential uses as desired.*

- “Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A).

*An 8-foot wide pathway is proposed within the buffer along the entire frontage of I-84 and along main driveways within the site for pedestrian connectivity and easy access within the mixed-use development.*

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

*Operation of the proposed use should comply with City ordinances pertaining to noise, lighting, and odor disturbances.*

## **VI. UNIFIED DEVELOPMENT CODE ([UDC](#))**

The proposed use, an outdoor entertainment/recreation facility with a non-permanent outdoor stage/music venue, is listed as a conditional use in the C-G (General Retail and Service Commercial) zoning district per UDC Table [11-2B-2](#). Extended hours of operation are proposed from 8:00 am to 2:00 am, seven days a week, abutting a residential zoning district, which also requires conditional use approval per UDC [11-2B-3B](#).

## **VII. STAFF ANALYSIS**

The proposed use is consistent with the MU-R FLUM designation in the Comprehensive Plan as discussed above in Section V. The proposed development is generally consistent with the conceptual development plan included in the Development Agreement (Inst. #2019-037825 & #2019-088365) for this site and complies with the conditions governing development of the subject property in the agreement.

The CUP is required for the outdoor stage/music venue that is proposed as a non-permanent component of the outdoor entertainment/recreation facility, which is a principal permitted use in the C-G zoning district. Although the subject property abuts a residential zoning district to the east, the residential homes have been removed by the developer who recently acquired these lots for future expansion of the mixed-use development to the west (i.e. Rackham Subdivision). Therefore, the extension on the hours of operation will not adversely affect abutting residential uses as there are none. In fact, the closest residence is approximately 918’ to the south of the driving range.

The outdoor stage is proposed to be located in the patio space which will seat 71 people and will be fully enclosed by an 8’ tall fence. During the summer months the stage is anticipated to be used about once a week in the afternoons until the venue closes. Performances will be limited to small musical acts and no additional sound equipment will be used for any performances – all music will be channeled through the building’s integrated sound system.

**The proposed use is subject to the following UDC standards:**

**Specific Use Standards ([UDC 11-4-3-2](#)) - Arts, Entertainment or Recreation Facility, Indoors and Outdoors:** (*Staff analysis in italics*)

A. General Standards:

1. All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred feet (100’) from any abutting residential districts. The playing

areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard. (Ord. 07-1325, 7-10-2007). *The outfield and targets for the proposed golf entertainment facility are located within 100' of the shared property line with a County residential district (R1) to the east. However, as noted above, the homes on the adjacent lots have been removed and this area will be redeveloped and included in the subject mixed-use development. Further, this area could be deemed to qualify as the playing area/driving range of a golf course, which is exempt from this standard.*

2. No outdoor event or activity center shall be located within fifty feet (50') of any property line and shall operate only between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. *The activity center (i.e. outfield and targets) is not within 50' of any property line. The Applicant is requesting an extension of the hours of operation from 8:00 am to 2:00 am, 7 days a week with the CUP application as allowed by UDC 11-2B-3B. See Hours of Operation below for analysis.*

3. Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only. *Accessory uses consisting of a restaurant, bar, golf lessons and golf academies for kids should serve patrons of the use only.*

4. Outdoor speaker systems shall comply with section 11-3A-13, "Outdoor Speaker Systems", of this title. *Applicant shall comply with this and all relevant code sections upon approval.*

B. Additional Standards for Swimming Pools: Any outdoor swimming pool shall be completely enclosed within a six foot (6') non-scalable fence that meets the requirements of the building code in accord with title 10, chapter 1, of this code. *A swimming pool is not proposed with this project.*

C. Additional Standards for Outdoor Stage or Musical Venue: Any use with a capacity of one hundred (100) seats or more or within one thousand feet (1,000') of a residence or a residential district shall be subject to approval of a conditional use permit. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005). *The outdoor stage area is proposed to be located in the patio space which is enclosed by an 8' tall fence and will provide seating for 71 people. This area is more than 1,000' from a residence but is within 1,000' of a residential district which no longer has any homes. A CUP is requested as required for the outdoor stage/music venue.*

**Dimensional Standards (UDC [11-2](#)):**

Development of the site shall comply with the dimensional standards of the C-G zoning district in UDC Table [11-2B-3](#). Staff has reviewed the proposed plans and building elevations and they comply with the required standards.

**Hours of Operation (UDC [11-2B-3B](#)):**

Business hours of operation in the C-G district are limited from 6:00 am to 11:00 pm when the property abuts a residential use or district; extended hours may be requested through a CUP per UDC 11-2B-3B. Additionally, the specific use standards associated with the use limit the hours of operation from 6:00 am to 11:00 pm per UDC 11-4-3-2A.2.

A CUP is requested for extended hours of operation from 8:00 am to 2:00 am abutting a residential district. As discussed above, although the subject property abuts a residential zoning district to the east, the residential homes have been removed by the developer. Therefore, Staff believes the extended hours shouldn't affect any nearby residences. Additionally, the closest residence from the driving range is approximately 918' away to the south. For these reasons, Staff is supportive of the request.

**If extension of the hours of operation beyond 11:00 pm are approved, the use is subject to the City's noise ordinance (MCC [6-3-6](#)) which states noise may not create a public**



**disturbance as defined, between the hours of 11:00 pm and 6:00 am or at any time so as to unreasonably disturb or interfere with the peace, comfort or enjoyment of others.**

**Access (UDC [11-3A-3](#)):**

Access is proposed on the site plan from E. Talons View Ln., a private street along the southern boundary of the site, from S. Silverstone Way, a collector street, from E. Overland Rd., an arterial street to the south. No access is proposed or allowed via I-84. Two points of access are available for emergency access that meet Fire Dept. requirements – one via S. Rackham Way and one via S. Silverstone Way.

E. Talons View Ln. ends approximately 200' west of the east property line and is not proposed to extend to the east at this time. There is a public street, S. Rolling Hills Drive, just off-site from the subject parcel to the east. Rolling Hills Drive is constructed as a local, rural street with 24' of pavement and does not have curb, gutter, sidewalk or streetlights. It provides access to the remaining homes in Rolling Hills Subdivision and dead-ends in a cul-de-sac at the north end.

**Because S. Rolling Hills Drive currently serves residences and is not improved to urban standards (i.e. – no sidewalk, curb, gutter or streetlights and has a narrow pavement width), Staff recommends access be prohibited to the Topgolf site via S. Rolling Hills Dr. until such time as improvements are made that are deemed appropriate by ACHD and the City. All vehicular access, including construction access, should be taken via the private street (Street A) from S. Silverstone Way until such time. See public record for [comments](#) from neighbors.**

**Parking (UDC [11-3C](#)):**

A minimum of one (1) off-street parking space is required per 500 square feet (s.f.) of gross floor area. Based on 36,771 s.f., a minimum of 74 parking spaces are required. A total of 275 parking spaces are proposed, exceeding UDC standards.

**Landscaping (UDC [11-3B](#)):**

Street buffer: The street buffer along I-84 was required to be constructed with the improvements for Rackham Subdivision. No other public streets abut this site.

Buffer to residential uses: There are no residential uses abutting this site. The former residential homes to the east have been removed.

Parking lot: Landscaping is required in the parking lot per the standards in UDC 11-3B-8C. **No linear grouping of parking spaces may exceed 12 in a row without an internal planter island per UDC 11-3B-8C.2b; the row of parking directly south of the green space on the east end exceeds 12 spaces – the site/landscape plans should be revised to comply.** All other landscaping appears to comply with UDC standards.

**Outdoor Lighting (UDC [11-3A-11](#)):**

All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C unless otherwise approved through alternative compliance. Light fixtures that have a maximum output of 1,800 lumens or more are required to have an opaque top to prevent up-lighting; the bulb shall not be visible and shall have a full cutoff shield in accord with Figure 1 in UDC 11-3A-11C.

**Details of the lighting proposed on the site that demonstrate compliance with the standards listed in UDC 11-3A-11 should be submitted with the Certificate of Zoning Compliance application.**

**Fencing (UDC [11-3A-7](#)):**

No fencing is depicted on the site/landscape plan. Fencing is depicted on the elevations to the north and south sides of the storefront. Eight-foot tall cedar fencing is proposed to fully enclose the patio area. All fencing should be depicted on the plans submitted with the Certificate of Zoning Compliance application and comply with the standards in UDC 11-3A-7.

Net poles with a polyester barrier netting system ranging from 70' to 156' in height are proposed around the perimeter of the driving range to contain golf balls. This barrier does not meet the definition of a fence in UDC 11-1A-1 and therefore is not subject to the fencing standards in UDC 11-3A-7.

**Building Elevations:**

Conceptual building elevations were submitted for the proposed structure as shown in Section IX.C. Building materials consist of EIFS and metal in a variety of colors, glazing and composite paneling. The elevations appear to generally comply with the standards in the Architectural Standards Manual; however, a detailed review will take place with the administrative Design Review application.

**Certificate of Zoning Compliance (UDC [11-5B-1](#)):**

A Certificate of Zoning Compliance (CZC) is required to be submitted for the proposed use prior to submittal of a building permit application to ensure compliance with UDC standards and the conditions listed in Section X.

**Administrative Design Review (UDC [11-5B-8](#)):**

An application for administrative Design Review is required to be submitted concurrent with the CZC application. The design of the site and structures is required to comply with the standards listed in UDC 11-3A-19 and in the Architectural Standards Manual ([ASM](#)).

**VIII. DECISION**

A. Staff:

Staff recommends approval of the proposed conditional use permit with the conditions in Section X per the Findings in Section XI.

B. The Meridian Planning & Zoning Commission heard this item on June 17, 2021. At the public hearing, the Commission moved to approve the subject CUP request.

1. Summary of the Commission public hearing:

- a. In favor: Paul Straits, Arco Murray; Tonn Peterson, BVA Development
- b. In opposition: None
- c. Commenting: Lynette Adsitt; Michael Blowers
- d. Written testimony: Amy Wattles; Michael Blowers; Paul Straits, Arco Murray
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Against any access to the site from Rolling Hills Dr.;
- b. Concern pertaining to future traffic and related safety issues on Rolling Hills Dr. from the commercial development.

3. Key issue(s) of discussion by Commission:

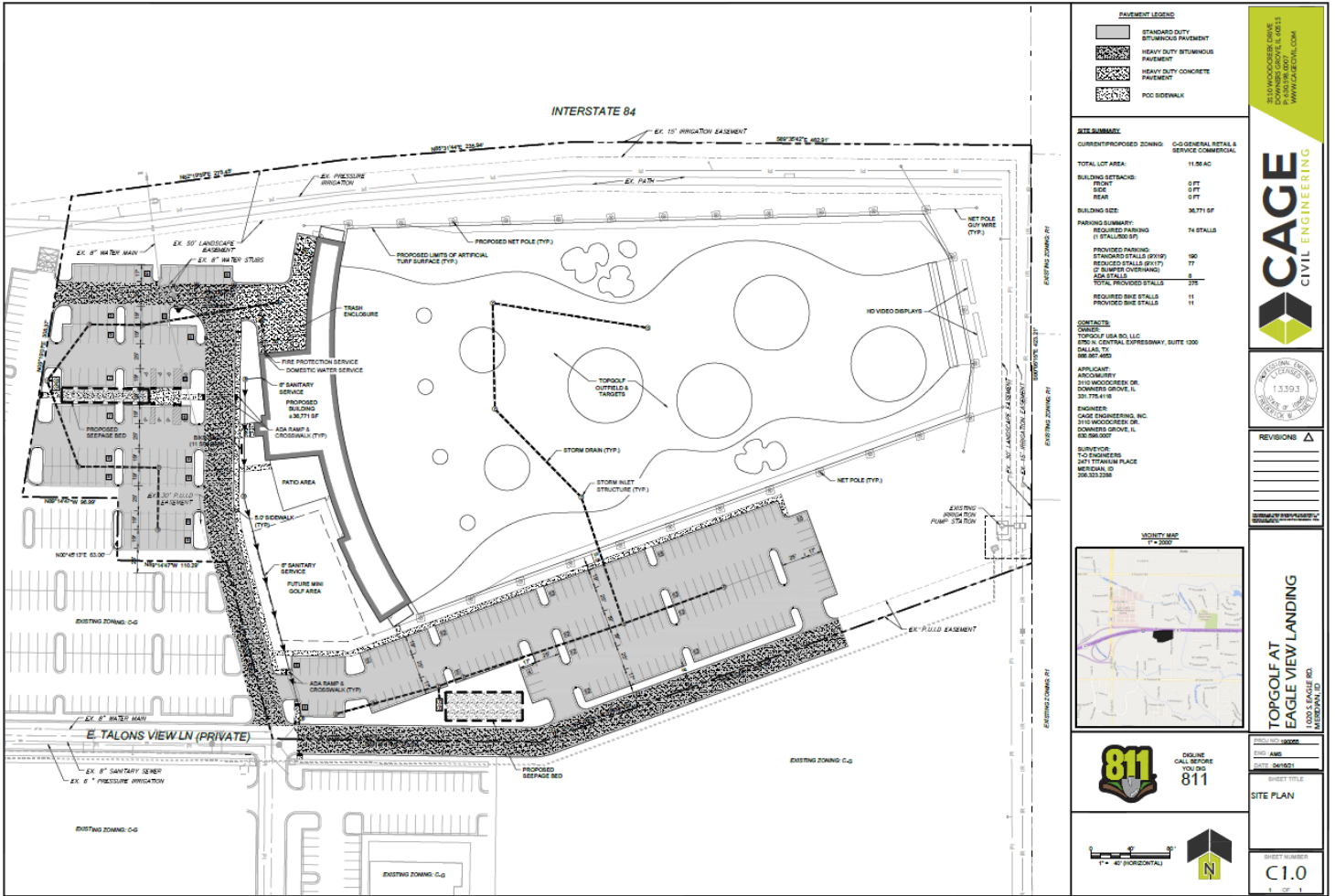
- a. Proposed hours of operation;
- b. The proximity of nearest residences in relation to the proposed use.

4. Commission change(s) to Staff recommendation:

- a. None

# IX. EXHIBITS

## A. Site Plan (date: 4/16/2021)



**PAVEMENT LEGEND**

- STANDARD DUTY BITUMINOUS PAVEMENT
- HEAVY DUTY BITUMINOUS PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- POG SIDEWALK

**DEEL SUMMARY:**

CURRENT/PROPOSED ZONING: C-0 GENERAL RETAIL & SERVICE COMMERCIAL

TOTAL LOT AREA: 11.56 AC

**BUILDING SETBACKS:**

- FRONT: 0 FT
- REAR: 0 FT
- SIDE: 0 FT

**BUILDING SIZE:** 36,771 SF

**PARKING SUMMARY:**

- REQUIRED PARKING (1 STALL/100 SF): 74 STALLS
- PROVIDED PARKING: 87 STALLS (57 SF)
- REDUCED STALLS (57 SF): 77
- BUMPER OVERHANG: 8
- TOTAL PROVIDED STALLS: 275
- REQUIRED BIKE STALLS: 11
- PROVIDED BIKE STALLS: 11

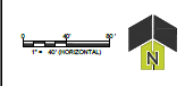
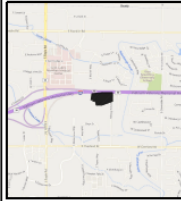
**CONTACTS:**

TOWNSHIP: JENSEN SO. LLC, 8700 N. CENTRAL EXPRESSWAY, SUITE 1000, DALLAS, TX 75247

**APPLICANT:** ANCHORAGE 3100 WOODCREEN DR., DOWNERS GROVE, IL 60130

**ENGINEER:** CAGE ENGINEERING, INC. 310 WOODCREEN DR., DOWNERS GROVE, IL 60130

**SUPERVISOR:** T-O ENGINEERS 2411 TRAVELER PLACE, MERRILL, WI 53550



210 WOODCREEN DRIVE  
DOWNERS GROVE, IL 60130  
WWW.CAGEEIL.COM

**CAGE CIVIL ENGINEERING**

REGISTERED PROFESSIONAL ENGINEER  
NO. 13393  
STATE OF ILLINOIS

**REVISIONS**

NO.	DATE	DESCRIPTION

**TOPGOLF AT EAGLE VIEW LANDING**  
LOUIS & ANGLE BROS. SUBSIDIARY

**811** ONLINE CALL BEFORE YOU DIG  
811

**PROJECT NUMBER:** C1.0

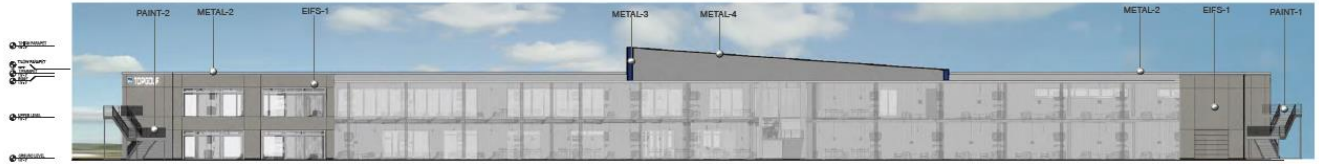




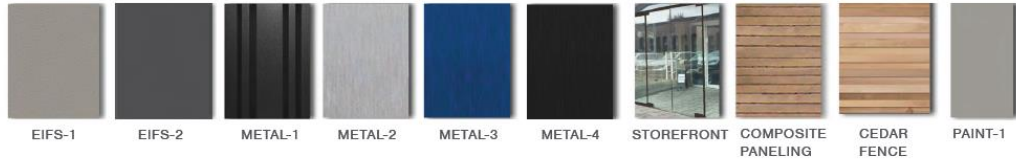
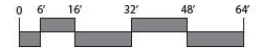
C. Elevations (dated: 4/22/21)



Front Elevation

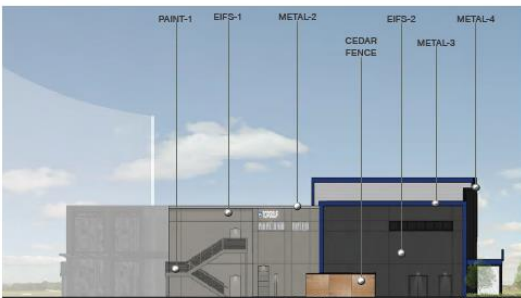


Rear Elevation



Exterior Elevations

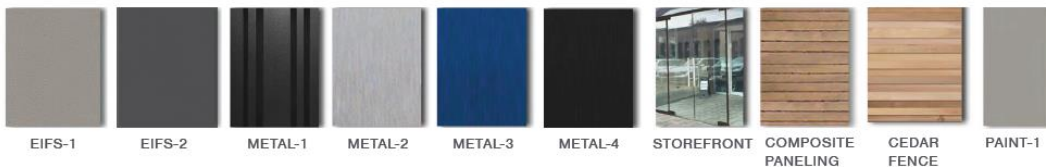
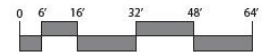
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Left Elevation



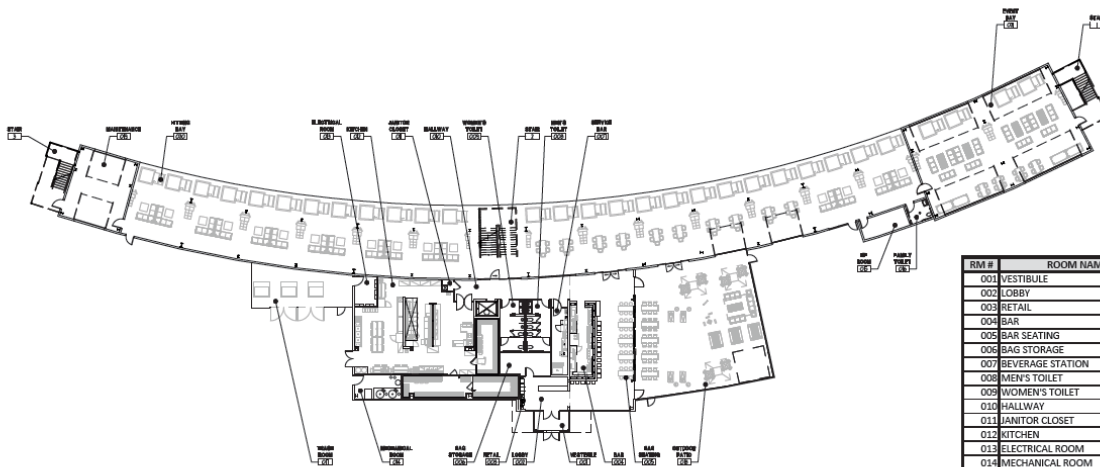
Right Elevation



Exterior Elevations

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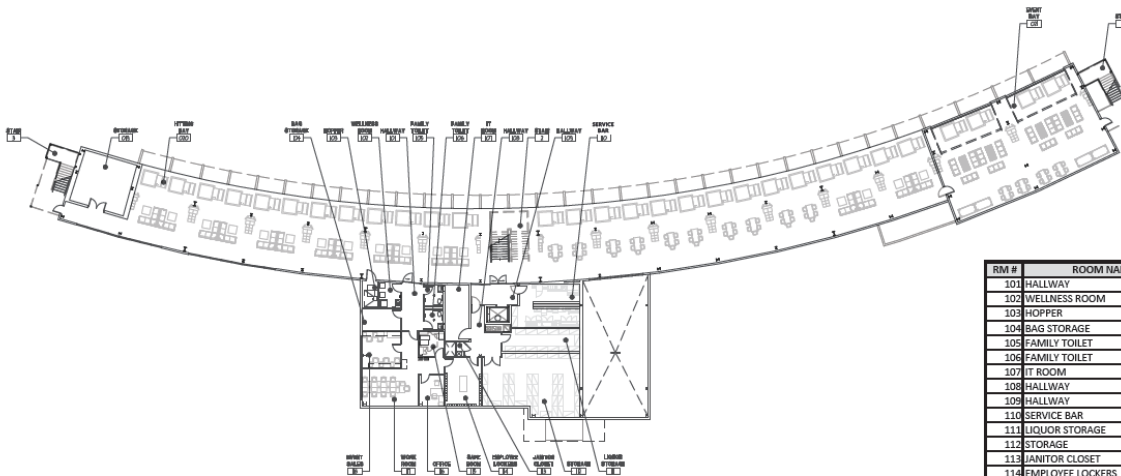
RM #	ROOM NAME	AREA (SQ. FT.)
001	VESTIBULE	100 SQ. FT.
002	LOBBY	140 SQ. FT.
003	RETAIL	90 SQ. FT.
004	BAR	635 SQ. FT.
005	BAR SEATING	635 SQ. FT.
006	BAG STORAGE	170 SQ. FT.
007	BEVERAGE STATION	155 SQ. FT.
008	MEN'S TOILET	180 SQ. FT.
009	WOMEN'S TOILET	180 SQ. FT.
010	HALLWAY	355 SQ. FT.
011	JANITOR CLOSET	15 SQ. FT.
012	KITCHEN	1465 SQ. FT.
013	ELECTRICAL ROOM	95 SQ. FT.
014	MECHANICAL ROOM	160 SQ. FT.
015	IDF ROOM	135 SQ. FT.
016	FAMILY TOILET	65 SQ. FT.
017	TRASH ROOM	NOT INCLUDED - 555 SQ. FT.
018	OUTDOOR PATIO	2395 SQ. FT.
019	MAINTENANCE	630 SQ. FT.
020	HITTING BAY	2645 SQ. FT.
021	HITTING BAY SEATING	5186 SQ. FT.
021	EVENT BAY	2275 SQ. FT.
GROUND LEVEL		
NET USEABLE FLOOR AREA		17,706 SQ. FT.

GROSS FLOOR AREA  
19,691 TOTAL SQUARE FEET  
AT GROUND LEVEL



Floor Plan - Ground Level

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RM #	ROOM NAME	AREA (SQ. FT.)
101	HALLWAY	140 SQ. FT.
102	WELLNESS ROOM	70 SQ. FT.
103	HOPPER	60 SQ. FT.
104	BAG STORAGE	115 SQ. FT.
105	FAMILY TOILET	50 SQ. FT.
106	FAMILY TOILET	50 SQ. FT.
107	IT ROOM	185 SQ. FT.
108	HALLWAY	160 SQ. FT.
109	HALLWAY	130 SQ. FT.
110	SERVICE BAR	385 SQ. FT.
111	LIQUOR STORAGE	240 SQ. FT.
112	STORAGE	780 SQ. FT.
113	JANITOR CLOSET	15 SQ. FT.
114	EMPLOYEE LOCKERS	245 SQ. FT.
115	SAFE ROOM	85 SQ. FT.
116	OFFICE	105 SQ. FT.
117	WORK ROOM	435 SQ. FT.
118	EVENT SALES	190 SQ. FT.
119	STORAGE	400 SQ. FT.
120	HITTING BAY	2645 SQ. FT.
120	HITTING BAY SEATING	5186 SQ. FT.
121	EVENT BAY	2275 SQ. FT.
UPPER LEVEL		
NET USEABLE FLOOR AREA		13,946 SQ. FT.

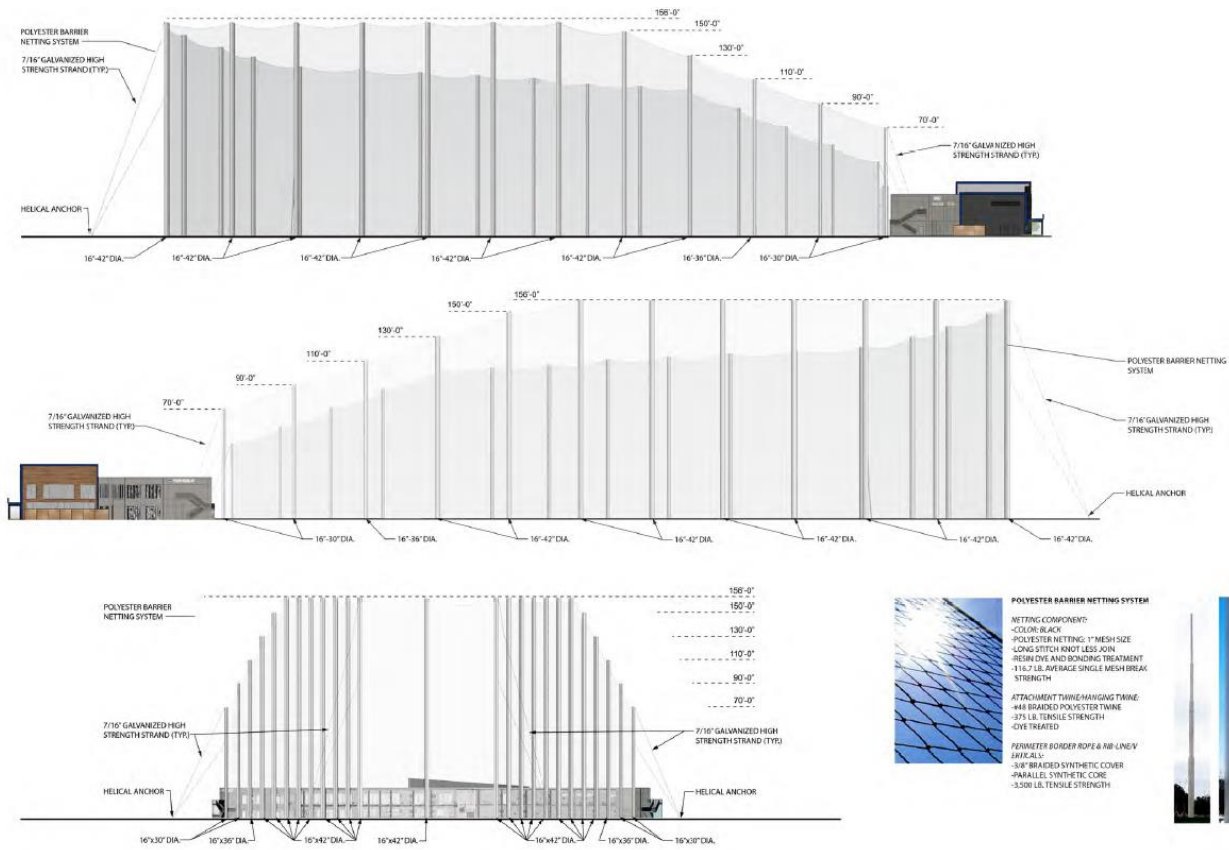
GROSS FLOOR AREA  
17,080 TOTAL SQUARE FEET  
AT UPPER LEVEL



Floor Plan - Upper Level

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**POLYESTER BARRIER NETTING SYSTEM**

NETTING COMPONENT:  
 - COLOR: BLACK  
 - POLYESTER NETTING: 3" MESH SIZE  
 - LONG STITCH KNOT LESS JOIN  
 - RESIN DYE AND BONDING TREATMENT  
 - 316.7 LB. AVERAGE SINGLE MESH BREAK STRENGTH

ATTACHMENT TWINE/HANGING TWINE:  
 - #46 BRAIDED POLYESTER TWINE  
 - 375 LB. TENSILE STRENGTH  
 - ONE TRAFFIC

PERIMETER BORDER ROPE & NW LINE/V SPALLS:  
 - 3/8" BRAIDED SYNTHETIC COVER  
 - PARALLEL SYNTHETIC CORE  
 - 3500 LB. TENSILE STRENGTH



Net Pole - Elevations





## X. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning

1. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-2 – Arts, Entertainment or Recreation Facility, Indoors and Outdoors, including but not limited to the following:
  - a. Accessory uses including, but not limited to, retail, equipment rental, restaurant, and drinking establishments may be allowed if designed to serve patrons of the use only, and not the general public.
  - b. Any outdoor speaker systems shall comply with section [11-3A-13](#), "Outdoor Speaker Systems."
2. Any outdoor event shall only operate between the hours of eight o'clock (8:00) A.M. and two o'clock (2:00) A.M. as approved with the subject conditional use permit.
3. Outdoor lighting shall comply with the standards listed in UDC [11-3A-11](#). Lighting details shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with these standards.
4. The site/landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
  - a. The row of parking directly south of the green space on the east end exceeds 12 spaces in a row without an internal planter island; revise to comply with UDC 11-3B-8C.2b.
  - b. All proposed fencing shall be depicted on the plans and shall comply with the standards listed in UDC [11-3A-7](#).
5. Access via S. Rolling Hills Dr. shall be prohibited to the site until such time as improvements are made that are deemed appropriate by ACHD and the City for public access to the Rackham mixed-use development. All access, including construction access, shall be taken via the private street (Street A) from S. Silverstone Way until such time.
6. Compliance with the City's noise ordinance (MCC [6-3-6](#)), which states noise may not create a public disturbance as defined, between the hours of 11:00 pm and 6:00 am or at any time so as to unreasonably disturb or interfere with the peace, comfort or enjoyment of others, is required.
7. A Certificate of Zoning Compliance and administrative Design Review application is required to be submitted to the Planning Division and approved prior to submittal of a building permit application.

### B. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228116&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229305&dbid=0&repo=MeridianCity>

*A Traffic Impact Study (TIS) was not required with this application as it was already included in the TIS for Silverstone (Eagle View Landing) Subdivision.*



C. Nampa & Meridian Irrigation District (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229759&dbid=0&repo=MeridianCity>

D. Boise Project Board of Control (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228670&dbid=0&repo=MeridianCity>

E. Police Department (PD)

The Police Dept. has no comments at this time.

F. Meridian Fire Department (MFD)

The Fire Dept. has no access or fire flow issues with this development. The building will need a plan review by the Building Department.

## XI. FINDINGS

A. Conditional Use Permit

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

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

*The site meets all the dimensional and development regulations of the C-G zoning district for the proposed use. Therefore, the Commission finds the site is large enough to accommodate the proposed use.*

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

*The Commission finds the proposed use will be harmonious with the Comprehensive Plan in that it will provide an entertainment use which will contribute to the mix of uses desired in the MU-R designation.*

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

*The Commission finds the design, construction, operation and maintenance of the proposed use with the conditions imposed, should be compatible with the other commercial and residential uses existing and proposed in this area 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.

*If the proposed use complies with the conditions of approval in Section X as required, the Commission finds the proposed use should not adversely affect other properties 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.

*The Commission finds the proposed use will be serviced adequately by all of the essential public facilities and services listed.*

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

*The Commission finds the proposed use should not create any 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.

*Although traffic will increase in this area due to the proposed use, it should not be excessive and the estimated traffic counts on adjacent roadways have been determined by ACHD to be acceptable. Noise will also increase but the closest residence is over 850' away to the south which should mitigate any adverse impacts of the noise associated with the use. There shouldn't be any smoke, fumes, glare or odors associated with the use. Therefore, the Commission finds the proposed use should not be detrimental to any persons, property, or the general welfare.*

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

*The Commission finds the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.*