

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



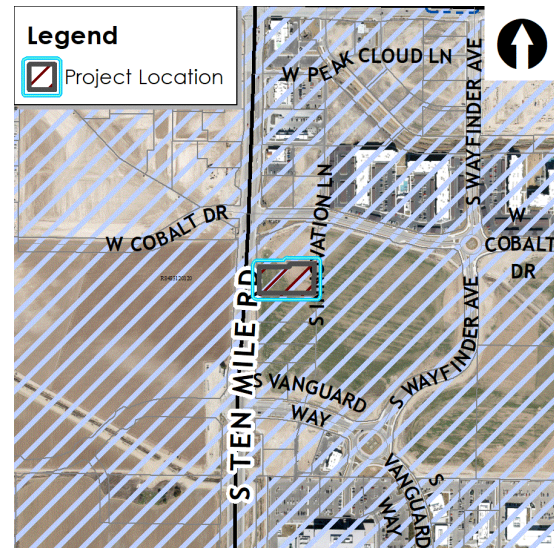
HEARING DATE: June 15, 2023

TO: Planning & Zoning Commission

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: H-2023-0018 – Ten Mile Costa Vida CUP

LOCATION: 413 S. Innovation Lane in the W 1/2 of the Northwest ¼ of Section 14, Township 3N., Range 1W. (Parcel #R8483120120)



I. PROJECT DESCRIPTION

Conditional Use Permit request for a new approximate 8,815-foot multi-tenant building with a drive-through located within 300 feet of an existing drive-through facility, residential district, and existing residence, on approximately 1.43 acres of land in the C-G zoning district.

II. SUMMARY OF REPORT

A. Project Summary

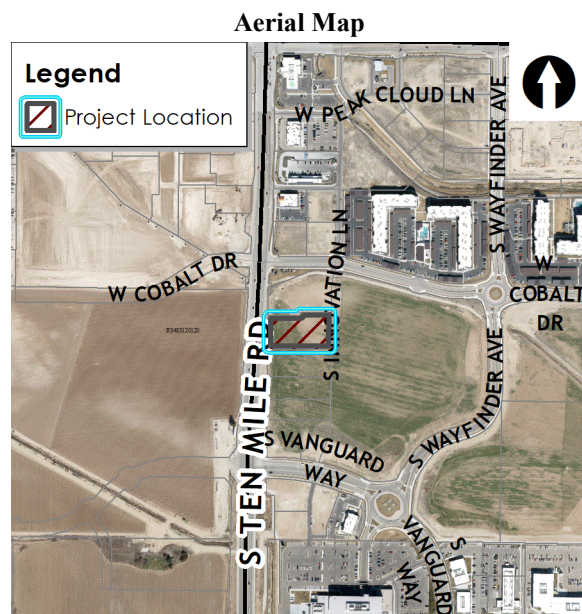
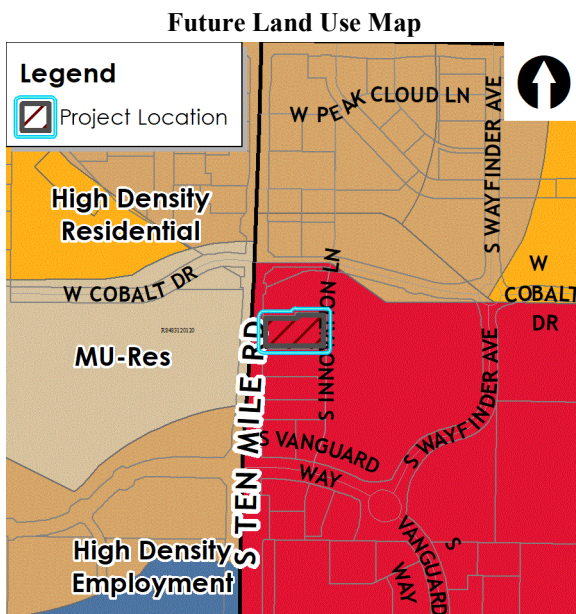
Description	Details	Page
Acreage	1.43 acres (Conditional Use Permit)	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped	
Proposed Land Use(s)	Costa Vida – Multi-tenant building (restaurant with a drive-through)	
Current Zoning	C-G	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	3/9/2023	

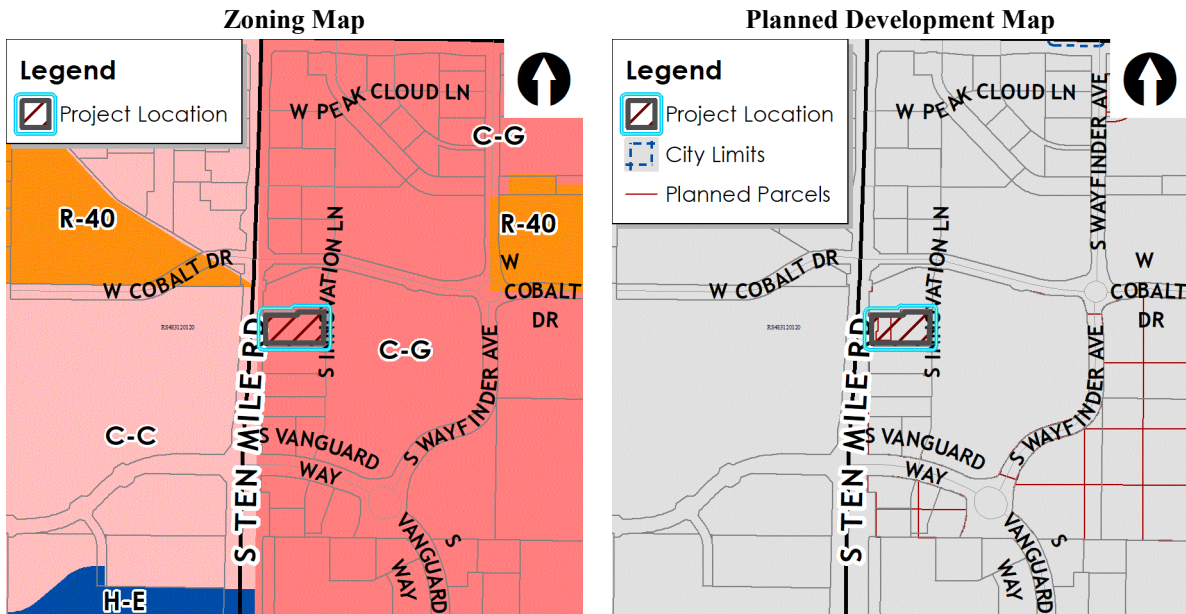
Description	Details	Page
History (previous approvals)	Annexation (AZ-13-015); Preliminary Plat (PP-13-030); Final Plat (FP-14-039); H-2020-0074 MDA, PP, RZ (DA#2021-089157) ; FP-2022-0009 ; PS A-2022-0188 ; CZC, DES A-2023-0028	

B. Community Metrics

Description	Details
Ada County Highway District	
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No
Traffic Impact Study (yes/no)	No
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed from S. Innovation Lane (private street) via W. Cobalt Drive at the North boundary of the site.
Trip Generation	856 additional vehicle trips per day; and 111 additional vehicle trips per hour on the PM peak hour.

C. Project Area Maps





III. APPLICANT INFORMATION

A. Applicant:

Colton Diehl, Cushing Terrell – 800 W. Main Street, Boise ID 83702

B. Owner:

Kyle Cooper, Needles Eye Development – 22503 Lake Life Lane, Caldwell ID 83607

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/24/2023	
Radius notification mailed to properties within 500 feet	5/25/2023	
Public hearing notice sign posted on site	6/2/2023	
Nextdoor posting	5/25/2023	

V. COMPREHENSIVE PLAN (<https://www.meridiancity.org/compplan>):

Land Use:

This property is designated Commercial within the Ten Mile Interchange Specific Area Plan on the Future Land Use Map (FLUM).

The purpose of the Commercial designation will provide a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses. Multi-family residential may be allowed in some cases, but should be careful to promote a high quality of life through thoughtful site design, connectivity, and amenities.

The subject site is one of multiple commercial zoned and designated properties that surround the intersection of Ten Mile and Franklin. There is a multitude of commercial uses existing and under construction with more to come as this area continues to develop. The proposed use of a restaurant with a drive-through is a desired use designated within the Commercial designation in the Comprehensive Plan, as noted above. The proposed use, in conjunction with the already approved or constructed uses, satisfy the general Commercial future land use designation for this area. Staff finds the proposed project is generally consistent with the Comprehensive Plan.

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Require all new and reconstructed parking lots to provide landscaping in internal islands and along streets.” (2.01.04B)

All parking lot landscaping is required to comply with the standards listed in UDC 11-3B-8C.

- “Permit new development only where urban services can be reasonably provided at the time of final approval and development is contiguous to the City.” (3.01.01F)

City water and sewer service stubs have been provided to this site with the development of the subdivision.

- “Plan for a variety of commercial and retail opportunities within the Area of City Impact.” (3.05.01J)

The proposed drive-through restaurant will contribute to the variety of uses and fast food options in the Ten Mile Interchange Area of the City.

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

A 10-foot wide pathway is proposed to be constructed within the buffer area along the entire frontage of S. Ten Mile Road, as part of the final plat site improvements approved for TM Center Subdivision No. 1. Additionally, the Applicant is proposing a 5-foot wide pedestrian walkway along the northern boundary of the site that provides a connection to the front entrance of the building. This walkway will connect across the private street (S. Innovation Lane) to a 5-foot-wide attached sidewalk as required by the conditions of approval for the private street.

- “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. STAFF ANALYSIS

A. CONDITIONAL USE PERMIT (CUP)

Conditional use permit for a new 8,815 square foot multi-tenant building with a drive-through for a Costa Vida restaurant on approximately 143 acres of land in the C-G zoning district to allow the requested drive-through use within 300 feet of another drive-through facility, residential district, and existing residence.

Specific Use Standards (UDC 11-4-3):

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

Drive-Through Establishment: The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. All establishments providing drive-through service are required to identify the stacking lane, menu, and speaker location (if applicable), and window location on the site plan. The site plan is also required to demonstrate 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:

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

The proposed site layout for the multi-tenant facility includes a separate stacking lane that provides queuing space for multiple vehicles, which is located before the drive-through window. The drive-through itself starts at the northside of the building and exits at the south side, facing S. Innovation Lane. However, Staff has some safety concerns regarding the entry to the drive-through from the north. At the entrance of the drive-through, vehicles will be entering the drive-through while vehicles are attempting to park or back out of the Kum and Go parking stalls, north of the stacking lane. To alleviate some of staff's concerns, the menu board was moved closer to the pick-up window along the west side of the building to allow ordering to occur away from the parking. Further, staff recommends that the Applicant install additional signage and parking lot striping to clearly mark and guide traffic safely throughout the site.

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 is a separate lane from the circulation lanes needed for access and parking, except for the portion adjacent to the Kum and Go site.

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 required. An escape lane is proposed prior to approaching the ordering window on the northwest side of the building (see paint striping on site plan).

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

The drive-through is located starting on the north side of the building and ending on the south side of the building. The drive-through is visible from S. Ten Mile Road along the west side of the building for surveillance purposes.

Based on the above analysis, Staff deems the proposed drive-through is in compliance with the specific

use standards as required.

Restaurant: The proposed use is also 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 (see parking analysis below). *The proposed multi-tenant building will include space to accommodate Costa Vida and up to two (2) additional tenants upon project completion. NOTE: If the site was to develop with all restaurant uses, parking is in excess of UDC standards as noted below.*

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.

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

Access is proposed on the site plan from S. Innovation Lane, a private street on the west side of the property, and the collector road to the north (W. Cobalt Drive). Vehicles accessing the site will enter from the northeast or southeast and have the option to park in the lot in front of the drive-through or proceed northwest along the 12' drive-through lane. This lane merges with the ordering window and allows for exiting back to the drive aisle in the southeast direction. An escape lane is provided along the west side of the building, which leads to the drive aisle along the south side of the building. *To improve traffic flow and minimize confusion, it is recommended that the 50-foot wide entrance on the NEC with the adjacent Kum and Go site should be reduced to 25 feet. Staff recommends the applicant coordinate with the Kum and Go reps on the redesign of this shared driveway. Staff emailed the proposed site plan to the Kum and Go engineers and they are analyzing the request. Additionally, there appear to be two right-lane turn-only lanes, Staff recommends that one of these lanes be removed to prevent confusion for drivers entering and exiting the site.*

Prior to Certificate of Occupancy, the applicant shall record a cross-access/ingress-egress easement to adjoining properties to the north and south [R8483120140 & R8483120105] and submit copy of said easement to the Planning Division in accordance with the provisions of UDC 11-3A-3A2. Direct access via S. Ten Mile Road is prohibited.

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

A minimum of one (1) off-street parking space is required per 250 square feet (s.f.) of gross floor area. Based on the 8,815-foot multi-tenant building, a minimum of 35 parking spaces are required. A total of 55 parking spaces are proposed, exceeding UDC standards.

A minimum of one (1) bicycle parking space must 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 plans submitted with this application that meet the requirements. A detail of the bicycle racks is provided on the landscape plan submitted and appears to be in compliance with this standard.*

Pedestrian Walkways: The proposed plan includes a pedestrian walkway that will run from the northeast side of the building across S. Innovation Lane. Where pedestrian walkways cross vehicular driving surfaces, they're required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. *The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard – the proposed striping of the crosswalk is not an approved material and should be revised to comply with this standard.*

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

Street buffer: The street buffer along S. Ten Mile Road and W. Cobalt Drive was constructed with the improvements for the Ten Mile Creek Subdivision No. 1 for the common area site improvements "Parking

lot: Landscaping is required in the parking lot per the standards in UDC 11-3B-8C.1. *The submitted landscape plan appears to be in compliance with this standard.*

Outdoor Lighting (UDC 11-3A-11):

All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C. 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 shall demonstrate compliance with the standards listed in UDC 11-3A-11 and should be submitted with the Certificate of Zoning Compliance application.

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](#). If mechanical equipment is proposed to be roof-mount, all equipment should be screened and out of view as noted above.

Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

Conceptual building elevations were submitted for the proposed structure as shown in Section VII.C. Building materials consist of EIFS, stucco, metal roofing, ribbed metal paneling, wood metal panels, metal awnings, and glazing. Final design is required to comply with the adopted TM Crossing Design Guidelines.

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

A Certificate of Zoning Compliance (CZC) and Design Review were approved for this site and building (A-2023-0028). The Applicant shall submit a revised site plan to reflect Staff's recommended changes for the proposed use prior to the submittal of a building permit application to ensure compliance with UDC standards and the conditions listed in Section IX.

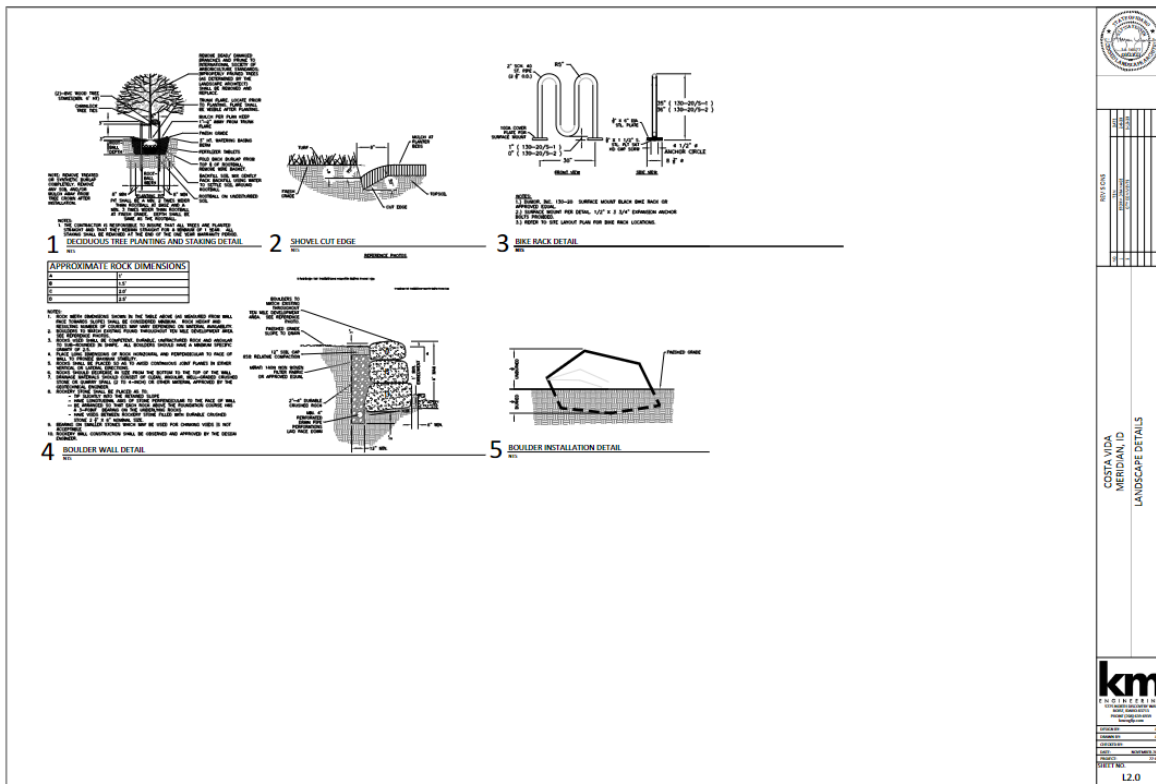
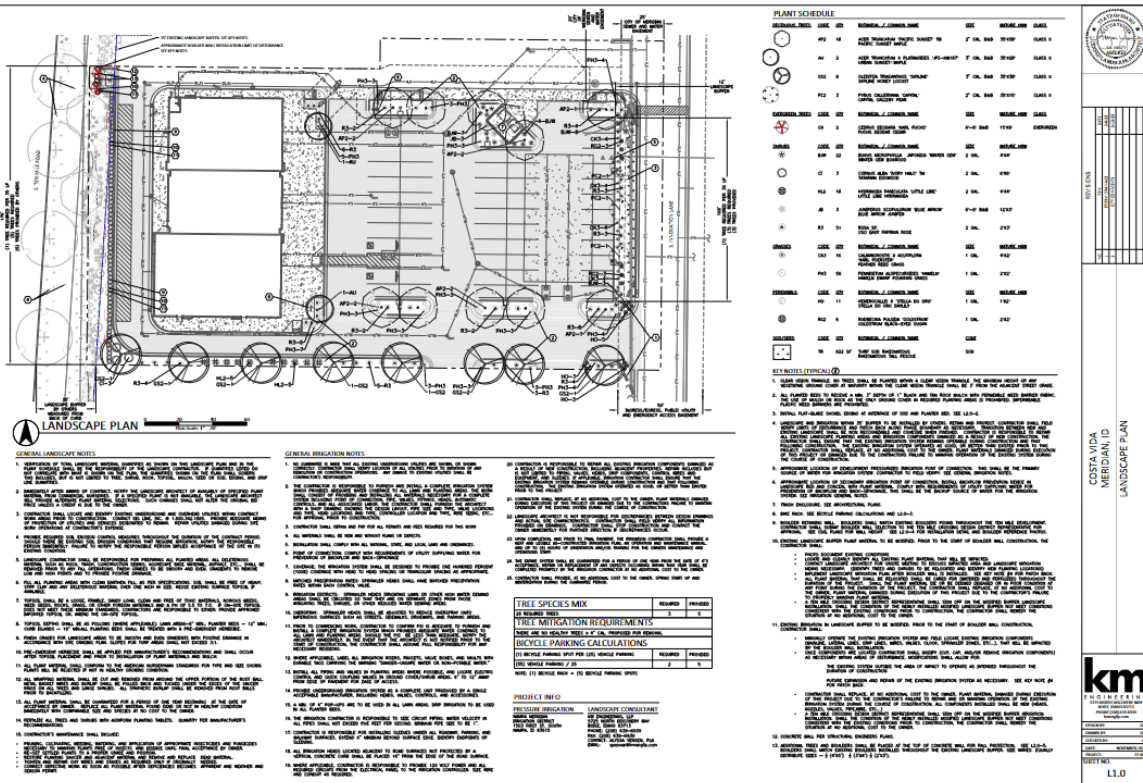
VII. DECISION

A. Staff:

Staff recommends approval of the Conditional Use Permit per the provisions included in Section IX in accord with the Findings in Section X.

A. Site Plan (date: 3/23/23)





C. Costa Vida Proposed Elevations



IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Conditional Use Permit:

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement and the conditions contained herein [[H-2020-0074 MDA, PP, RZ \(DA#2021-089157\)](#); [FP-2022-0009](#); PS [A-2022-0188](#); CZC, DES [A-2023-0028](#)].
2. The site plan and landscape plan approved with the Certificate of Zoning Compliance application (A-2023-0028) shall be revised as follows:
 - a. 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](#).
 - b. Additional signage and parking lot striping is required throughout the site to efficiently and adequately direct patrons to the menu boards and throughout the site with minimal conflict.
 - c. Coordinate with the Kum and Go representatives to reduce the 50-foot wide entrance on the northeast to 25-feet in width to minimize potential conflicts with vehicles entering and exiting the site.
 - d. The pedestrian walkway from the perimeter sidewalk across S. Innovation Lane to the main building entrance shall be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4b.
3. The existing landscaping buffers along S. Ten Mile Road and W. Cobalt Drive remain in place and shall be protected during construction on the site per [UDC 11-3B-10](#).
4. Compliance with the standards listed in UDC [11-4-3-11](#)– Drive-Through Establishment and standards listed in UDC [11-4-3-49](#) – Restaurant is required.
4. Direct access via S. Ten Mile Road is prohibited. The applicant shall provide written documentation of the recorded cross-access easement at the time of Certificate of Occupancy of the future building.
5. A Certificate of Zoning Compliance application shall be submitted and approved for the proposed use prior to submittal of a building permit application. Compliance with the design guidelines in the Ten Mile Interchange Specific Area Plan and the design standards listed in the Architectural Standards Manual as applicable is required.
6. 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. PUBLIC WORKS

Site Specific Conditions of Approval

- 1.

General Conditions of Approval

1. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a

- single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
2. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
 3. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
 4. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
 5. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
 6. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
 7. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
 8. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
 9. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
 10. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
 11. Developer shall coordinate mailbox locations with the Meridian Post Office.
 12. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
 13. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

C. FIRE DEPARTMENT

No comments were submitted.

D. POLICE DEPARTMENT

No comments were submitted.

E. VALLEY REGIONAL TRANSIT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=298049&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=295721&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=295141&dbid=0&repo=MeridianCity>

H. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=297171&dbid=0&repo=MeridianCity>

X. FINDINGS

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

The Commission shall base its determination on the Conditional Use Permit requests 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 that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the C-G district (see Analysis, Section VI for more information).
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 with a drive-through will be harmonious with the uses allowed in the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VI 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 that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.
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.