

**CITY OF MERIDIAN  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND  
DECISION & ORDER**



**In the Matter of the Request for a Conditional Use Permit for McDonalds at Firenze Plaza, Located at 3058 E. Amity Road in the C-C Zoning District, by Kimley Horn.**

**Case No(s). H-2024-0044**

**For the Planning & Zoning Commission Hearing Date of: October 17<sup>th</sup>, 2024 (Findings on November 7<sup>th</sup>, 2024)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of October 17<sup>th</sup>, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of October 17<sup>th</sup>, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of October 17<sup>th</sup>, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 7<sup>th</sup>, 2024, incorporated by reference)

**B. Conclusions of Law**

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this decision, which shall be signed by the Chairman of the Commission and City Clerk and then a copy served by the Clerk upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of October 17<sup>th</sup>, 2024, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

#### C. Decision and Order

Pursuant to the Planning & Zoning Commission's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for a Conditional Use Permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of October 17<sup>th</sup>, 2024, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Two (2) Year Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City in accord with UDC 11-5B-6F.1. 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. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period in accord with UDC 11-5B-6F.2.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.F.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the Commission may be granted. With all extensions, the Director or Commission may require the conditional use comply with the current provisions of Meridian City Code Title 11.

#### E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

#### F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

#### G. Attached: Staff Report for the hearing date of October 17<sup>th</sup>, 2024

By action of the Planning & Zoning Commission at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

COMMISSIONER MARIA LORCHER, CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER JARED SMITH, VICE CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER BRIAN GARRETT VOTED\_\_\_\_\_

COMMISSIONER ANDREW SEAL VOTED\_\_\_\_\_

COMMISSIONER PATRICK GRACE VOTED\_\_\_\_\_

COMMISSIONER MATTHEW SANDOVAL VOTED\_\_\_\_\_

COMMISSIONER SAM RUST VOTED\_\_\_\_\_

\_\_\_\_\_  
Maria Lorcher, Chairman

Attest:

\_\_\_\_\_  
Chris Johnson, City Clerk

Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

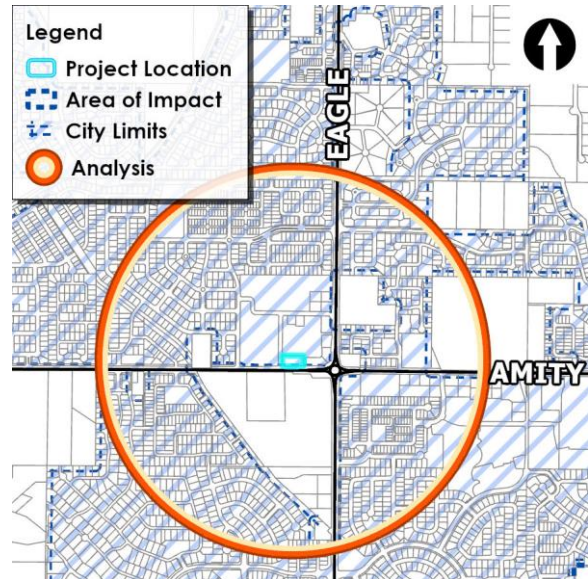
By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

COMMUNITY DEVELOPMENT  
DEPARTMENT REPORT



HEARING DATE: 10/17/2024  
TO: Planning & Zoning Commission  
FROM: Nick Napoli, Associate Planner  
208-884-5533  
nnapoli@meridiancity.org  
APPLICANT: Connor Candrian  
SUBJECT: H-2024-0044  
McDonalds at Firenze Plaza

LOCATION: Located at 3058 E. Amity Road, in the North 1/2 of Section 3, T.1N, R.29E. (Parcel #R2833250020)



**PROJECT OVERVIEW**

**Summary**

Conditional Use Permit to construct and operate a 4,507 square foot restaurant with accessory drive-through in the C-C zoning district, by Kimley Horn. **Note: A restaurant is a permitted use. The conditional use permit is required because the proposed drive-through is within 300 feet of another drive-through.**

**Issues/Waivers**

This application has received a significant amount of public testimony in opposition of the project.

**Recommendation**

Staff: Approval with Conditions

**Decision**

Commission: Approved

**COMMUNITY METRICS**

**Table 1: Land Use**

Description	Details	Map Ref.
Existing Land Use(s)	Vacant Land	-
Proposed Land Use(s)	Restaurant w/ drive-through	-
Existing/Proposed Zoning	C-C	-
Future Land Use Designation	Mixed-use Community (MU-C)	-

**Table 2: Process Facts**

Description	Details
Preapplication Meeting date	4/30/2024
Neighborhood Meeting	8/8/2024
Site posting date	10/5/2024

**Table 3: Community Metrics**

Agency / Element	Description / Issue	Reference
Ada County Highway District		-
Comments Received	Yes	-
Commission Action Required	No	-
Access	Private Drive Aisle via S. Cubola Ave (Local Street)	-
ITD Comments Received	No	-
Meridian Public Works Wastewater		-
Distance to Mainline	Available at site	
Impacts or Concerns	No	
Meridian Public Works Water		-
Distance to Mainline	Available at site	
Impacts or Concerns	No	

Note: See section 0. **CITY/AGENCY COMMENTS & CONDITIONS** for comments received or see the public record: ([Public record link](#)).

### III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

#### General Overview

This property is designated as Mixed-use Community (MU-C) on the Future Land Use Map (FLUM). The use of a drive through restaurant is consistent with the comprehensive plan for the MU-C designation.

The subject site is among several commercially zoned properties surrounding the intersection of S. Eagle Road and E. Amity Road. The proposed use of a restaurant with a drive-through aligns with the desired uses specified within the Mixed-use Community designation in the Comprehensive Plan, as noted above. In conjunction with the already approved development directly to the north and west, the proposed use satisfies the general Mixed-Use Community future land use designation for this area.

In 2016, the development agreement approved with the annexation of the property showed a drive through on this site.

**Table 4: Project Overview**

Description	Details
History	AZ, CPAM, PP (H-2016-0102); DA Instr. #2017-041827; FP (2019-0067); ALT (A-2022-0086)
Physical Features	Tenmile Feeder Canal
Acreage	0.98 of an acre

#### Site Development and Use Analysis

Proposed Use Analysis (*UDC 11-2*):

The proposed use of a restaurant and drive-through establishment aligns well with the Mixed-Use Community (MU-C) future land use designation, which supports a blend of residential, commercial, and recreational uses. By offering service options within proximity to both residential areas and existing commercial developments, this project contributes to the community’s overall livability and sustainability. Specifically, it adheres to Policy 3.06.02B, which encourages and supports mixed-use areas that provide the benefits of living, shopping, dining, and working nearby, thereby reducing vehicle trips. Additionally, the proposal is consistent with Policy 3.07.02B, which recommends locating smaller-scale, neighborhood-serving commercial uses in clusters that complement and provide convenient access to nearby residential areas, while minimizing direct access to major roadways. The establishment's location adjacent to E. Amity Road within the Firenze Plaza Subdivision enhances its accessibility and supports the local commercial landscape, fulfilling the need for such amenities in the immediate and broader community.

Dimensional Standards (*UDC 11-2*):

Development of the site shall comply with the dimensional standards of the C-C zoning district in UDC Table 11-2B-3. *Staff has reviewed the proposed plans and building elevations and they comply with the required standards. The proposed hours of operation are 5:00 am to 12:00 am which is in compliance with the C-C zoning district. Since the property does not directly abut a residential district (intersected by S. Cubola Ave) the hours are not restricted.*

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

Drive-Through Establishment UDC 11-4-3-11 and Restaurant UDC 11-4-3-49:

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: Staff recommends signage be installed ahead of the eastern crossing warning drivers to watch out for pedestrians.

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

*The proposed restaurant features two drive-through lanes that merge into one with space to queue a total of 16 vehicles along with an escape lane located on the south side of the site, outside of the drive-through lane. The drive-through itself starts at the west side of the building and exits at the east side. The concept plan also shows that the stacking lane is separate from the drive aisles and parking, which allows for easy access to the rest of the development.*

*Staff recommends that the Applicant install additional signage and parking lot striping to clearly mark and guide traffic safely throughout the site. Staff has some concerns about peak hour stacking as it may back out into the private drive aisle during hours that may impact neighboring businesses. However, Staff has worked with the applicant to look at data from McDonald's drive-throughs during peak hours and it has alleviated some of staff concerns. The applicant provided data discussing peak hour traffic for a McDonalds in Meridian as well as explaining that 100-feet between the order kiosk and pick up window is the most efficient layout for McDonalds. If needed, McDonalds will direct patrons to park in parking stalls to prevent stacking from extending beyond the means of their 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 lanes are separate lanes from the circulation lanes needed for access and parking. However, the applicant is proposing to use the escape lane as a one-way drive aisle for egress from the site. While this is not the intent of the escape lane, staff finds it to be adequate for site circulation.*

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 on the south side of the building (see site plan). However, the applicant is proposing to use the escape lane as a one-way drive aisle for egress from the site. While this is not the intent of the escape lane, staff finds it to be adequate for site circulation.*

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 west side of the building and ending on the east side of the building. The drive-through is visible from E. Amity Road along the south side of the building for surveillance purposes.*

Based on the above analysis, Staff deems the proposed drive-through complies 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 applicant is proposing 21 parking stalls exceeding the 18 that are required.*

## Design Standards Analysis

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

#### Landscape buffers along streets

A 25-foot wide street buffer is required along E. Amity Road and a 10-foot wide street buffer is required along S. Cubola Avenue, an arterial and a local road. These buffers shall be landscaped per the standards in UDC 11-3B-7C. *The proposed landscaping was installed with the final plat for Firenze Plaza. The combination of the existing and proposed landscaping exceeds the minimum requirements.*

#### Parking lot landscaping

Landscaping is required to be provided along all parking areas per the standards listed in UDC 11-3B-8. *The proposed landscape plan does not meet the minimum requirements. The landscape plan should be revised to include a tree in every planter island, if this is not feasible due to utility easements, alternative compliance shall be applied for with the certificate of zoning compliance submittal. Additionally, the pathway along the east portion of the building extending north shall be landscaped 3 feet on the west side and 5 feet of the east side.*

#### Landscape buffers to adjoining uses

Landscaping is required to meet the standards of UDC 11-3B-9. *The landscape plan meets the minimum requirements.*

#### Storm integration

Storm drainage is required to comply with the standards listed in UDC 11-3A-18. *Drainage swales should not be within the landscape setbacks along E. Amity Road.*

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

#### Nonresidential parking analysis

A minimum of one (1) off-street parking space is required per 250 square feet (s.f.) of gross floor area. Based on the 4,507-square-foot restaurant, a minimum of 18 parking spaces are required. *A total of 21 parking spaces are proposed, exceeding UDC standards.*

#### Bicycle parking analysis

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 depicted on the plans submitted with this application that meet the requirements.*



**Building Elevations (*Comp Plan, Architectural Standards Manual*):**

Goal 2.09.03A of the Comprehensive Plan highlights establishing distinct, engaging identities within commercial and mixed-use enters through design standards to integrate commercial, multifamily, and parking areas with existing neighborhoods. In response, the developer has submitted conceptual building elevations for the proposed structure as shown in Section VII.C. Building materials consist of EIFS stucco, standing seam metal panels, wood paneling, and glazing.

*Staff recommends the incorporation of additional fenestration, banding, or glazing on the South façade as this is the primary façade that is visible from E. Amity Road. The architectural standards require an average of 40% fenestration on applicable facades in Mixed-Use Areas. Additionally, staff recommends the use of materials (brick, stone wainscot, etc.) from the surrounding development as required in the development agreement. The proposed conceptual elevations are not approved. The final design is required to comply with the Architectural Standards Manual for Commercial Design Guidelines and shall integrate with the surrounding development.*

**Transportation Analysis**

**Access (*Comp Plan, UDC 11-3A-3, UDC 11-3H-4*):**

Goal 6.01.02B emphasizes reducing the number of access points onto arterial streets by utilizing strategies such as cross-access agreements, access management, and the creation of frontage and backage roads, while also improving connectivity between local and collector streets. The site plan features two access points via a private drive aisle located on the northern part of the site (backage road). This drive aisle connects to E. Cubola Avenue (a local street) on the western side of the property. Vehicles will enter from the north, with options to either park in the lot north or west of the building or continue south to the 12-foot drive-through lane and pick-up window, exiting back onto the northern drive aisle. An escape lane on the south side merges into the exit drive aisle to the east. Direct access from E. Amity Road is not permitted. The Applicant is required to submit a copy of the recorded cross-access/ingress-egress easement for the adjacent property to the east (parcel #R2833250040) to the Planning Division along with the future CZC and Design Review Application, in accordance with UDC 11-3A-3A2.

**Multiuse Pathways (*UDC 11-3A-5*):**

*An existing multi-use pathway exist along E. Amity Road, this shall be preserved and protected during construction.*

**Sidewalks (*UDC 11-3A-17*):**

The proposed plan includes a pedestrian walkway from the main walkway on the east side of the building connecting to the store front across the drive-through lanes. 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 shall be revised to reflect compliance with this standard. The connection through the drive aisle shall be delineated from the driving surface through pavers, colored or scored concrete.*

**Services Analysis**

**Waterways (*Comp Plan, UDC 11-3A-6*):**

The Ten-mile Feeder Canal has been piped and runs along the southern boundary of the site. No additional improvements are required with this application.

**Pressurized Irrigation (UDC 11-3A-15):**

Underground pressurized irrigation water is required to be provided as set forth in UDC 11-3A-15.

**Storm Drainage (UDC 11-3A-18):**

Storm drainage is required to comply with the standards listed in UDC 11-3A-18. Drainage swales shall not be within the street landscape buffer along E. Amity Road.

**Utilities (Comp Plan, UDC 11-3A-21):**

Both the Plan and the UDC establish policy and regulations for extending and connecting to City utilities. Goal 3.03.03G of the Plan mandates urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities. All utilities for the proposed development are required to be installed in accord with the standards listed in UDC 11-3A-21.

**CITY/AGENCY COMMENTS & CONDITIONS**

**Meridian Planning Division**

1. Future development of this site shall comply with the previous conditions of approval and terms of AZ, CPAM, PP (H-2016-0102); DA Instr. #2017-041827; FP (2019-0067); ALT (A-2022-0086); and the conditions contained herein.

2. The site plan and/or landscape plan, as applicable, shall be revised with the certificate of zoning compliance application as follows:

Provide a tree in the planter island to the east of the trash enclosure or apply for alternative compliance with the submittal of the certificate of zoning compliance and design review.

Provide 3 feet of landscaping on the west side and 5 feet on the east side of the pathway on the east side of the building to match the landscaping within the development.

Pave the drive aisle to the east that the escape lane exits onto that is owned by Albertsons (Parcel #R2833250040).

Delineate the pedestrian connection through the drive aisle with the use of pavers or stamped and colored concrete.

No stacking is allowed in the outside travel lane that serves as an escape lane; depict signage notifying patrons not to block the escape lane.

Signage shall be installed ahead of the eastern crossing warning drivers to watch out for pedestrians.

3. Compliance with the standards listed in UDC 11-4-3-49 and 11-4-3-11 is required.
4. The building elevations shall be revised to incorporate additional fenestration, banding, or glazing on the South façade to meet the 40% fenestration requirement in the architectural standards manual. Additionally, the use of materials (brick, stone wainscot, etc.) from the surrounding development shall be incorporated into the design to provide consistency with the surrounding buildings.
5. Preserve and protect the existing landscaping on the south and west buffers of the site during construction, per UDC 11-3B-10.
6. 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.

7. 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.

**Meridian Public Works**

**PRE-PLAT CONDITIONS**

<b>Wastewater</b>	
• Distance to Sewer Services	Sewer Available at site
• Sewer Shed	
• Estimated Project Sewer ERU's	See application
• WRRF Declining Balance	
• Project Consistent with WW Master Plan/Facility Plan	Yes
• Impacts/concerns	• See Public Works Site Specific Conditions
<b>Water</b>	
• Distance to Water Services	Water Available at Site
• Pressure Zone	
• Estimated Project Water ERU's	See application
• Water Quality	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	None -

**NON-PLAT CONDITIONS**

**PUBLIC WORKS DEPARTMENT**

**Site Specific Conditions of Approval**

1. Carports and other permanent structures (trees, bushes, buildings, trash receptacle walls, fences, infiltration trenches, light poles, etc.) cannot be built within the utility Easement.
2. Ensure no Sewer services cross infiltration trenches. Sewer service lines through underground seepage beds or swales are not allowed unless approved by the City Engineer.
3. Water services require a 20' easement up to and 10' beyond the meter or as close to 10' as possible.
4. Remove a portion of water stub so there is no more than 3' past the water service connection. Cap dead end of stub.

### **General Conditions of Approval**

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department.
2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). Sewer/water easement varies depending on sewer depth. Sewer 0-20 ft deep require a 30 ft easement, 20-25 ft a 40 ft easement, and 25-30 ft a 45 ft easement. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. 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.
4. 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.
5. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. 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.
7. 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.
8. 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.
9. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
10. 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.
11. 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.
12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. 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.

15. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
16. 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.
17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at [http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272).
19. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
20. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

## Ada County Highway District (ACHD)



Alexis Pickering, President  
Miranda Gold, Vice-President  
Jim Hansen, Commissioner  
Kent Goldthorpe, Commissioner  
Dave McKinney, Commissioner

September 3, 2024

To: Connor Candrian, via email  
Kimley-Horn  
1100 W. Idaho Street, Suite 210  
Boise, ID 83702

Subject: MER24-0089/ H-2024-0044  
3058 E. Amity Road  
McDonald's located within Firenze Plaza

The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).

The applicant shall be required to:

1. Pay a traffic impact fee, if applicable. For any questions regarding the traffic impact fee please contact ACHD's Impact Fee Administrator at [impactfees@achdidaho.org](mailto:impactfees@achdidaho.org).
2. If applicable, a traffic impact fee shall be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process, and it is the applicant's responsibility to submit plans directly to ACHD.
3. Payment can be accepted over the phone by calling (208) 387-6170 or can be sent/ delivered to the following address:

Ada County Highway District  
Attn: Development Services  
1301 N Orchard St, Suite 200  
Boise, ID 83706

  - Reference the file number above when making the payment.
  - Please note:
    - Fees are subject to change if not paid prior to October 1<sup>st</sup>
    - All card payments are subject to a 3% processing fee
    - All e-check payments are subject to a \$1.50 processing fee
4. Submit a driveway approach request for any proposed driveways. Driveway approach permits can be found at:  
<https://www.achdidaho.org/home/showpublisheddocument/988/638245965711600000>
5. Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way.
6. Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).

### Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) requirements. The applicant's engineer should provide documentation of compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 208-387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 208-387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPMC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

### FINDINGS

#### Conditional Use (UDC 11-5B-6E)

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

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



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 restaurant and drive through use will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section IV of this report.*

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 should 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.*

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

*The Commission finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section IV of this report.*

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 served by essential public facilities and services as required.*

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 will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.*

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.

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

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.

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

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

*This finding is not applicable.*

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.*

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.*



## IV. ACTION

### A. Staff:

Staff recommends approval of the proposed CUP application and finds it in conformance with the Comprehensive Plan, UDC with the conditions included in Section IV. and Findings in V.

### Commission:

The Meridian Planning & Zoning Commission heard this item on October 17<sup>th</sup>, 2024. At the public hearing, the Commission moved to approve the subject Conditional Use Permit request.

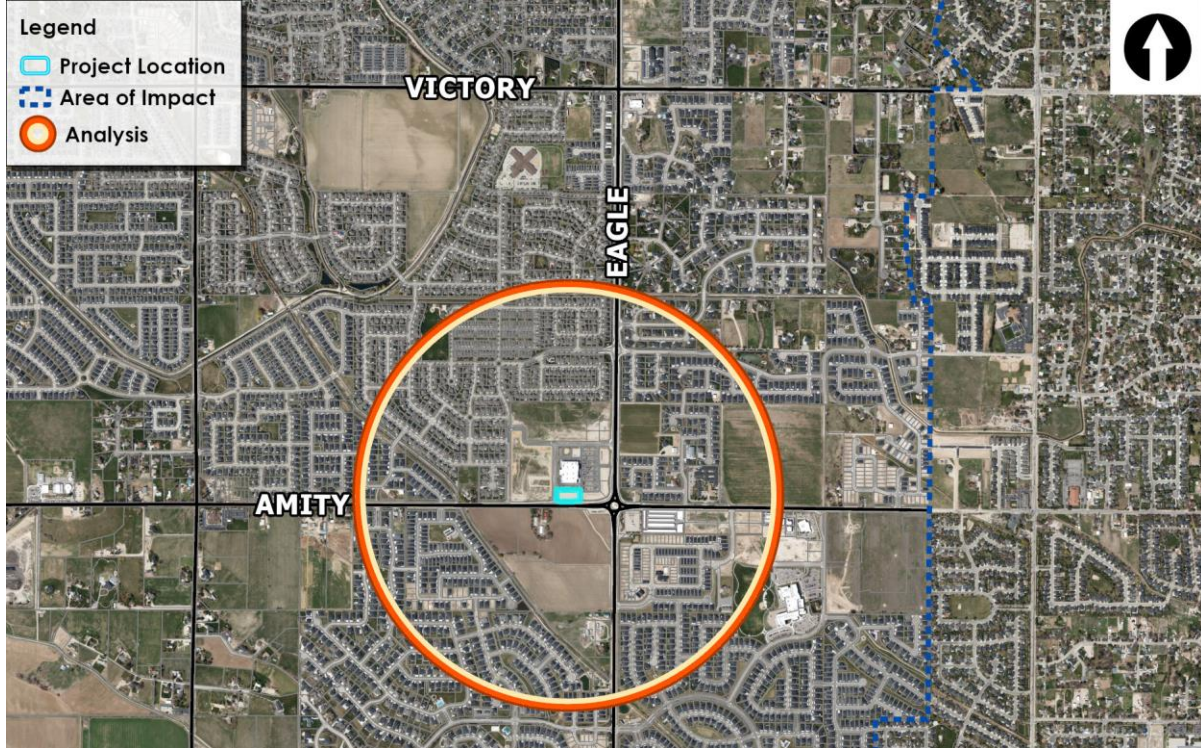
1. Summary of the Commission public hearing:
  - a. In favor: Connor Candrian, Aaron Zuzack, Andriene Nelson, Julie Kissler
  - b. In opposition: Kelly Elliot and Samantha Hall
  - c. Commenting: Kelly Elliot, Samantha Hall, Andriene Nelson, Julie Kissler
  - d. Written testimony: Raine Arimitsu, Stacy Berenger, Kevin Bradt, Kelly, Marina, Crystal Deelstra, Amyjoy Price, J.Cole, Jame Worley, Kelly Lemmons, Kyle Hal, K. Elliot, Samantha Allen, Carlie Stweart, Christina Gervais, Jill Russell, Trina Havicek, Glen Grant, Jennifer Frendt, Phillip Hurst, Lance and Linda Lamprecht, Richard Jones, Samantha Hall, and Elliot Dawson
  - e. Staff presenting application: Nick Napoli
  - f. Other Staff commenting on application: Kurt Starman
2. Key issue(s) of public testimony:
  - a. Traffic/congestion, smell from the restaurant, decreasing property values, and neighborhood health.
3. Key issue(s) of discussion by Commission:
  - a. Traffic and congestion
4. Commission change(s) to Staff recommendation:
  - a. None

# EXHIBITS

## Project Area Maps

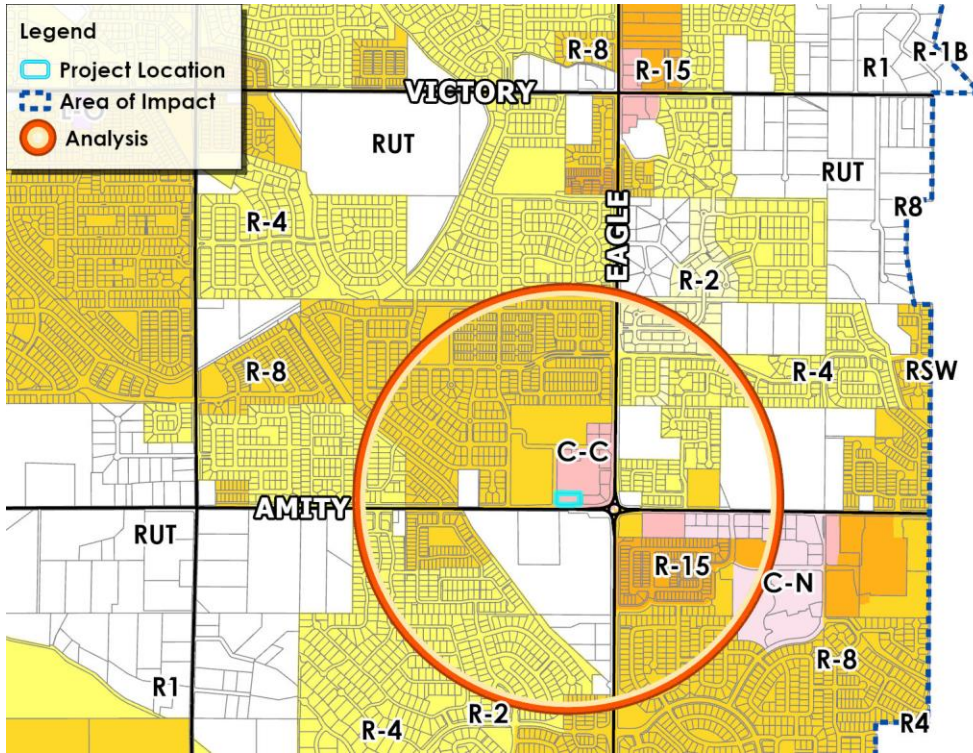
(link to [Project Overview](#))

Aerial

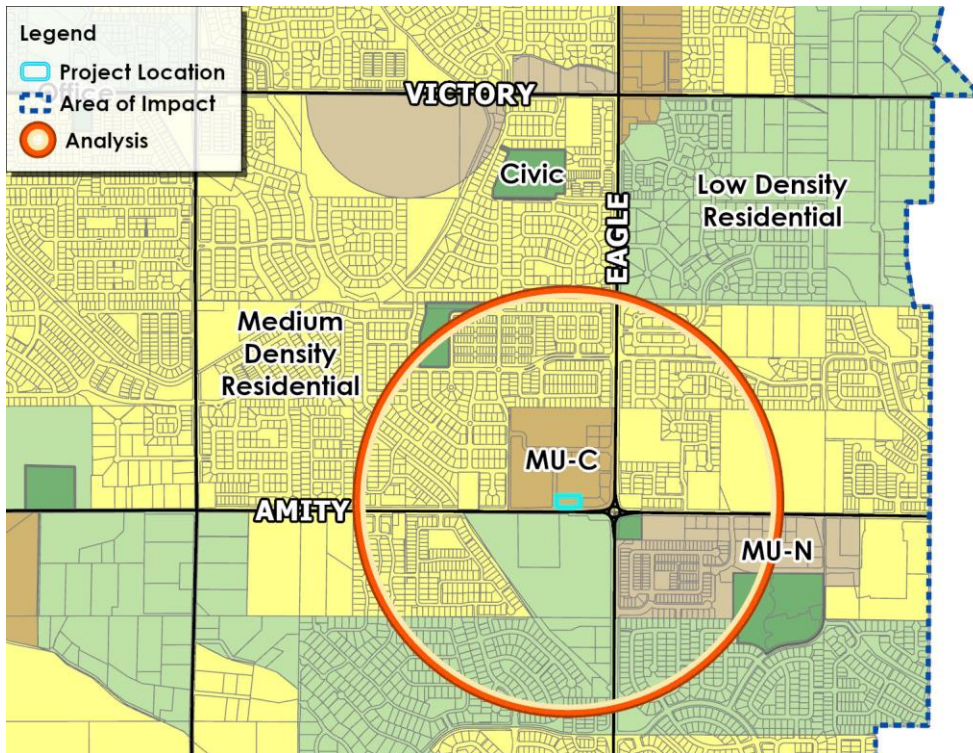




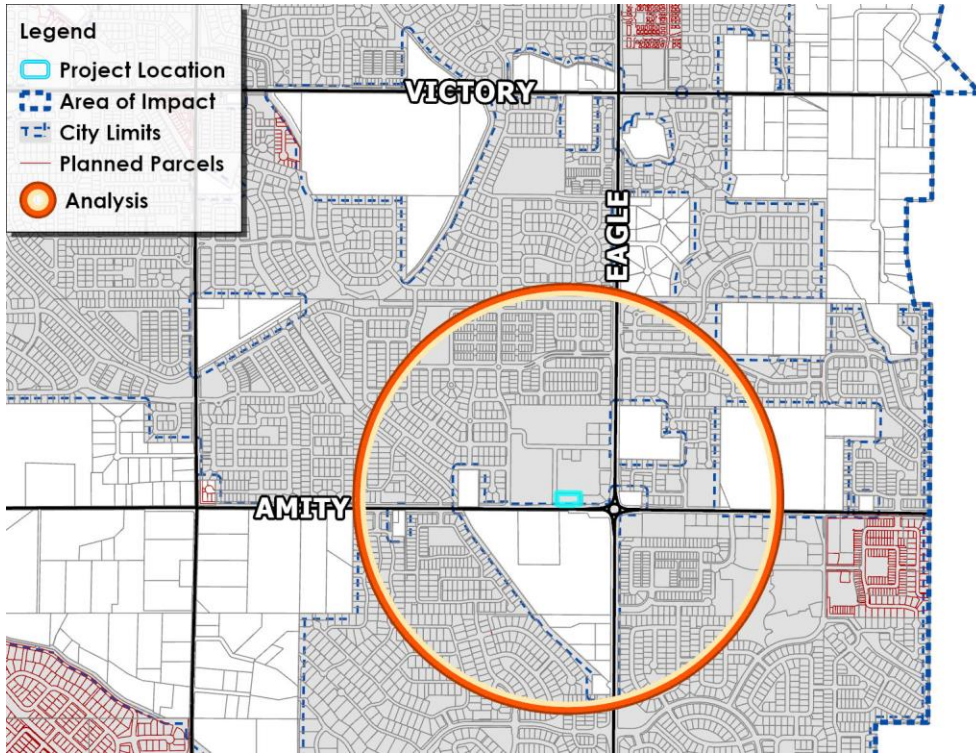
Zoning Map



Future Land Use



Planned Development Map





**Subject Site Photos**

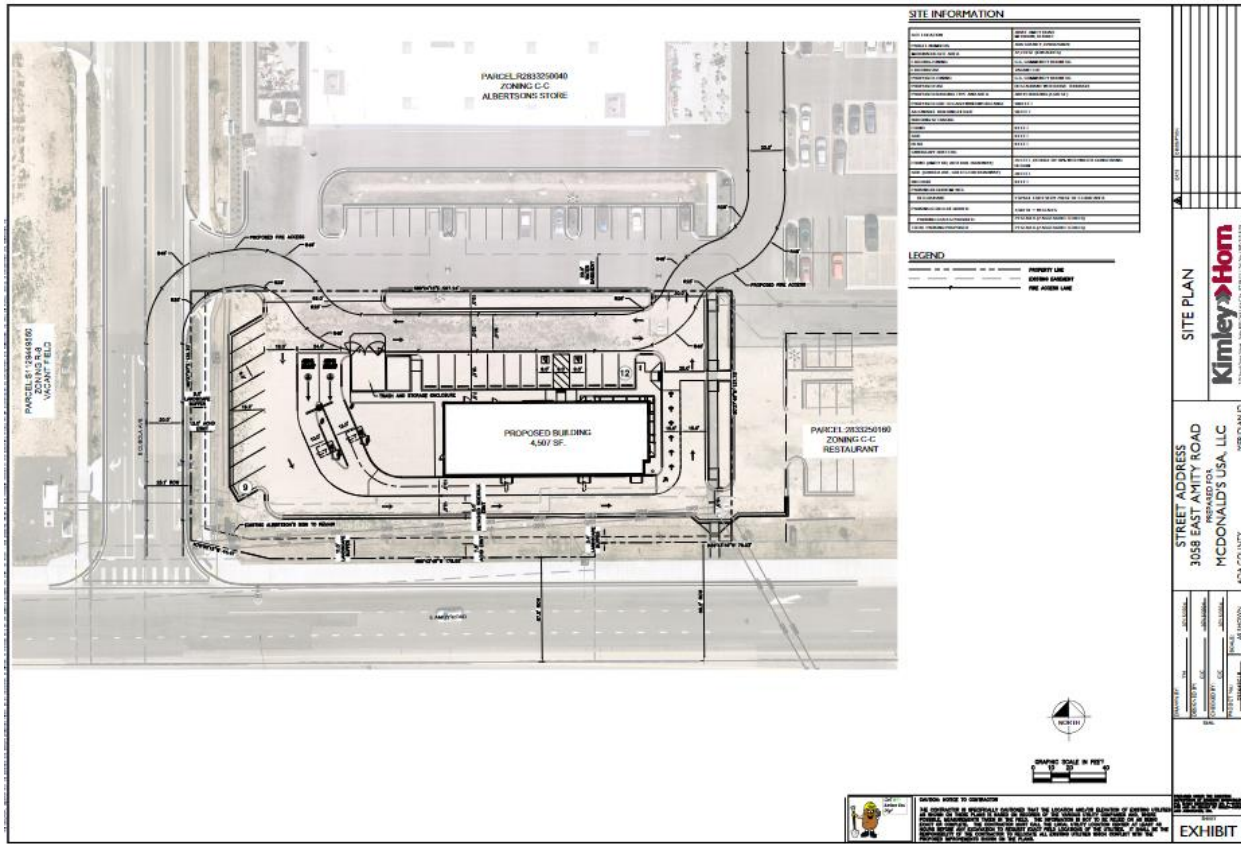


## Service Accessibility Report

<b>Overall Score: 35</b>	<b>64th Percentile</b>
--------------------------	------------------------

Criteria	Description	Indicator
Location	In City Limits	GREEN
Extension Sewer	Trunkshed mains < 500 ft. from parcel	GREEN
Floodplain	Either not within the 100 yr floodplain or > 2 acres	GREEN
Emergency Services Fire	Response time < 5 min.	GREEN
Emergency Services Police	Meets response time goals most of the time	GREEN
Pathways	Within 1/4 mile of current pathways	GREEN
Transit	Not within 1/4 of current or future transit route	RED
Arterial Road Buildout Status	Ultimate configuration (# of lanes in master streets plan) matches existing (# of lanes)	GREEN
School Walking Proximity	From 1/2 to 1 mile walking	YELLOW
School Drivability	Either a High School or College within 2 miles OR a Middle or Elementary School within 1 mile driving (existing or future)	GREEN
Park Walkability	Either a Regional Park within 1 mile OR a Community Park within 1/2 mile OR a Neighborhood Park within 1/4 mile walking	GREEN

Site Plan (date: 7/15/2024)



Landscape Plan (date: 8/19/2024)

