

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



In the Matter of the Request for Modification to the Existing Conditional Use Permit (H-2018-0110) for Sulamita Church to Allow the Existing Manufactured Home Structure to Remain on the Site for an Additional Two (2) years beyond the Date of Issuance of the Certificate of Occupancy for the Church in Order to Continue the Operation of a Food Pantry in the Structure, Located at 4973 W. Cherry Ln./1435 N. Black Cat Rd., by MMGC Sulamita.

Case No(s). MCU-2023-0008

For the Planning & Zoning Commission Hearing Date of: January 18, 2024 (Findings on February 1, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of January 18, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of January 18, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of January 18, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of January 18, 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 January 18, 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 modification to the conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of January 18, 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 January 18, 2024

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

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED_____

COMMISSIONER MARIA LORCHER, VICE CHAIRMAN VOTED_____

COMMISSIONER NATE WHEELER VOTED_____

COMMISSIONER JARED SMITH VOTED_____

COMMISSIONER PATRICK GRACE VOTED_____

COMMISSIONER MANDI MEYERS VOTED_____

COMMISSIONER ENRIQUE RIVERA VOTED_____

Andrew Seal, 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

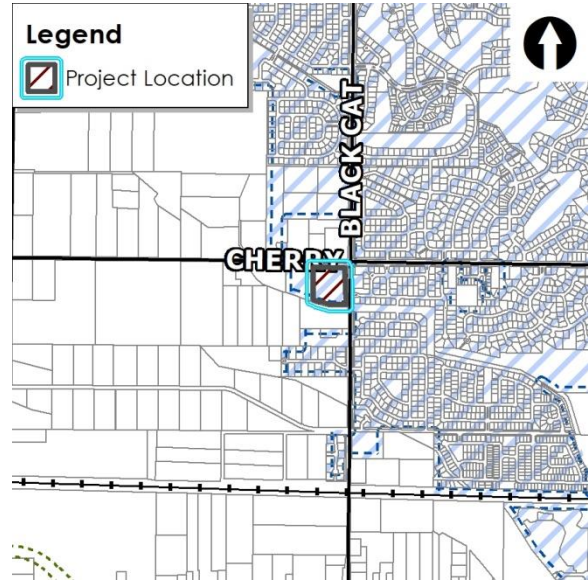
EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: January 18, 2024
TO: Planning & Zoning Commission
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: Sulamita Church – MCU
[MCU-2023-0008](#)
LOCATION: 4973 W. Cherry Ln./1435 N. Black Cat Rd., in the NE 1/4 of Section 9, T.3N., R.1W.



I. PROJECT DESCRIPTION

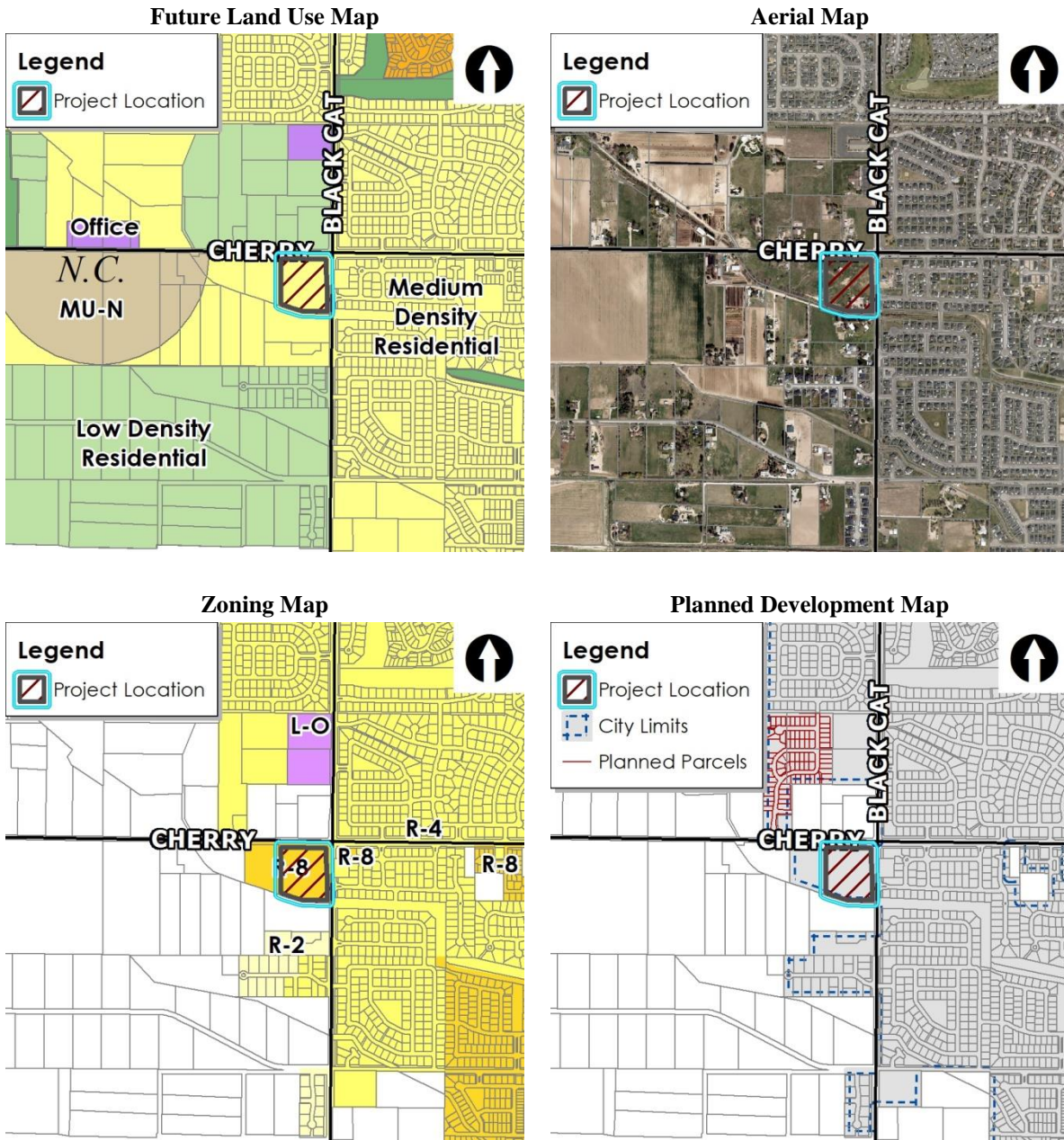
Modification to the existing Conditional Use Permit (H-2018-0110) to allow the existing manufactured home structure to remain on the site for an additional two (2) years beyond the date of issuance of the Certificate of Occupancy for the church in order to continue the operation of a food pantry in the structure.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	8.49
Future Land Use Designation	MDR
Existing Land Use	Food pantry (temporary use)
Proposed Land Use(s)	NA (church is in the development process to the north on the same parcel)
Current Zoning	R-8
Proposed Zoning	NA
Phasing plan (# of phases)	1
Physical Features (waterways, hazards, flood plain, hillside)	Ten Mile Creek runs along south boundary
Neighborhood meeting date; # of attendees	11/22/23
History (previous approvals)	AZ-14-014 (DA # 2015-023708); CUP-14-019 (expired); H-2018-0110 (CUP)

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Aleks Yanchuk, MMGC Sulamita – 4973 W. Cherry Ln., Meridian, ID 83642

B. Owner:

MMGC Sulamita – 4973 W. Cherry Ln., Meridian, ID 83642

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	1/2/2024
Radius notification mailed to properties within 500 feet	12/29/2024
Public hearing notice sign posted on site	1/4/2024
Nextdoor posting	12/29/2024

V. STAFF ANALYSIS

The existing conditional use permit (CUP) (H-2018-0110) approved a church to develop on this site and allowed the former dwelling/manufactured home, consisting of approximately 2,439 square feet, to be used as a job shack while the church was being constructed. This structure, along with the accessory structures on the site, were required to be removed prior to issuance of the Certificate of Occupancy for the church.

The Applicant states the existing structure has been being used as a food pantry, providing food to over 100 families in the community. The church is now nearing completion of construction and the Applicant requests the structure is allowed to remain on the site for an additional 2-years after the Certificate of Occupancy is issued in order to continue providing food to area families who rely on the support. During this extended period, the Applicant plans to pursue fundraising to establish a permanent location for the food pantry.

The CUP modification is requested to change the use of the existing structure from a job shack to a food pantry; and to extend the time period it can remain on the site for up to two (2) years from the date of issuance of the Certificate of Occupancy for the church. Because the use provides a needed service for the community and is secondary to the church use, it’s considered an accessory use to the approved church use; therefore, Staff is amenable to the request.

The following Comprehensive Plan policy supports the request: “Strengthen public services, programs, and community resources to be responsive to and representative of Meridian's diversity.” (2.05.01G)

A site plan was submitted, included in Section VII, that depicts the location of the structure housing the food pantry along with the access driveway via N. Black Cat Rd., which connects to the church parking lot, and off-street parking for five (5) vehicles.

As conditions of approval of the subject application, Staff recommends the following:

- **The structure should connect to City water and sewer within 30 days of approval of the subject application or prior to issuance of Certificate of Occupancy for the church, whichever occurs first (if not already connected).**
- **A Certificate of Zoning Compliance application is required to be submitted for the change in use of the building from residential to a food pantry associated with the church and for the addition of the parking shown on the site plan.**
- **A building permit application is required to be submitted to change the use from residential to commercial (i.e. food pantry) within 30 days of approval of the subject application.**
- **The address of 1435 N Black Cat Rd. should be placed on the building or on a sign at the driveway entrance to the food pantry for way-finding purposes if not already existing.**

VI. DECISION

A. Staff:

Staff recommends approval of the proposed modification to the existing Conditional Use Permit per the provisions included in Section VIII in accord with the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on January 18, 2024. At the public hearing, the Commission moved to approve the subject MCU request.

1. Summary of the Commission public hearing:

a. In favor: Aleks Yanchuk, Applicant's Representative

b. In opposition: None

c. Commenting: None

d. Written testimony: Aleks Yanchuk, Applicant's Representative

e. Staff presenting application: Sonya Allen

f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

a. None

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

a. None

4. Commission change(s) to Staff recommendation:

a. None

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. The applicant shall comply with all previous conditions of approval [AZ-14-014 (DA #[2015-023708](#)); [H-2018-0110](#) (CUP)] associated with this site except as otherwise approved with this application, as follows:
 - a. All existing structures *except* for the manufactured home structure that houses the food pantry shall be removed from the site prior to issuance of Certificate of Occupancy for the church. Said structure is allowed to remain and continue being used as a food pantry for an additional period of up to two (2) years after the date the Certificate of Occupancy for the church is issued. At the end of this period, the structure shall be removed.
 - b. The Applicant shall have connected to City water and sewer service within thirty (30) days of approval of the subject application or prior to issuance of Certificate of Occupancy for the church, whichever occurs first.
 - c. The address (i.e. 1435 N. Black Cat Rd.) shall be clearly depicted on the building or on a sign at the driveway entrance to the food pantry for way-finding purposes if not already existing.
 - d. A Certificate of Zoning Compliance application shall be submitted for the change in use of the building from residential to a food pantry associated with the church and for the addition of the parking shown on the site plan.
 - e. A building permit shall be obtained from the Building Dept. to change the use of the manufactured home from residential to a commercial use (i.e. food pantry). The Applicant shall apply for the permit within 30 days of approval of the subject application.

B. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317405&dbid=0&repo=MeridianCity>

C. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315719&dbid=0&repo=MeridianCity>

IX. 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.

The Commission finds the proposed 8.49-acre site is large enough to accommodate the church and accessory food pantry and meet all the dimensional standards and development regulations of the R-8 zoning district.
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 food pantry (as an accessory use to the church) provides a needed service for the community and is harmonious with the Comprehensive Plan if the Applicant complies with the conditions of approval in Section VIII.

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 continued operation of the food pantry associated with the church will be compatible with adjacent residential uses and the intended character of the area and will not adversely affect the same.

4. 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 food pantry associated with the church will not adversely affect other properties in the vicinity if the Applicant complies with the conditions of approval in Section VIII.

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 food pantry associated with the church will continue to be served by the public facilities and services noted.

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 food pantry associated with the church will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community and will benefit 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.

The Commission finds the food pantry associated with the church will not detrimentally affect any persons, property or the general welfare by the excessive production of traffic or emissions generated from the site.

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 is unaware of any natural, scenic or historic features that exist on this site of major importance that will be destroyed or damaged by the food pantry use. The Commission should rely on any public testimony presented to determine this finding.