

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



In the Matter of the Request for a Conditional Use Permit for a daycare facility, Located at 4845, 4855, and 4867 S. Tavistock Avenue in the C-N Zoning District, by Paul Tucci, Oppidan, Inc.

Case No(s). H-2023-0051

For the Planning & Zoning Commission Hearing Date of: March 7, 2024 (Findings on March 21, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 7, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 7, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 7, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 7, 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 March 7, 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 March 7, 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 March 7, 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 BRIAN GARRETT VOTED _____

COMMISSIONER JARED SMITH VOTED _____

COMMISSIONER PATRICK GRACE VOTED _____

COMMISSIONER MATTHEW SANDOVAL 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.

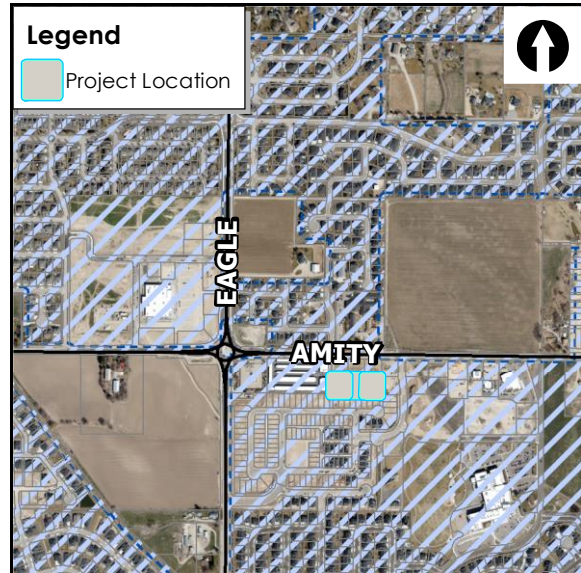
By: _____ Dated: _____
City Clerk's Office



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: March 7, 2024
 TO: Planning & Zoning Commission
 FROM: Linda Ritter, Associate Planner
 208-884-5533
 SUBJECT: H-2023-0051
 Everbrook Academy at Amity – CUP
 LOCATION: 4845, 4855, and 4867 S. Tavistock Avenue, in the NW ¼ of Section 33, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

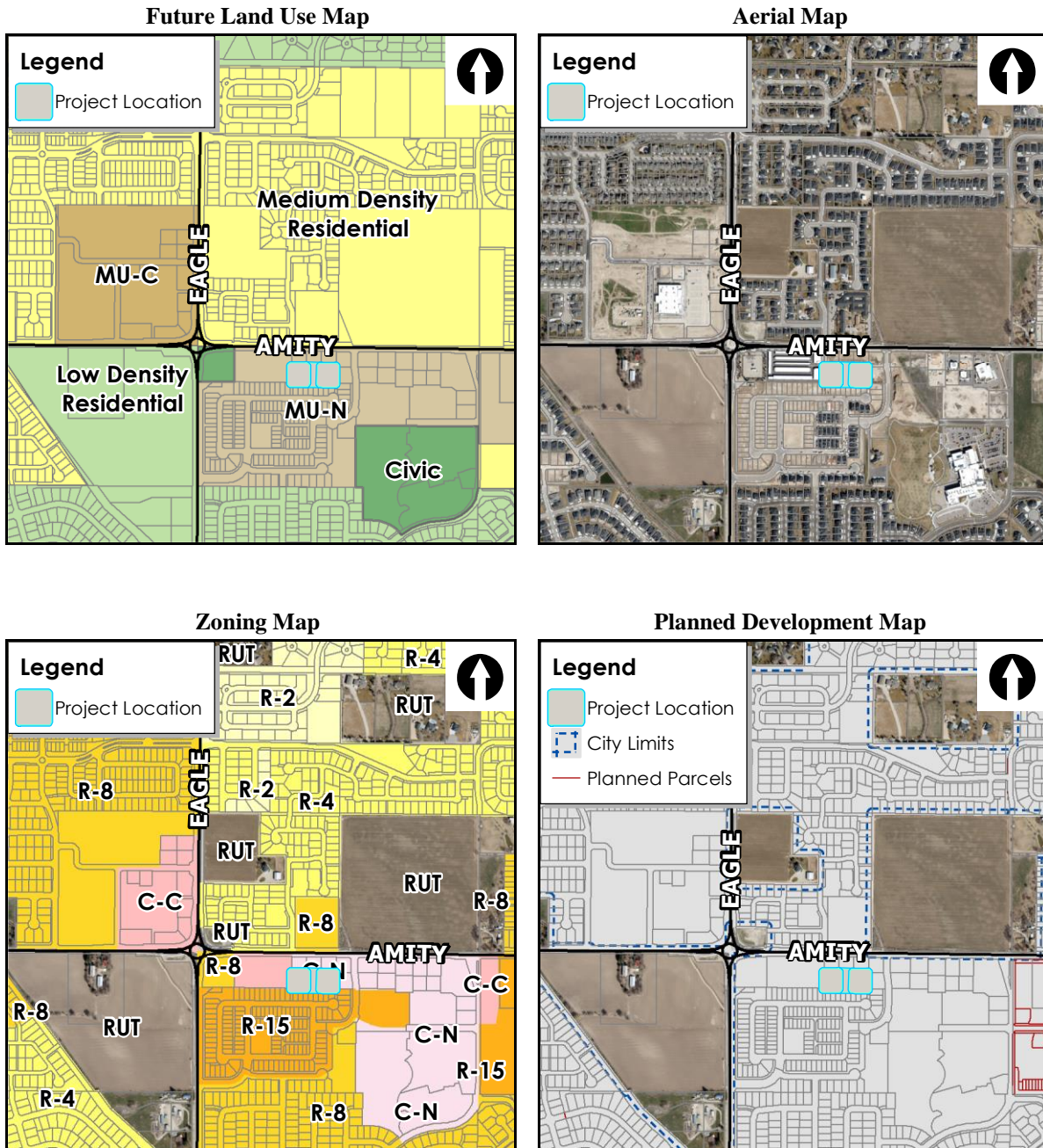
Conditional use permit (CUP) for a daycare center providing childcare for up to 120-150 students in the C-N zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.509-acres	
Future Land Use Designation	Office	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Daycare Center	
Current Zoning	Neighborhood Business District (C-N)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	07/31/2023	
History (previous approvals)	CPAM-15-001, AZ-15-004 (DA #2015-061375); H-2016-0092 (MDA #2016-119080); H-2018-0087 (CUP for cell tower); H-2018-0127 (MDA - 2nd Addendum to DA #2019-033207); H-2019-0134 (MDA – 3 rd Addendum DA #2020-059662); H-2020-0080 (MDA 4 th Addendum DA 2020-117720); H-2020-0055 Hill’s Century Farm North No.1 Final Plat	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Paul Tucci, Oppidan, Inc. – 400 Water Street, Suite 200, Excelsior, MN 55331

B. Owner:

Watson Land Holdings, LLC – 2929 W. Navigator Drive, Suite 400, Meridian ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	2/20/2024
Radius notification mailed to properties within 500 feet	2/16/2024
Site Posting Date	2/16/2024
NextDoor posting	2/26/2024

V. STAFF ANALYSIS

A. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

Mixed-Use Neighborhood (MU-N): The purpose of this designation is to assign areas where neighborhood-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to avoid predominantly single-use developments by incorporating a variety of uses. Land uses in these areas should be primarily residential with supporting non-residential services. Non-residential uses in these areas tend to be smaller scale and provide goods or services that people typically do not travel far for (approximately one mile) and need regularly. Employment opportunities for those living in the neighborhood are encouraged. Connectivity and access between the non-residential and residential land uses is particularly critical in MU-N areas. Tree-lined, narrow streets are encouraged.

*The proposed use of a Daycare Center (more than 12 children) is a community-serving commercial use that fits within the future land use designation of MU-N. The proposed use can serve both the immediate area and the nearby community at large. The proposed location is adjacent to commercial development and existing residences to the south and southeast. Staff finds the proposed use will provide a needed use for the nearby community and offer employment opportunities beyond typical retail jobs. The daycare use is a needed use throughout the City and providing it nearby residential meets many of the City’s desired outcomes for commercial development. **Specific policies are noted and analyzed below but Staff finds the proposed use to be consistent with the future land use designation of Mixed-Use Neighborhood, especially in combination with the existing commercial uses in the Hills Century Farm North and Commercial subdivisions.***

B. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work nearby, thereby reducing vehicle trips, and enhancing overall livability and sustainability” (3.06.02B). *As noted, the subject area is part of a mixed-use designation on our future land use map. Staff finds adding a daycare use in this location introduces a needed community serving use to the immediate area and is located within walking distance of several existing residences. Further, this property will have convenient pedestrian access to the adjacent subdivision to the south, therefore promoting overall sustainability and the benefits of having a supportive commercial use nearby residential.*
- “Encourage the development of supportive commercial near employment areas” (3.06.02C). *The subject daycare is proposed within an existing commercial development and is also directly north of the Hill Farm North No. 2 subdivision and east of the Hill’s Farm Commercial No. 2 subdivision which will include multiple commercial uses. Therefore, the proposed daycare should provide a supportive use to all of the businesses along this E. Amity Road frontage.*

- “Locate smaller-scale, neighborhood-serving commercial and office use clusters so they complement and provide convenient access from nearby residential areas, limiting access to arterial roadways and multimodal corridors.” (3.07.02B). *See above analysis—Staff finds the proposed location and use to be consistent with this policy.*
- “Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods.” (5.01.02D). *The location of the subject daycare is proposed within an existing commercial development with drive aisles to the north and access to the site from a private drive off Tavistock Avenue. The Applicant is required to provide a landscape buffer along the private drive to the north and a 20-foot wide landscape buffer will be constructed to the south providing for additional screening between this commercial development and the existing subdivision to the south.*

An 11,300 square foot daycare center is proposed in the C-N zoning district which is designed to accommodate a maximum of 120-150 students and 15-25 employees. A daycare center requires Conditional Use Permit (CUP) in the C-N zoning district as set forth in UDC [Table 11-2B-2](#) and is subject to the specific use standards listed in UDC [11-4-3-9](#).

Specific Use Standards: The proposed use is subject to the specific use standards listed in UDC [11-4-3-9](#) – Daycare Facility, as follows:

- A. General standards for all child daycare and adult care uses, including the classifications of daycare center; daycare, family; and daycare, group.
 1. In determining the type of daycare facility, the total number of children at the facility at one time, including the operator's children, is the determining factor.

The applicant proposes to provide childcare for up to 120-150 children; because the daycare plans to provide care for more than 12 children, it's classified as a daycare center.
 2. On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

On-site vehicle pick-up, parking and turnaround areas are provided. For safety, Staff recommends the row of parking on the east side of the property be restricted to Staff members only and signed accordingly.
 3. The decision-making body shall specify the maximum number of allowable clients and hours of operation as conditions of approval.

The maximum number of allowable clients should be limited to those specified in this application (i.e. 150).
 4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code. Said proof shall be provided prior to issuance of certificate of occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

The Applicant shall provide this information to the Planning Division as required.
 5. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between 6:00 a.m. and 11:00 p.m. This standard may be modified through approval of a conditional use permit.

Residential use exists on the property to the south, zoned R-15. The proposed hours of operation are Monday through Friday from 6:00 am to 8:00 pm, which will not exceed

regulated hours.

6. Prior to submittal of an application for an accessory daycare facility in a residential district, the applicant or owner shall hold a neighborhood meeting in accord with subsection 11-5A-4.B of this title. Notice of the neighborhood meeting shall be provided to all property owners of record within one hundred (100) feet of the exterior boundary of the subject property.

Not applicable

The applicant shall not exceed the maximum number of clients as stated in the approved permit or as stated in this title, whichever is more restrictive.

B. Additional standards for daycare facilities that serve children.

1. All outdoor play areas shall be completely enclosed by minimum six-foot non-scalable fences to secure against exit/entry by small children and to screen abutting properties. *The applicant is proposing a 6-foot-tall vinyl fence around the playground area which provides screening and is non-scalable.*
2. Outdoor play equipment over six (6) feet high shall not be located in a front yard or within any required yard.

All playground equipment is located within the rear of the building enclosed by a 6-foot-tall vinyl fence that will screen the playground equipment.

3. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.

The daycare is not located within a residential district but is adjacent to an existing residence. Compliance with these standards is required.

C. Additional standards for family daycare facilities conducted as home occupation accessory uses.

1. In no way shall the family daycare emit lighting, noise, fumes, smoke, dust, odors, vibrations, or electrical interference that can be observed outside the dwelling. A sign may be displayed for advertising the family daycare facility in accord with the standards set forth in subsection 11-3D-8.B of this title.
2. Off-street parking shall be provided as set forth in [section 11-3C-6](#) of this title, in addition to the required off-street parking for the dwelling.

These standards are not applicable.

Based on the above analysis, Staff deems the proposed use to be in compliance with the specific use standards as required *if* the Applicant complies with the conditions of approval in Section VIII.A.

Dimensional Standards: Future development should be consistent with the dimensional standards listed in UDC Table [11-2B-3](#) for the C-N zoning district.

Access: Access is proposed on the site plan from S. Tavistock Avenue onto a private drive.

Parking: Off-street parking is required to be provided in accord with the standards listed in UDC 11-3C-6 for non-residential uses which requires one (1) space per 500 square feet of gross floor area. Based on 11,300 s.f., a minimum of 23 spaces are required; a total of 35 spaces are proposed, including two (2) ADA compliant spaces.

A minimum of one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). *A bicycle rack capable of holding a minimum of two (2) bicycles has been provided in accordance with this requirement and depicted on the site plan.*

Pedestrian Walkways: A continuous internal pedestrian walkway that is a minimum of 5-feet wide is required to be provided from the perimeter sidewalk to the main building entrance and should be distinguished from vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. *The applicant is proposing to match the existing sidewalk along the private drive with a 5-foot wide sidewalk within the landscape buffer along the entire frontage of the property. The sidewalk will facilitate pedestrian connectivity and easy access throughout the development. There is also a 6-foot wide pathway along the entire length of the west side of the property.*

Landscaping: Parking lot landscaping is required to be provided in accord with the standards listed in UDC [11-3B-8C](#) as shown.

A 20-foot wide landscape buffer is required to be provided to adjacent residential uses in the C-N zoning district per UDC [Table 11-2B-3](#); landscaping is required to be installed within the buffer in accord with the standards listed in UDC [11-3B-9C](#). Landscaping shall comply with the requirements in UDC [11-3B](#). A residential use exists to the south of the property requiring the 20-foot landscape buffer.

Street buffer landscape along the private drive is required to be installed.

Landscaping for the pathway on the west side of the property shall be installed per UDC [11-3B-12](#).

The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.

Outdoor Lighting: 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.

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: Conceptual building elevations were submitted for a single-story building as shown in Section VII.C that incorporate a mix of materials consisting of cultured stone, exterior insulation finishing system (or equivalent), fiber cement siding, precast stone sills and glass with an asphalt shingle roofing.

Final design is required to incorporate some of the same or similar design elements and materials as those in the development agreement and shall comply with the design standards listed in the [Architectural Standards Manual](#).

Certificate of Zoning Compliance & Design Review: A Certificate of Zoning Compliance and Design Review application is required to be submitted for the proposed use prior to submittal of a building permit application to ensure consistency with the conditions in Section VIII, UDC standards, design standards and the development agreement.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on March 7, 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: All

b. In opposition: None

c. Commenting: Paul Tucci

d. Written testimony: None

e. Staff presenting application: Bill Parsons, Planning Supervisor

f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

a. Lighting from the property which will be reviewed with the Certificate of Zoning Compliance.

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

a. None.

4. Commission change(s) to Staff recommendation:

a. Condition No. 7 modified from 150 allowable clients to 156 or as determined by the building code.



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BASE PROTOTYPE
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REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		

RENDERINGS
 DATE: 06/09/22
 JOB NO: 19016
SK-1
 SHEET NO.

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of CPAM-15-001, AZ-15-004 (DA #2015-061375); H-2016-0092 (MDA #2016-119080); H-2018-0087 (CUP for cell tower); H-2018-0127 (MDA - 2nd Addendum to DA #2019-033207); H-2019-0134 (MDA – 3rd Addendum DA #2020-059662); H-2020-0080 (MDA 4th Addendum DA 2020-117720); H-2020-0055 Hill’s Century Farm North No.1 Final Plat and the conditions contained herein.
2. The applicant shall receive written approval of the City of Meridian Planning Division that the final property boundary adjustment is in conformance with UDC 11-6B-8 prior to building permit issuance.
3. The fire truck turning radius submitted is not approved. The landscaped island may need to be altered in order to meet the requirements. Revise the site plan to meet the Fire Department requirements.
4. A maximum of five (5) additional trees needs to be added to the landscape planters per UDC 11-3B-8C. Three (3) on the east side of the property and one each in the landscape planters at the entrance to the property.
5. Compliance with the standards listed in UDC 11-4-3-9 – Daycare Facility is required.
6. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code. **Said proof shall be provided prior to issuance of Certificate of Occupancy.** The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.
7. The maximum number of allowable clients shall be 1560 or as determined by the building code. ~~as proposed with this application.~~
8. The business hours of operation shall be limited to the hours between 6:00 am 11:00 pm in accord with UDC 11-2B-3B.
9. Outdoor play equipment over six (6) feet high shall not be located in a front yard or within any required yard in accord with UDC 11-4-3-9B.2.
10. The row of parking on the east side of the building shall be restricted to staff member parking only and signs shall be erected accordingly.
11. Protect the existing landscaping on the site during construction, per UDC 11-3B-10.
12. 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.
13. 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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331377&dbid=0&repo=MeridianCity>

C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331382&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331965&dbid=0&repo=MeridianCity>

E. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=332247&dbid=0&repo=MeridianCity>

F. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=332247&dbid=0&repo=MeridianCity>

IX. FINDINGS

Conditional Use (UDC 11-5B-6)

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

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

Staff finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-N zoning district.

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

Staff finds the proposed daycare center is harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII of this report.

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

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 the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section VIII of this report.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

Staff finds the proposed use will be served by essential public facilities and services as required.

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

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

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

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

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

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

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

- a. 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.

- b. 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.