

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



In the Matter of the Request for Rezone of 8.41-Acres of Land from the I-L to the C-C Zoning District for the property Located at 3600 W. Nelis Dr., by Calvary Chapel Meridian.

Case No(s). H-2024-0020

For the City Council Hearing Date of: October 22, 2024 (Findings on November 6, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of October 22, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of October 22, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of October 22, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of October 22, 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 City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 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 Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of October 22, 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 City Council'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 rezone with the requirement of a new development agreement is hereby approved per the conditions of approval in the Staff Report for the hearing date of October 22, 2024, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

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 22, 2024

By action of the City Council at its regular meeting held on the _____ day of _____, 2024.

COUNCIL PRESIDENT LUKE CAVENER VOTED_____

COUNCIL VICE PRESIDENT LIZ STRADER VOTED_____

COUNCIL MEMBER DOUG TAYLOR VOTED_____

COUNCIL MEMBER JOHN OVERTON VOTED_____

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED_____

COUNCIL MEMBER BRIAN WHITLOCK VOTED_____

MAYOR ROBERT SIMISON VOTED_____
(TIE BREAKER)

Mayor Robert E. Simison

Attest:

Chris Johnson
City Clerk

Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

COMMUNITY DEVELOPMENT DEPARTMENT REPORT



HEARING DATE: 10/22/2024

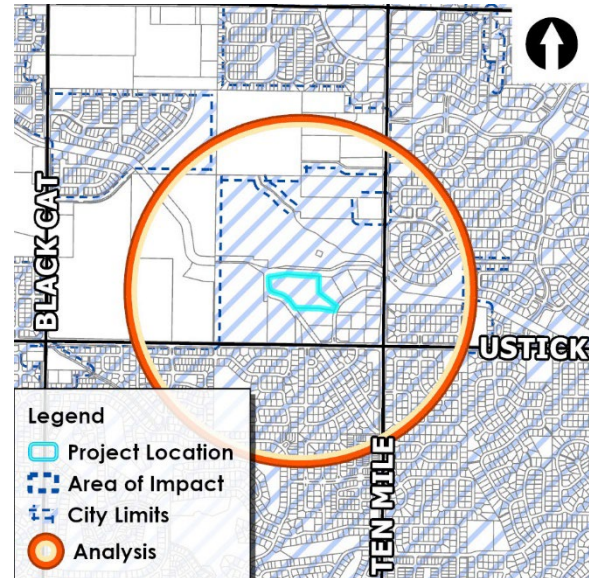
TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533
sallen@meridiancity.org

APPLICANT: Calvary Chapel Meridian

SUBJECT: H-2024-0020
Calvary Chapel Meridian - RZ

LOCATION: 3600 W. Nelis Dr.



I. PROJECT OVERVIEW

A. Summary

Rezone of 8.41-acres of land from the I-L to the C-C zoning district.

B. Issues/Waivers

None

C. Recommendation

Staff: Approval with the requirement of a new development agreement.

Commission Recommendation: Approval as recommended by Staff

D. Decision

Approved

II. COMMUNITY METRICS

Table 1: Land Use

Description	Details	Map Ref.
Existing Land Use(s)	Church, private education institution	-
Proposed Land Use(s)	No change in use proposed	-
Existing/Proposed Zoning	I-L (Light Industrial)/C-C (Community Business)	A.ii
Future Land Use Designation	Mixed Use Non-Residential (MU-NR)	A.iii

Table 2: Process Facts

Description	Details
Preapplication Meeting date	4/30/2024
Neighborhood Meeting	5/20/2024
Site posting date	9/3/2024

Table 3: Community Metrics

Agency / Element	Description / Issue	Reference
Ada County Highway District		
• Comments Received	No	-
• Commission Action Required	No	-
• Access	W. Nelis Dr.	-
ITD Comments Received	Yes (no comments or concerns)	

Note: See section 0. IV. City/Agency Comments & Conditions and/or the public record for comments received.

III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

A. History

This property is part of the larger McNelis Subdivision that was annexed in 2004 with a Development Agreement (DA) and a preliminary plat; a final plat was later approved and recorded that included this property as Lot 4, Block 2, McNelis Subdivision. The DA was later amended in 2011.

A Conditional Use Permit (CUP) was approved in 2018 for a 28,000+/- square foot (s.f.) church use in the I-L zoning district on the subject property. A Certificate of Zoning Compliance (CZC) and Design Review (DES) application was approved in 2020 for a 23,119 s.f. 2-story church on this site as approved with the CUP. Another CZC and DES application was approved earlier this year for four (4) new 30' x 40' outbuildings to be used for youth and adult ministry and an office and a 20' x 40' storage building totaling 5,600 s.f. overall; the building permit is still in process and has not yet been issued.

B. General Overview

No new development is proposed with this application. The Applicant has been operating a private education institution (i.e. Christian school for pre-K through 11th grade) out of the existing church and plans to move it to the new buildings east of the church in the future once they're constructed. These buildings will be used for school, youth group, church ministry and bible classes.

The existing I-L (Light Industrial) zoning district prohibits private education institutions; therefore, the use is operating illegally. The proposed rezone will remedy this situation. The proposed C-C (Community Business) zoning district will accommodate the church use as well as the private education institution and is consistent with the underlying FLUM designation of Mixed Use Non-Residential for the property. A legal description and exhibit map for the property proposed to be rezoned is included below in Section VII.B.

As a provision of the proposed rezone, Staff recommends a new DA for the subject property that accommodates the proposed C-C zoning and the church and private education institution uses. The new DA will only be for this property and the property will no longer be subject to the existing DA and addendum for McNelis Subdivision. *See Section IV below for recommended provisions.*

Table 4: Project Overview

Description	Details
History	AZ-04-004, PP-04-004 (McNelis Subdivision Ord. #04-1090, DA Inst. # 104093293); FP-05-047; TE-05-003 (1-year time extension on the PP); CPAM-10-002; MDA-11-002 (Addendum to McNelis Subdivision DA, Inst. # 112054621); H-2018-0031 (CUP); A-2020-0009 (CZC/DES for church); A-2024-0028 (CZC/DES).

Description	Details
Physical Features	The Fivemile Creek runs along northern boundary and the Ninemile Creek runs along the western boundary of the site.
Acreage	8.36-acres

C. Site Development and Use Analysis

1. Existing Structures/Site Improvements (*UDC 11-1*):

There is an existing church building on the site; four (4) new outbuildings have been approved by the Planning Division to develop on the east side of the church, which are being combined into two (2) buildings, and one (1) new storage building is proposed at the northwest corner of the site; the building permit (C-NEW-2024-0017) for these structures has not yet been issued.

City services and utilities are provided to this site. This site has been improved with parking, landscaping, sidewalks, multi-use pathways, etc. in accord with UDC standards. No further improvements are required with this application.

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

The existing church and private education institution use are not proposed to change and no other uses are proposed. A future school is depicted on the site plan in the area west of the existing church as shown on the site plan included below in Section VII.C. In the interim and while funds are being raised for the future school building, classes will be held in the buildings proposed to be constructed east of the church.

The conceptual site development plan included in Section VII.C below depicts the previously approved future buildings on the east side of the church, the storage building at the northwest corner of the site and the future school building to the west of the church. **Staff recommends future development generally comply with this plan and that it's included in the development agreement.**

The UDC (Table 11-2B-2) lists churches and private education institutions as principal permitted uses in the C-C zoning district. **Because there are specific use standards associated with the education institution and this use has not been previously approved, Staff recommends within 60 days of City Council's action on the Findings of Fact, Conclusions of Law and Decision & Order, the Applicant sign the development agreement and return it to the City along with a Certificate of Zoning Compliance – Change of Use application for approval of the private education institution. A new Certificate of Occupancy for the church and private education institution use will also need to be applied for through the Building Division.**

Per UDC 11-1A-1, a church or place of religious worship is defined as: *An establishment that by design and construction is primarily intended for conducting organized religious services, meetings, and associated activities and that is recognized as a religious corporation or society of the State of Idaho with a state tax exempt status in accord with I.C. 63-602B.*

3. Dimensional Standards (*UDC 11-2*):

See UDC Table 11-2B-3 for dimensional standards for the C-C district. There are no residential uses abutting the site; therefore, a landscape buffer to residential uses is not required. Accordingly, the business hours of operation are not restricted.

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

The specific use standards associated with a church are listed in UDC [11-4-3-6](#); and the specific use standards associated with an education institution are listed in UDC [11-4-3-14](#).

IV. CITY/AGENCY COMMENTS & CONDITIONS

A. Meridian Planning Division

1. A new Development Agreement (DA) shall be required as a provision of the RZ application. The previous DA [i.e. AZ-04-004 McNelis Subdivision – Inst. #[104093293](#) and subsequent addendum (MDA-11-002 – [112054621](#))] shall no longer be in effect for the subject property.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. Prior to approval of the rezone ordinance, a new DA shall be entered into between the City of Meridian and the property owner at the time of rezone ordinance adoption. **The DA shall be signed by the property owner and returned to the Planning Division within sixty (60) days of the date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the Rezone.** The new DA shall incorporate the following provisions:

- i. The Applicant shall comply with all previous conditions of approval associated with this site [i.e. H-2018-0031 (CUP); A-2020-0009 (CZC/DES); A-2024-0028 (CZC/DES)].
- ii. Future development shall be generally consistent with the site development plan included in Section VII.C
- iii. The use of the subject property is restricted to a church or place of religious worship as defined in UDC 11-1A-1; and a private education institution associated with the church.
- iv. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-6 – Church or Place of Religious Worship and 11-4-3-14 – Education Institution, as applicable.
- v. The Applicant shall submit a Certificate of Zoning Compliance Change of Use application to the Planning Division of the Community Development Department for approval of the private education institution use within sixty (60) days of City Council’s approval of the Findings of Fact, Conclusions of Law and Decision & Order for the subject rezone application.
- vi. The Applicant shall submit an application to the Building Division of the Community Development Department for a new Certificate of Occupancy for the church and private education institution use after obtaining approval of the Certificate of Zoning Compliance Change of Use from the Planning Division.

Other Agency comments may be accessed in the [project file](#), included in the public record.

V. FINDINGS

B. Rezone (UDC 11-5B-3E)

Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
The City Council the proposed map amendment to C-C complies with the applicable provisions of the comprehensive plan.

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
The City Council finds the proposed map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
The City Council finds the proposed map amendment shall not be materially detrimental to the public health, safety and welfare.
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
The City Council finds the proposed map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the City including, but not limited to school districts.
5. The annexation (as applicable) is in the best interest of city.
This finding is not applicable as the request is for a rezone, not annexation.

VI. ACTION

A. Staff:

Approval with the requirement of a new DA.

B. Commission:

The Commission heard this item on September 19, 2024. At the public hearing, the Commission moved to approve the subject RZ request.

1. Summary of the Commission public hearing:

- a. In favor: Troy Drake, Calvary Chapel (Applicant)
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Scott Herrell, Calvary Chapel (Applicant)
- 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 the Commission:

- a. None

4. Commission changes to the Staff recommendation:

- a. None

C. City Council:

The Meridian City Council heard this item on October 22, 2024. At the public hearing, the Council moved to approve the subject RZ request.

1. Summary of the City Council public hearing:

- a. In favor: None
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: None
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

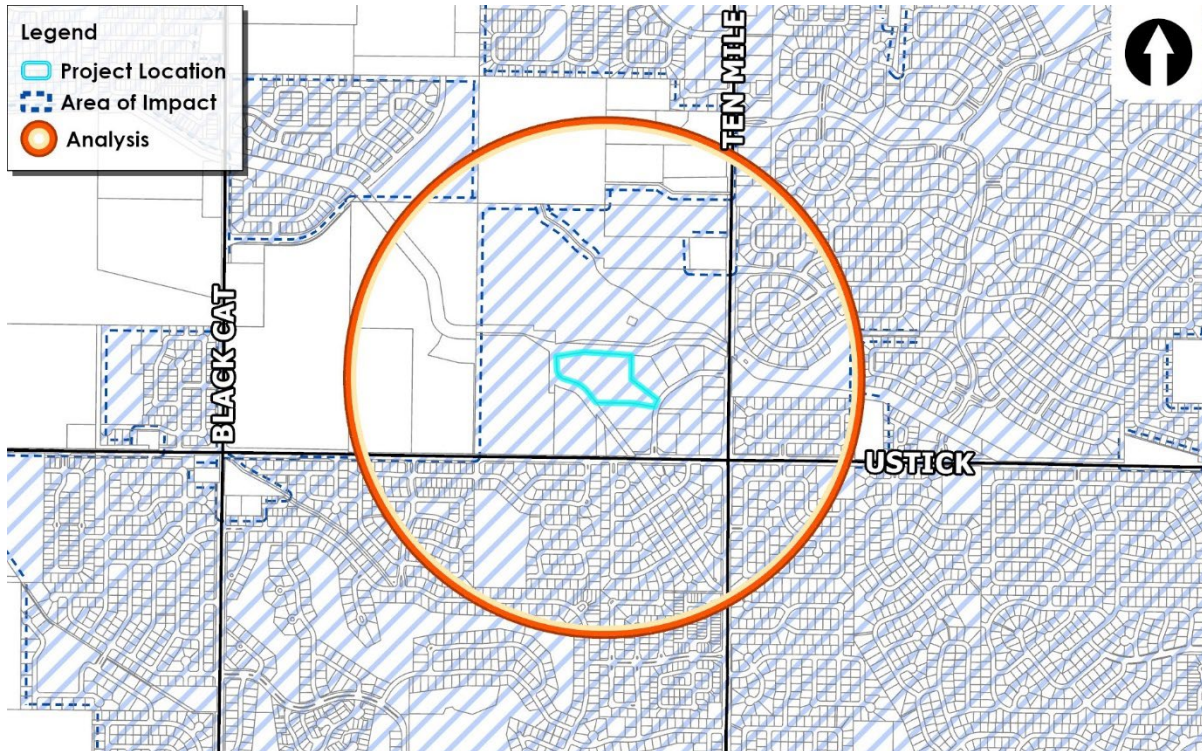
- a. None
- 3. Key issue(s) of discussion by City Council:
 - a. None
- 4. City Council change(s) to Commission recommendation:
 - a. None

VII. EXHIBITS

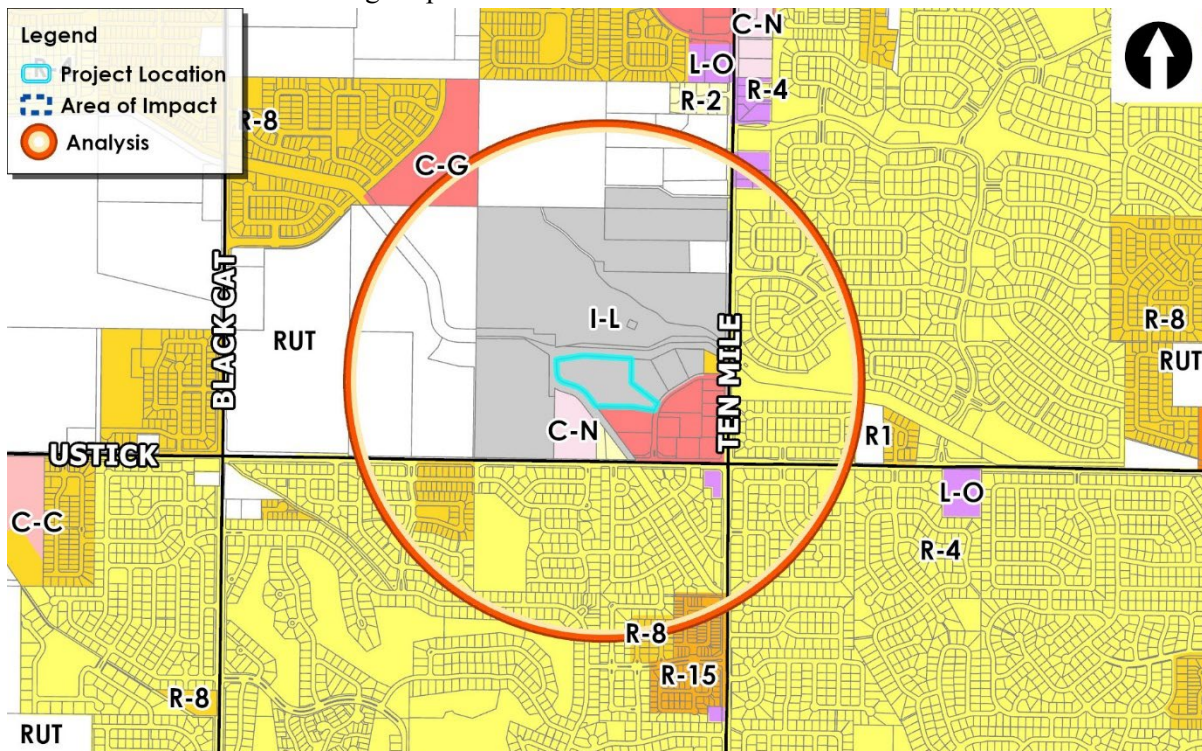
A. Project Area Maps

(link to [Project Overview](#))

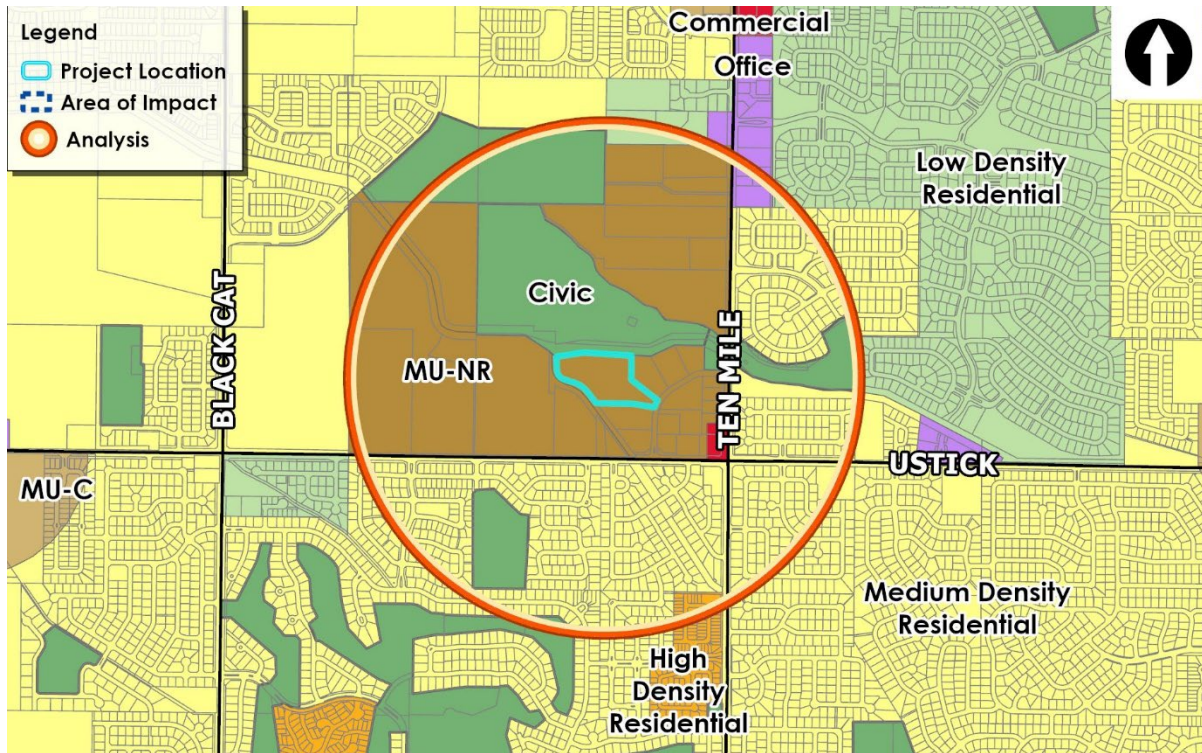
i. Aerial



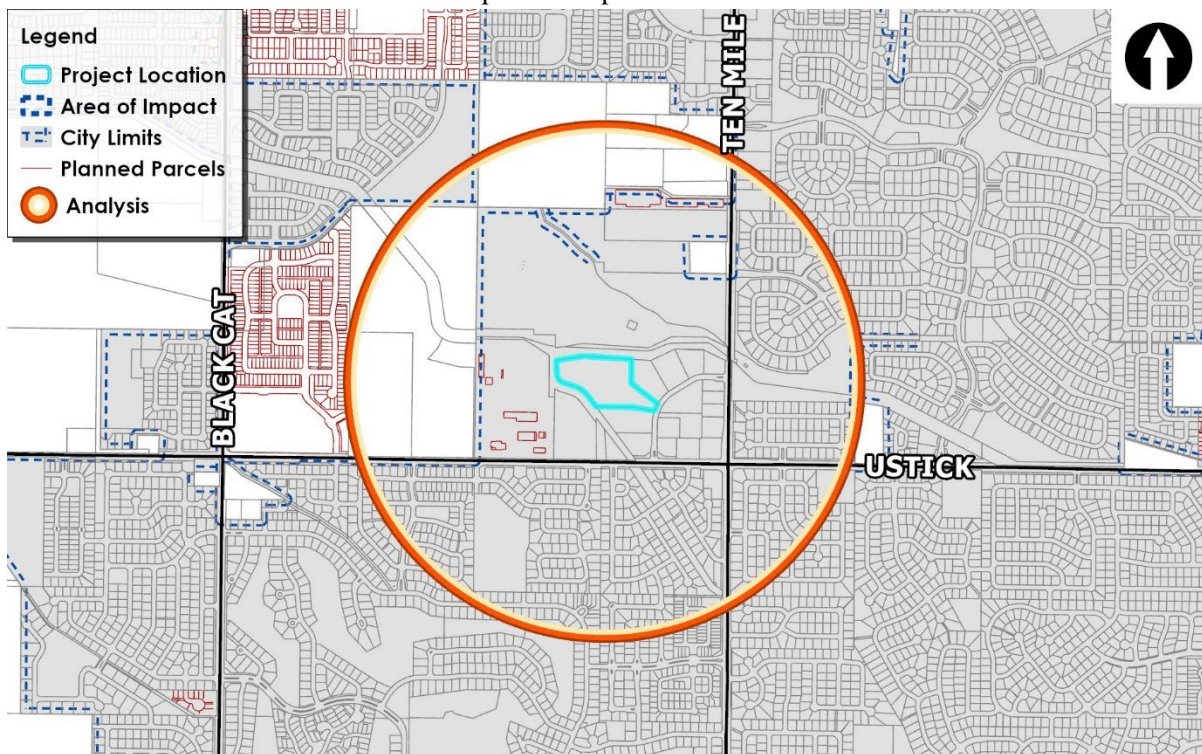
ii. Zoning Map



iii. Future Land Use



iv. Planned Development Map



B. Rezone Legal Description & Exhibit Map



Sawtooth Land Surveying, LLC

2030 S. Washington Ave.
Emmett, ID 83617
P: (208) 398-8104
F: (208) 398-8105

Description

A parcel of land being all of Lot 4, Block 2 and a portion of the West half of West Nelis Drive as shown on the Plat of McNelis Subdivision, Book 100 Pages 13082-13084 at the Ada County Recorder. Said parcel being located in the South 1/2 of Section 34, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho and more particularly described as follows:

COMMENCING at the Northwest corner of said Lot 4 and the **POINT OF BEGINNING**;

Thence N 80°31'41" E 287.40 feet;

Thence S 86°51'15" E 501.30 feet;

Thence S 00°01'19" E 251.04 feet;

Thence S 52°44'39" E 374.70 feet to the Centerline of West Nelis Drive;

Thence along said Centerline a non-tangent curve to the left having an arc length of 68.36 feet, a radius of 400.00 feet, and a long chord that bears S 23°59'36" W a chord length of 68.27 feet;

Thence leaving said Centerline N 80°50'56" W 259.19 feet;

Thence N 89°43'00" W 379.54 feet;

Thence N 37°25'41" W 130.00 feet;

Thence N 43°06'33" W 45.13 feet;

Thence along a tangent curve to the left having an arc length of 152.82 feet, a radius of 290.92 feet, and a long chord that bears N 58°09'30" W a chord length of 151.07 feet;

Thence N 73°12'27" W 105.95 feet;

Thence along a tangent curve to the right having an arc length of 122.51 feet, a radius of 100.50 feet, and a long chord that bears N 38°17'09" W a chord length of 115.06 feet;

Thence N 03°21'51" W 140.80 feet **POINT OF BEGINNING**.

Containing 8.406 acres, more or less.

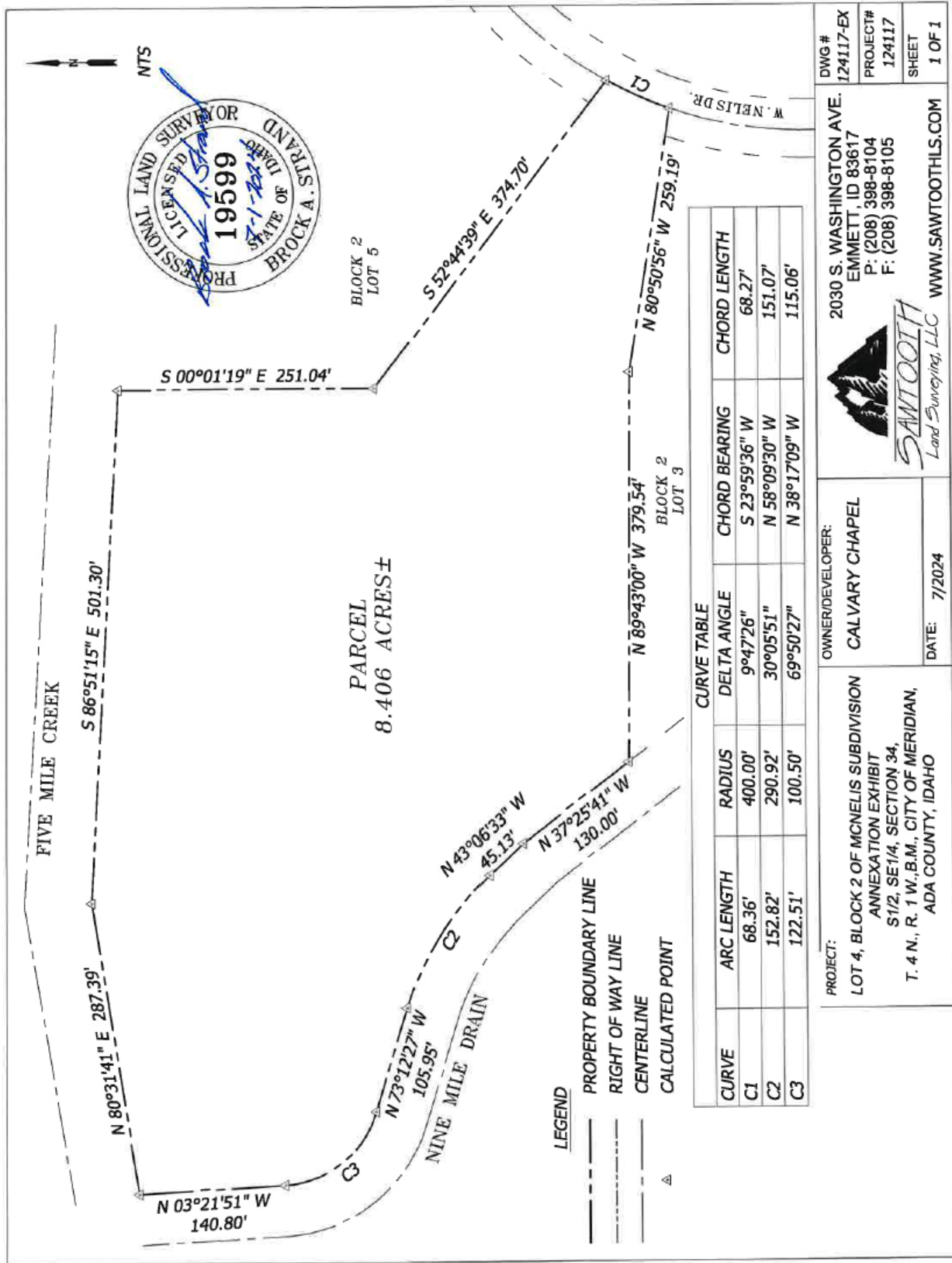


THIS DESCRIPTION WAS PREPARED FROM RECORD DATA

END OF DESCRIPTION



2 of 2



C. Conceptual Site Development Plan - Revised

