

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



In the Matter of the Request for Conditional Use Permit for a Daycare Center Providing Childcare for up to 216 Children in the C-C Zoning District for Eagle Road Daycare Facility, Located at 3060 S. Eagle Rd., by 814 Development, LLC.

Case No(s). H-2022-0007

For the Planning & Zoning Commission Hearing Date of: March 3, 2022 (Findings on March 17, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 3, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 3, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 3, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 3, 2022, 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 3, 2022, 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 conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of March 3, 2022, 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. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff report for the hearing date of March 3, 2022

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2022.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED_____

COMMISSIONER NICK GROVE, VICE CHAIRMAN VOTED_____

COMMISSIONER NATE WHEELER VOTED_____

COMMISSIONER STEVEN YEARSLEY VOTED_____

COMMISSIONER PATRICK GRACE VOTED_____

COMMISSIONER MARIA LORCHER 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: 3/3/2022

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: H-2022-0007
Eagle Road Daycare Facility – CUP

LOCATION: 3060 S. Eagle Rd., in the SW ¼ of Section 21, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Conditional use permit (CUP) for a daycare center providing childcare for up to 216 children in the C-C zoning district.

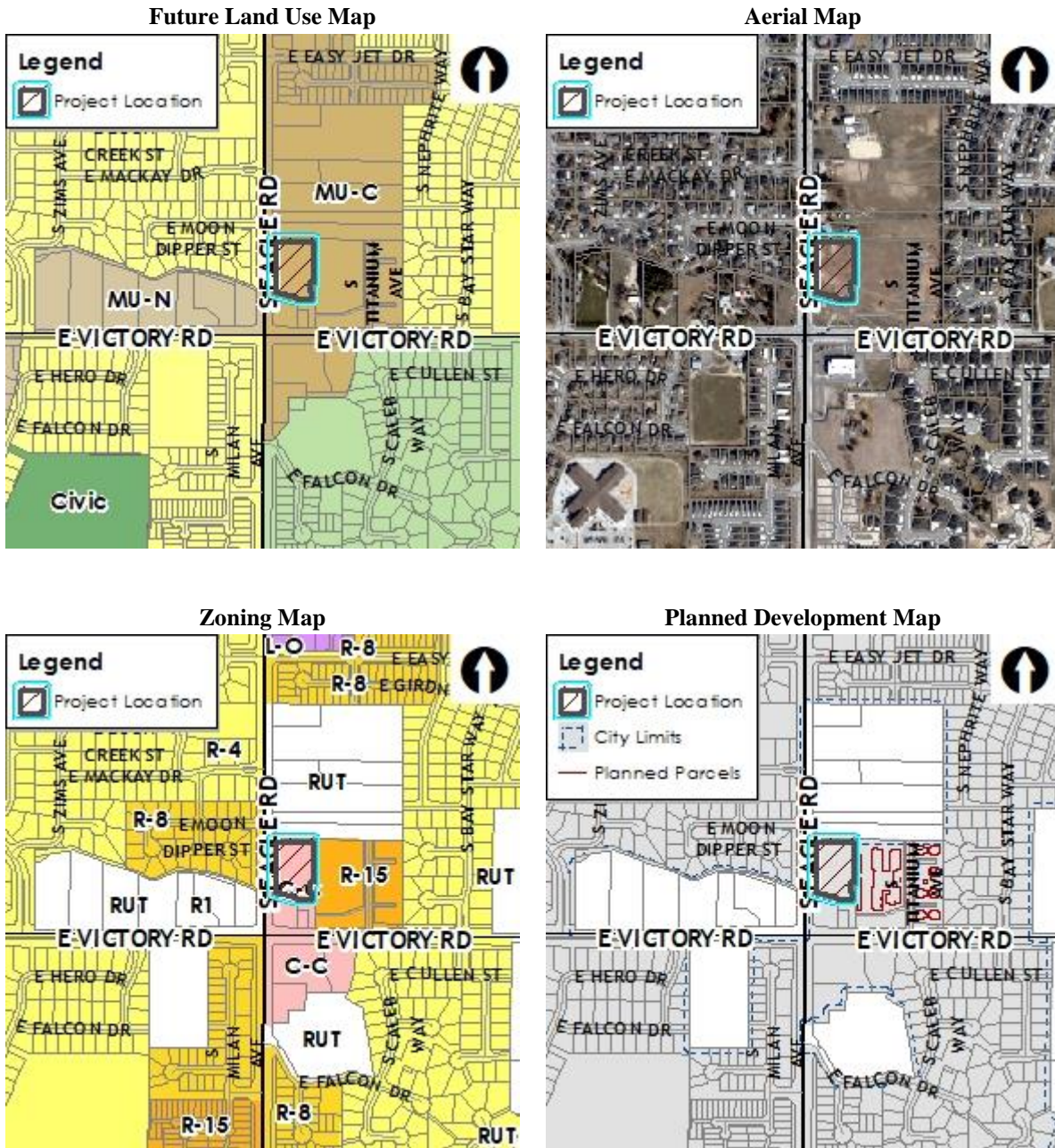
II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.15-acres (future Lot 3)	
Future Land Use Designation	Mixed Use – Community (MU-C)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Daycare center	
Current Zoning	Community Business District (C-C)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	12/9/21	
History (previous approvals)	H-2019-0090 (Inglewood Place Sub. AZ, PP – Development Agreement Inst. # 2019-124424); FP-2021-0037 (Inglewood Sub. 2); H-2021-0095 (DA modification – in process)	

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A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Samantha Kozlowski, 814 Development, LLC – 1695 Twelve Mile Road, Ste. 100, Berkley, MI 48072

B. Owner:

James Petersen, SEC 098, LLC – 197 W. 4869 S., Salt Lake City, UT 84107

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C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	2/15/2022
Radius notification mailed to properties within 300 feet	2/14/2022
Site Posting Date	2/21/2022
Next Door posting	2/14/2022

V. STAFF ANALYSIS

A 13,660 square foot daycare center is proposed in the C-C zoning district which is designed to accommodate a maximum of 216 children and 24 staff members. A daycare center requires Conditional Use Permit (CUP) in the C-C 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](#).

Childcare and early education is proposed to be provided for children age 6 weeks to 6 years with after-school programs for children up to age 12; see [application](#) for more information on the proposed curriculum.

A modification to the existing Development Agreement (DA) was recently approved by City Council to update the conceptual development plan approved for the site to allow for development of the proposed use and the site layout ([H-2021-0095](#)) but has not yet been recorded. The proposed site plan is consistent with the updated conceptual development plan and uses approved with that application. **The amended DA and final plat for Inglewood Subdivision No. 2, within which this site is located, must be recorded prior to submittal of a Certificate of Zoning Compliance application for the proposed use.**

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 216 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; however, there is a driveway going through the parking area that will serve as a backage road to Eagle Rd. and will provide access to properties to the north and south. For safety, Staff recommends the row of parking on the east side of the*

EXHIBIT A

driveway is 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. 216).*
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. *A residential use exists on the abutting property to the north, zoned RUT in Ada County, and residential uses are planned on the abutting property to the east, zoned R-15. However, the proposed hours of operation are Monday through Friday from 6:00 am to 6:30 pm, which will not exceed those 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. *A 4- to 6-foot tall steel fence is proposed, which does not meet this standard; the fence should be non-scalable, a minimum of 6-feet tall and provide screening of the play area.*
2. Outdoor play equipment over six (6) feet high shall not be located in a front yard or within any required yard.
3. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.

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.

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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-C zoning district.

Access: A right-in/right-out driveway access is proposed via S. Eagle Rd. at the southwest corner of this site as shown on the site/landscape plans consistent with that approved with the subdivision. Access is also available via an access easement depicted on the plat through the adjacent properties to the south and east via S. Titanium Ave., a local street off E. Victory Rd.

An access easement is required to be provided to the property to the north (Parcel No. S1121336276) in alignment with the north/south driveway on this site; a copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application for the subject property. Alternatively, the easement could be depicted on the Inglewood Subdivision No. 2 plat and recorded.

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 13,600 s.f., a minimum of 27 spaces are required; a total of 29 spaces are proposed, including two (2) ADA compliant spaces.

Although the proposed parking exceeds the minimum standards by two (2) and the number of staff members on-site at any one time will likely fluctuate, Staff is concerned that *if* the facility is at full capacity and up to 24 staff members are on-site at any one time there may not be adequate parking or pick-up/drop-off area for the proposed use. Therefore, Staff recommends a shared use agreement for parking is required with the property to the south in accord with the standards listed in UDC [11-3C-7](#). A recorded copy of the agreement should be submitted prior to issuance of a Certificate of Occupancy for the site. *Note: If the Commission finds the parking is inadequate or if the Applicant is not in favor of a shared parking agreement, the number of children cared for during the day could be reduced, which would also reduce the number of staff members that would need to be on-site.*

A minimum 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 one (1) bicycle should be provided in accord with this requirement and depicted on the site plan. A detail of the bicycle rack should be submitted with the Certificate of Zoning Compliance application that demonstrates compliance with the standards in UDC 11-3C-5C.**

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 site plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard. An internal walkway should also be provided to the residential care facility to the east for interconnectivity with adjacent uses as desired in Mixed Use – Community designated areas. *Note: The narrative submitted with the DA modification application (H-2021-0095) states walkways would be provided from the daycare to the senior living facility as part of the plan is for the children to visit (performances, arts, crafts, etc.) the seniors.***

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

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A 25-foot wide landscape buffer is required to be provided to adjacent residential uses in the C-C 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](#). A residential use exists to the north and a residential care facility has been approved to the east. Per this requirement, a 12.5' wide buffer to total 25 feet should be provided along the eastern boundary of the site measured from the back of the adjacent garages; and a 25-foot wide buffer should be provided along the northern property boundary adjacent to the residential use to the north. For the northern buffer, provide trees and shrubs within the southern 10 feet of the buffer as no plantings other than grass are allowed within the northern 15-foot due to an ingress-egress easement (Inst. #7907119) that runs along the northern boundary of the site that benefits the adjacent property to the north. **The site/landscape plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.**

A reduction to the buffer width required on C-C zoned property adjacent to residential uses may be approved by City Council at a public hearing with notice to surrounding property owners as set forth in UDC 11-3B-9C.2. A reduction to the buffer width shall not affect building setbacks; all structures shall be set back from the property line a minimum of the buffer width required in the district.

Street buffer landscaping along S. Eagle Rd. is required to be installed with the Phase 2 subdivision improvements.

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](#).

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 hardie panel board and batten siding with stone veneer accents and metal roofing.

Final design is required to incorporate some of the same or similar design elements and materials as those in the residential portion of the development per 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 3, 2022. At the public hearing, the Commission moved to approve the subject CUP request.

1. Summary of the Commission public hearing:

- a. In favor: Samantha Kozlowski, Applicant's Representative
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Samantha Kozlowski, Applicant's Representative
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

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- a. The Applicant stated they can comply with condition #4d to provide a walkway from the perimeter sidewalk to the main building entrance and should be able to comply with #4e which requires a 25' wide buffer to the residential use to the east, but will likely need to request a reduced buffer width to the residential use to the north from City Council.
3. Key issue(s) of discussion by Commission:
 - a. Concern that this site may not be large enough to accommodate the proposed use in regard to meeting the minimum UDC standards pertaining to buffers to residential uses and adequate parking based on the number of staff members and clients on-site at any one time.
4. Commission change(s) to Staff recommendation:
 - a. None

EXHIBIT A

B. Proposed Landscape Plan

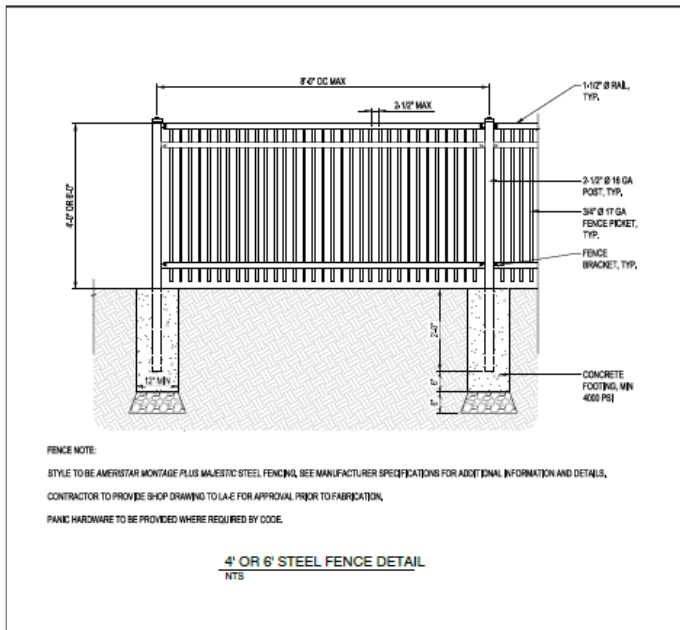
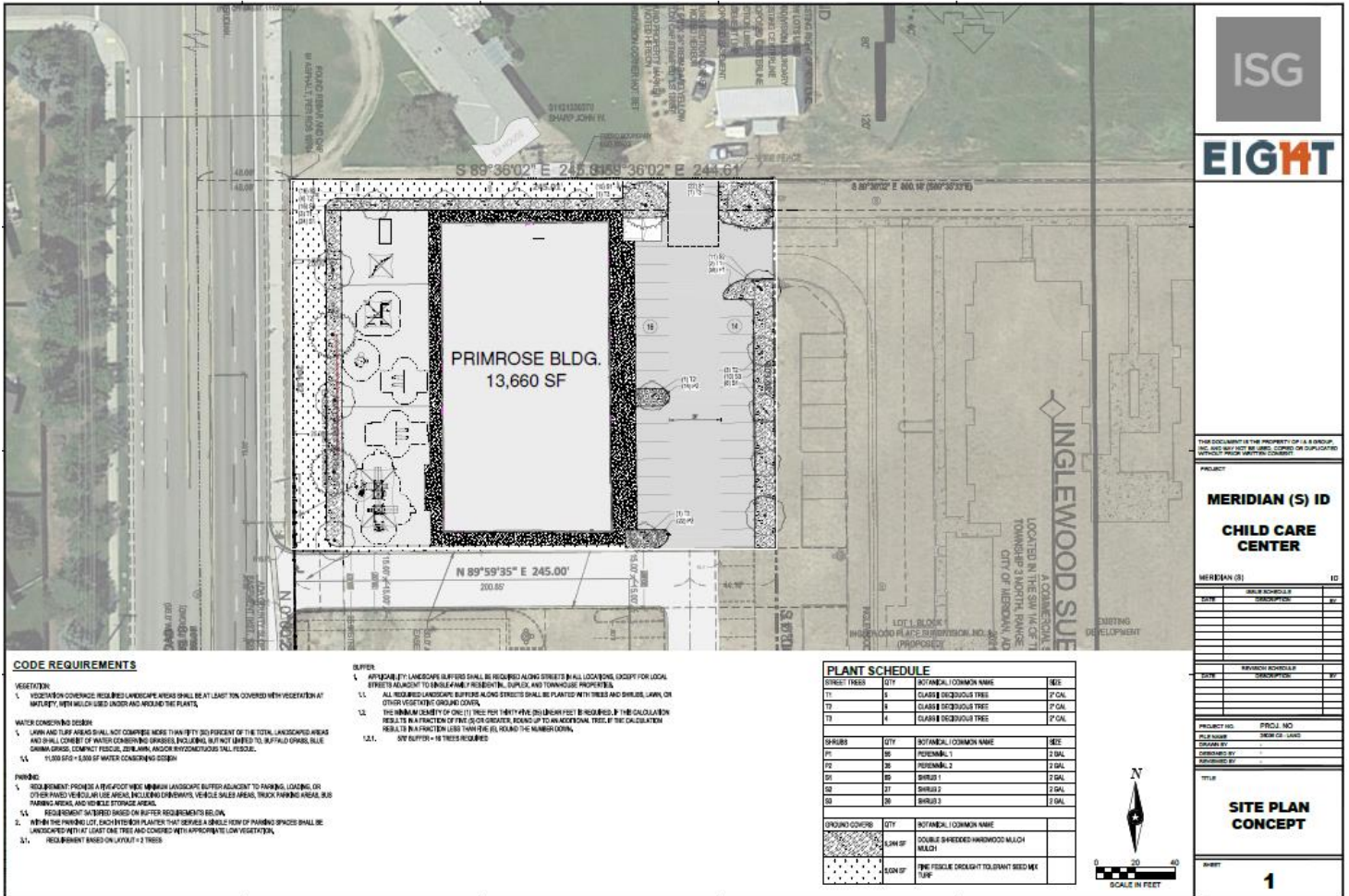
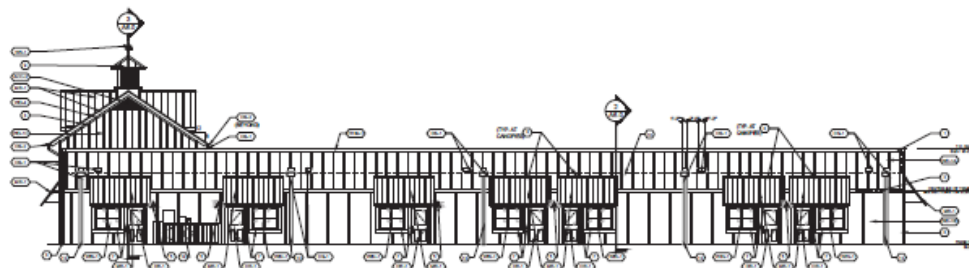
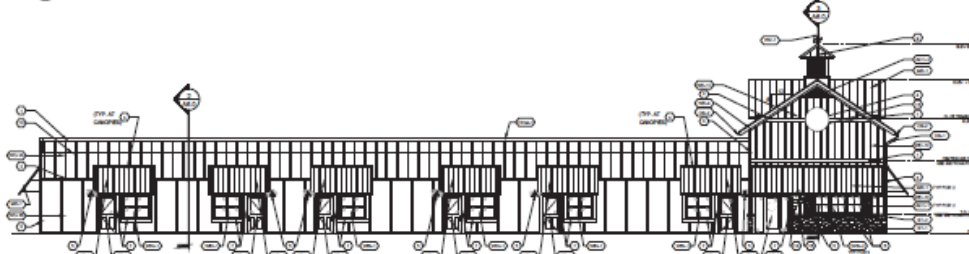


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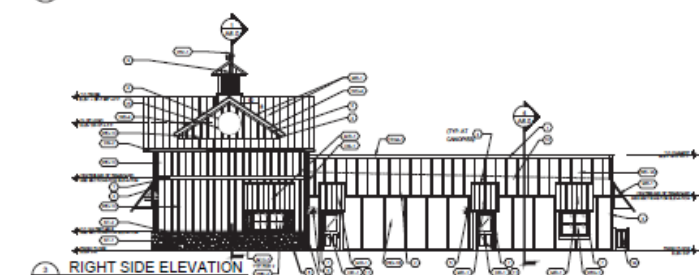
C. Building Elevations



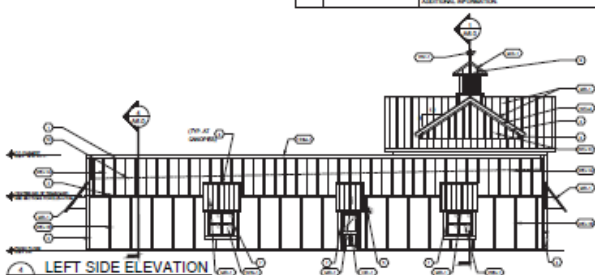
1 REAR ELEVATION
SCALE: 1/8" = 1'-0"



2 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



3 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



4 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION KEYED NOTES	
1. 8" x 4" TRIMWOOD, WD-2	15. ROOFLINE W/ROOF FINISH
2. 8" x 4" TRIMWOOD, WD-2	16. BALCONY FLOOR FINISH (SEE DETAIL)
3. 8" x 4" TRIMWOOD, WD-2	17. SEE PAINT SCHEDULE SHEET A-1
4. 4" ROUND LED LIGHTS (SEE DETAIL)	18. DOWNROCKS TO BE WITH LAG BOLTS AND
5. LIGHTING FIXTURES TO BE (SEE DETAIL)	19. COORDINATE LOCATION WITH LOCAL FIRE
6. TRIMWOOD AT OFFICE & LOBBY ROOM	20. SEE SCHEDULE FOR APPROVED PAINT
7. TRIMWOOD AT ALL EXTERIOR DOORS AND	21. SEE SCHEDULE FOR APPROVED PAINT
8. TRIMWOOD AT ALL EXTERIOR DOORS AND	22. SEE SCHEDULE FOR APPROVED PAINT
9. TRIMWOOD AT ALL EXTERIOR DOORS AND	23. SEE SCHEDULE FOR APPROVED PAINT
10. TRIMWOOD AT ALL EXTERIOR DOORS AND	24. SEE SCHEDULE FOR APPROVED PAINT

PRIMROSE 12-CLASSROOM EXTERIOR FINISH/ACCESSORY LEGEND		
MARK	DESCRIPTION	MANUFACTURER/COLOR
1001	ASPH/FLT ROOF	AMERON/FLT ROOF SYSTEM (SEE SPECIFICATIONS)
1002	EXTERIOR DOOR FINISH	WOOD GRAIN (SEE DETAIL)
1003	EXTERIOR WINDOW FINISH	WOOD GRAIN (SEE DETAIL)
1004	EXTERIOR WALL FINISH	WOOD GRAIN (SEE DETAIL)
1005	EXTERIOR TRIM FINISH	WOOD GRAIN (SEE DETAIL)
1006	EXTERIOR ROOF FINISH	WOOD GRAIN (SEE DETAIL)
1007	EXTERIOR BALCONY FINISH	WOOD GRAIN (SEE DETAIL)
1008	EXTERIOR LIGHT FIXTURES	WOOD GRAIN (SEE DETAIL)
1009	EXTERIOR SIGNAGE	WOOD GRAIN (SEE DETAIL)
1010	EXTERIOR PAINT	WOOD GRAIN (SEE DETAIL)
1011	EXTERIOR TRIM	WOOD GRAIN (SEE DETAIL)
1012	EXTERIOR ROOF	WOOD GRAIN (SEE DETAIL)
1013	EXTERIOR WALL	WOOD GRAIN (SEE DETAIL)
1014	EXTERIOR WINDOW	WOOD GRAIN (SEE DETAIL)
1015	EXTERIOR DOOR	WOOD GRAIN (SEE DETAIL)
1016	EXTERIOR TRIM	WOOD GRAIN (SEE DETAIL)
1017	EXTERIOR ROOF	WOOD GRAIN (SEE DETAIL)
1018	EXTERIOR WALL	WOOD GRAIN (SEE DETAIL)
1019	EXTERIOR WINDOW	WOOD GRAIN (SEE DETAIL)
1020	EXTERIOR DOOR	WOOD GRAIN (SEE DETAIL)
1021	EXTERIOR TRIM	WOOD GRAIN (SEE DETAIL)
1022	EXTERIOR ROOF	WOOD GRAIN (SEE DETAIL)
1023	EXTERIOR WALL	WOOD GRAIN (SEE DETAIL)
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1062	EXTERIOR ROOF	WOOD GRAIN (SEE DETAIL)
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1089	EXTERIOR WINDOW	WOOD GRAIN (SEE DETAIL)
1090	EXTERIOR DOOR	WOOD GRAIN (SEE DETAIL)
1091	EXTERIOR TRIM	WOOD GRAIN (SEE DETAIL)
1092	EXTERIOR ROOF	WOOD GRAIN (SEE DETAIL)
1093	EXTERIOR WALL	WOOD GRAIN (SEE DETAIL)
1094	EXTERIOR WINDOW	WOOD GRAIN (SEE DETAIL)
1095	EXTERIOR DOOR	WOOD GRAIN (SEE DETAIL)
1096	EXTERIOR TRIM	WOOD GRAIN (SEE DETAIL)
1097	EXTERIOR ROOF	WOOD GRAIN (SEE DETAIL)
1098	EXTERIOR WALL	WOOD GRAIN (SEE DETAIL)
1099	EXTERIOR WINDOW	WOOD GRAIN (SEE DETAIL)
1100	EXTERIOR DOOR	WOOD GRAIN (SEE DETAIL)

DATE: 11/11/11
PROJECT NUMBER: 122000
JOB NO.: 122000
JOB DATE: 11/11/11
JOB LOCATION: 122000

EXTERIOR ELEVATIONS
A4.0

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VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement (DA) (Inglewood Place Sub. AZ, PP [H-2019-0090](#) – DA Inst. #[2019-124424](#)); [FP-2021-0037](#) (Inglewood Sub. 2); [H-2021-0095](#) (amended DA – in process) and the conditions contained herein.
2. The amended development agreement shall be recorded prior to submittal of an application for Certificate of Zoning Compliance for the proposed use (H-2021-0095).
3. The final plat that includes the subject property shall be recorded prior to submittal of a Certificate of Zoning Compliance application for this site (FP-2021-0037 Inglewood Subdivision No. 2).
4. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. 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 in accord with UDC 11-4-3-9B.1; depict fencing accordingly. *Note: The proposed wrought iron fence does not meet this standard.*
 - b. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
 - c. Depict the location of the bicycle rack and a detail of the bicycle rack that demonstrates compliance with the design standards in UDC [11-3C-5C](#).
 - d. Depict a continuous internal pedestrian walkway that is a minimum 5-feet in width from the perimeter sidewalk along Eagle Rd. to the main building entrance in accord with UDC 11-3A-19B.4; and to the residential care facility to the east and to the future commercial uses to the south for interconnectivity with adjacent uses as desired in Mixed Use – Community designated areas. Where the pathway crosses vehicular driving surfaces, it shall be distinguished through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#).
 - e. Depict a minimum 12.5-foot wide buffer along the eastern property line to total 25-feet, measured from the back of the garages on the adjacent residential property, in accord with UDC Table 11-2B-3, which requires a 25-foot wide buffer on C-C zoned property adjacent to a residential use and/or district. Depict landscaping in accord with the standards listed in UDC [11-3B-9C](#).
 - f. Depict a minimum 25-foot wide buffer along the northern property line adjacent to the residential property as set forth in UDC Table 11-2B-3 for the C-C district, unless a reduced width is approved by City Council at a public hearing with notice to surrounding property owners. Depict landscaping within the southern 10 feet of the buffer in accord with the standards listed in UDC [11-3B-9C](#); no trees/shrubs or plantings other than grass shall be planted within the northern 15-feet as there's an access easement that runs along the northern boundary of the site that benefits the adjacent property to the north.
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

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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 216 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. Although play equipment over 6-feet in height may be provided, because there isn't a required setback (i.e. yard) in the front, this requirement is not an issue.
10. The driveway access via S. Eagle Rd. is restricted to a right-in/right-out access per the Development Agreement.
11. An access easement shall be provided to the property to the north (Parcel No. S1121336276) in alignment with the north/south driveway on this site; a copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application for the subject property. Alternatively, the easement could be depicted on the subdivision plat and recorded.
12. The row of parking on the east side of the north/south driveway shall be restricted to staff member parking only and signs shall be erected accordingly.
13. A shared use agreement for parking shall be required with the property to the south in accord with the standards listed in UDC [11-3C-7](#). **A recorded copy of the agreement shall be submitted prior to issuance of a Certificate of Occupancy for the site.**
14. 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. *The Development Agreement requires some of the same design elements to be incorporated in the commercial portion of the development as in the residential portion.*
15. 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

1. Streetlights for Inglewood Subdivision No 2 must be installed and operational, with approved record drawings submitted, prior to any form of occupancy of this building.
2. No Public Works water or sewer main infrastructure is proposed, if any changes to City utilities is needed, Public Works Engineering must review and approve that work prior to construction.
3. Fire flow was modeled at 1500 gpm, contact Public Works Engineering if more than 1500 gpm is required.

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C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=252119&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=253133&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.

The Commission finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-C zoning district if the Applicant complies with the conditions in Section VIII.

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 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.

The Commission 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.

The Commission 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.

The Commission 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.

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.

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.

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The Commission 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)

The Commission 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.