

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



In the Matter of the Request for Conditional Use Permit for an In-home Group Daycare for Seven (7) to 12 Children in the R-4 Zoning District for The Angels Home Childcare, Located at 167 W. Indian Rocks St. in the R-4 Zoning District, by Desange Muhawenimana.

Case No(s). H-2024-0017

For the Planning & Zoning Commission Hearing Date of: August 15, 2024 (Findings on September 5, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of August 15, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of August 15, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of August 15, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of August 15, 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 August 15, 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 conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of August 15, 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 August 15, 2024

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

COMMISSIONER MARIA LORCHER, CHAIRMAN VOTED_____

COMMISSIONER JARED SMITH, VICE CHAIRMAN VOTED_____

COMMISSIONER BRIAN GARRETT VOTED_____

COMMISSIONER ANDREW SEAL VOTED_____

COMMISSIONER PATRICK GRACE VOTED_____

COMMISSIONER MATTHEW SANDOVAL VOTED_____

COMMISSIONER ENRIQUE RIVERA VOTED_____

Maria Lorcher, Chairman

Attest:

Chris Johnson, City Clerk

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

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

COMMUNITY DEVELOPMENT DEPARTMENT REPORT



HEARING DATE: 8/15/2024
 DATE: *Continued from: 8/1/2024*

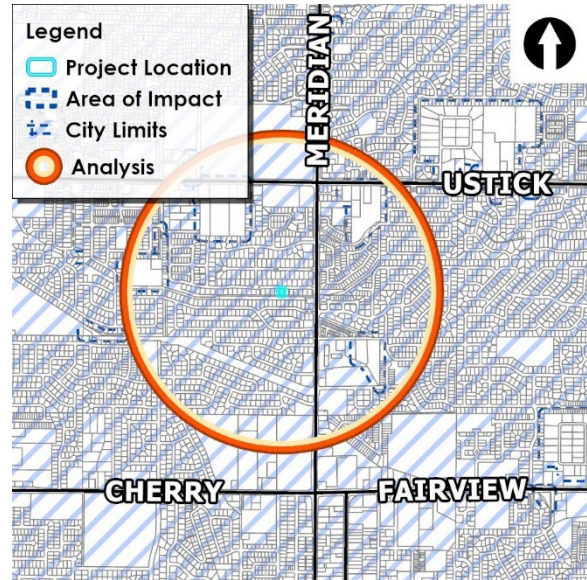
TO: Planning & Zoning Commission

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

APPLICANT: Desange Muhawenimana

SUBJECT: H-2024-0017
 The Angels Home Childcare - CUP

LOCATION: 167 W. Indian Rocks St., in the NE 1/4 of Section 1, T.3N., R.1W.



I. PROJECT OVERVIEW

A. Summary

Conditional use permit (CUP) for an in-home group daycare for 7 to 12 children in the R-4 zoning district.

B. Issues/Waivers

None

C. Recommendation

Staff: Approval with the conditions included below in Section IV.

D. Decision

Commission: Approved

II. COMMUNITY METRICS

Table 1: Land Use

Description	Details	Map Ref.
Existing Land Use(s)/Proposed Use	Single-family residential home	-
Proposed Land Use(s)	In-home group daycare for 6 to 12 children	-
Existing Zoning	R-4 (medium low-density residential)	VII.A.2
Future Land Use Designation	MDR (Medium-Density Residential)	VII.A.3

Table 2: Process Facts

Description	Details
Preapplication Meeting date	3/19/2024
Neighborhood Meeting	5/9/2024
Site posting date	7/18/2024

Table 3: Community Metrics

Agency / Element	Description / Issue	Reference
Ada County Highway District		
• Comments Received	Yes	-
• Commission Action Required	No	-
• Access	W. Indian Rocks St., a local street	-
Meridian Public Works Wastewater	Services are provided to the site.	
Meridian Public Works Water	Services are provided to the site.	

See City/Agency Comments and Conditions in Section IV and in the public record for all comments received.

III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

A. General Overview

A CUP is required for a group daycare in the R-4 zoning district per UDC Table 11-2A-2; compliance with the specific use standards listed in UDC 11-4-3-9 is required.

The Applicant proposes an in-home group daycare for seven (7) to 12 children in the R-4 district. The Applicant is currently operating an in-home family daycare for six (6) or fewer children in this location.

The proposed daycare facility is consistent with Policy #5.01.01D in the Comprehensive Plan, which states, “Plan for and encourage neighborhoods that provide reasonable pedestrian and bicycle access to services like healthcare, daycare, grocery stores, and recreational areas.”

Table 4: Project Overview

Description	Details
History	A-2019-0222 (AUP for family daycare)
Acreage	0.20-acre

B. History and Process

The Applicant currently has an accessory use permit (A-2019-0222) for an in-home family daycare for six (6) or fewer children in the R-4 zoning district.

C. Site Development and Use Analysis

- Existing Structures/Site Improvements (*UDC 11-1*):
There is an existing home on the subject property and associated parking and landscaping.
- Proposed Use Analysis (*UDC 11-2*):
The UDC (Table 11-2A-2) lists group daycares as a conditional use in the R-4 zoning district, subject to the specific use standards listed in UDC 11-4-3-9.
- Dimensional Standards (*UDC 11-2*):
Future development is required to comply with the dimensional standards listed in UDC Table [11-2A-5](#) for the R-4 zoning district.
- Specific Use Standards (*UDC 11-4-3*):
The proposed use is subject to the standards listed in [11-4-3-9](#). – Daycare Facility.

The Applicant proposes to care for up to 12 children at any one time, including her own; the Applicant should not exceed this number.

A 3-car parking pad exists on this site in front of the 3-car garage, which will provide off-street parking and a turnaround area to ensure safe discharge and pick up of clients.

The Applicant is required to obtain a criminal background check and a fire inspection certificate as required by Title 39, Chapter 11, Idaho Code. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

The proposed hours of operation are from 7:00 am to 10:00 pm; the hours of operation should not extend beyond this time period. Any extension of hours would require a modification to the CUP.

D. Design Standards Analysis

1. Structure and Site Design Standards (*Comp Plan, UDC 11-3A-19*):

No changes are proposed or required to the exterior of the existing home or property.

2. Parking (*UDC 11-3C*):

Off-street vehicle parking is required in accord with the standards for single-family detached dwellings in UDC [11-3C-6](#). There are four (4) bedrooms in the home; therefore, a minimum of four (4) off-street parking spaces are required with at least two (2) of those in the garage; the other space may be a minimum 10' x 20' parking pad. There are three (3) vehicle parking spaces in the garage and three (3) on the parking pad in front of the garage.

The Applicant states she'll pick up children to avoid traffic in her neighborhood; if parents want to come visit, they let her know ahead of time. All of their personal vehicles will be parked inside the garage and the parking pad outside will be available for parents to use that prefer to pick-up and drop-off their children to ensure safe discharge and pick up of clients in accord with UDC 11-4-3-9A.2.

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

No changes are proposed to the exterior of the existing home.

4. Fencing (*UDC 11-3A-6, 11-3A-7*):

Fencing is required to comply with the standards listed in UDC [11-3A-7](#) and [11-4-3-9B.1](#).

A 6-foot tall solid wood fence exists along the side lot lines in the rear yard and an approximate 4-foot tall solid wood fence exists along the rear lot line (see photo below). The rear yard is adjacent to a common area that includes a pedestrian pathway. The UDC (11-3A-7A.7) contains special regulations for fences that abut pathways and common open space lots. Fencing is restricted to an open vision or semi-private fence up to 6-feet in height as it provides visibility of the common area from adjacent homes or buildings. If closed vision fencing is used, it should not exceed 4-feet in height; an additional 2-feet in height of open vision fencing may be added to the top section of the fence.

The specific use standards require all outdoor play areas to be completely enclosed by a minimum 6-foot tall non-scalable fence to secure against exit/entry by small children and to screen abutting properties. **To meet this standard, Staff recommends an additional 2-feet of open vision fencing is added to the top of the 4-foot tall fence.** Open vision fence is defined in UDC 11-1A-1 as, "A fence that does not restrict or impede vision or sight through the fence by more than 20%."



E. Transportation Analysis

1. Access (*UDC 11-3A-3*):
Access is provided to this site via N. Indian Rocks St., a local street.
2. Sidewalks (*UDC 11-3A-17*):
A sidewalk exists along N. Indian Rocks St. in accord with UDC standards.

IV. CITY/AGENCY COMMENTS & CONDITIONS

A. Meridian Planning Division

1. The Applicant shall comply with all previous conditions of approval associated with this development (A-2019-0222) as well as those listed below.
2. The Applicant shall have an ongoing obligation to comply with the specific use standards listed in UDC [11-4-3-9. - Daycare Facility](#).
3. The maximum number of children allowed to be at the facility at one time, including the operator's children, is 12 – the Applicant shall not exceed this number.
4. The hours of operation of the daycare facility shall not extend beyond the hours of 7:00 am to 10:00 pm as proposed with this application; extension of these hours shall require a modification to the conditional use permit.
5. The Applicant shall obtain proof of criminal background checks and fire inspection certificates as required by Title 39, Chapter 11, Idaho Code and comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.
6. An additional 2-feet of open vision fencing that meets the requirement for such in UDC 11-1A-1, shall be added to the top of the existing 4-foot tall fence adjacent to the common area along the rear property boundary in accord with UDC [11-4-3-9B.1](#). *Note: UDC 11-1A-1 defines open vision fence as, "A fence that does not restrict or impede vision or sight through the fence by more than 20%."*
7. Outdoor play equipment over 6-feet high shall not be located in a front yard or within any required yard per UDC 11-4-3-9B.2.
8. Outdoor play areas shall not be used after dusk per UDC 11-4-3-9B.3.
9. Any signage for the proposed use shall comply with the standards listed in UDC [11-3D-8B](#).
10. 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 within two (2) years from the date of approval of the subject conditional use permit; or apply for a

time extension prior to that date as set forth in UDC [11-5B-6F](#) in order for the conditional use permit to remain valid.

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

V. Findings

A. Conditional Use (UDC 11-5B-6E)

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 use and meet all dimensional and development regulations of the R-4 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 use will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section IV of this report.
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 operation of the proposed use should be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and will not adversely change the essential character of the area.
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 IV 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 continue to 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.
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:
This finding is not applicable.
10. 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.
11. 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.

VI. ACTION

A. Staff:

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

A. Commission:

The Meridian Planning & Zoning Commission heard this item on August 15, 2024. At the public hearing, the Commission moved to approve the subject CUP request.

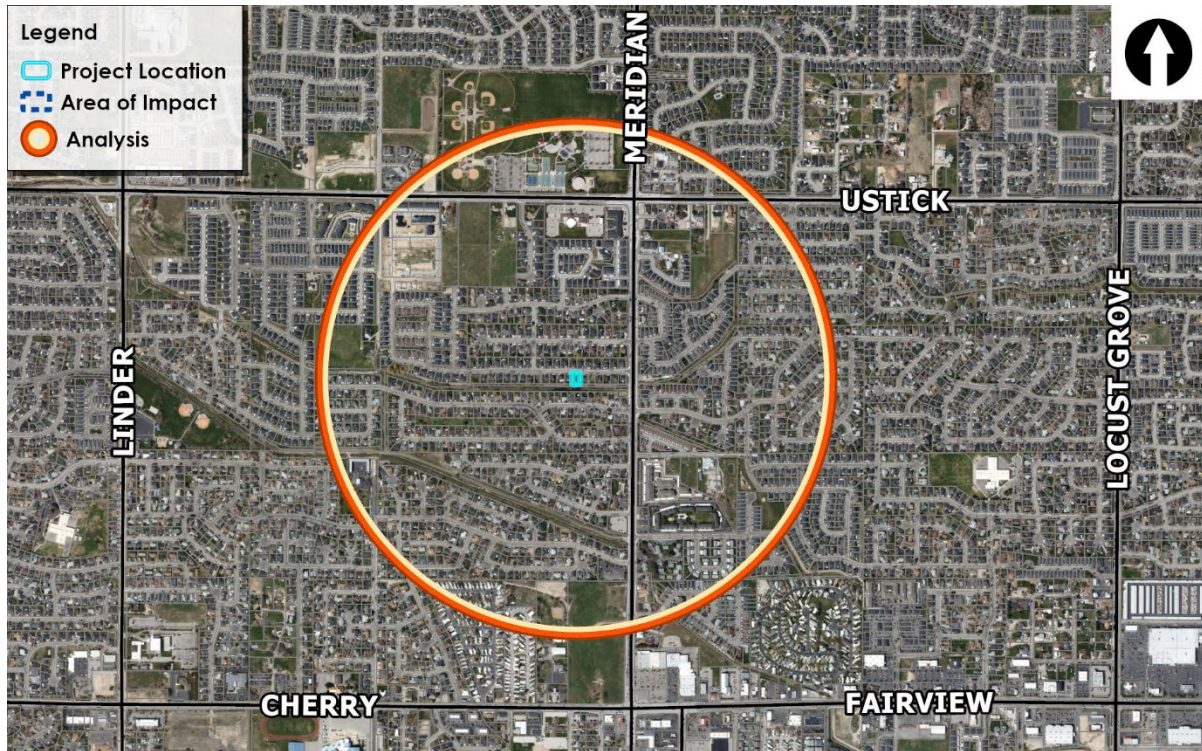
1. Summary of the Commission public hearing:
 - a. In favor: Desange Muhawenimana
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. None
3. Key issue(s) of discussion by Commission:
 - a. None
4. Commission change(s) to Staff recommendation:
 - a. None

VII. EXHIBITS

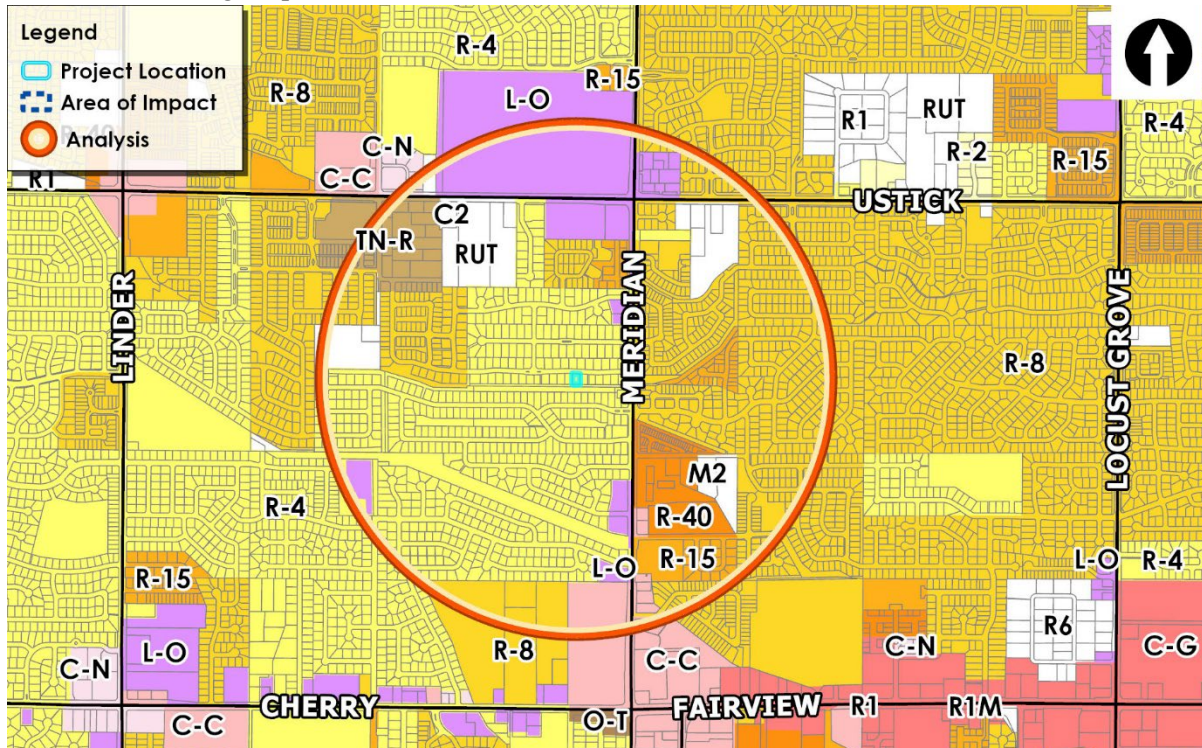
A. Project Area Maps

(link to [Project Overview](#))

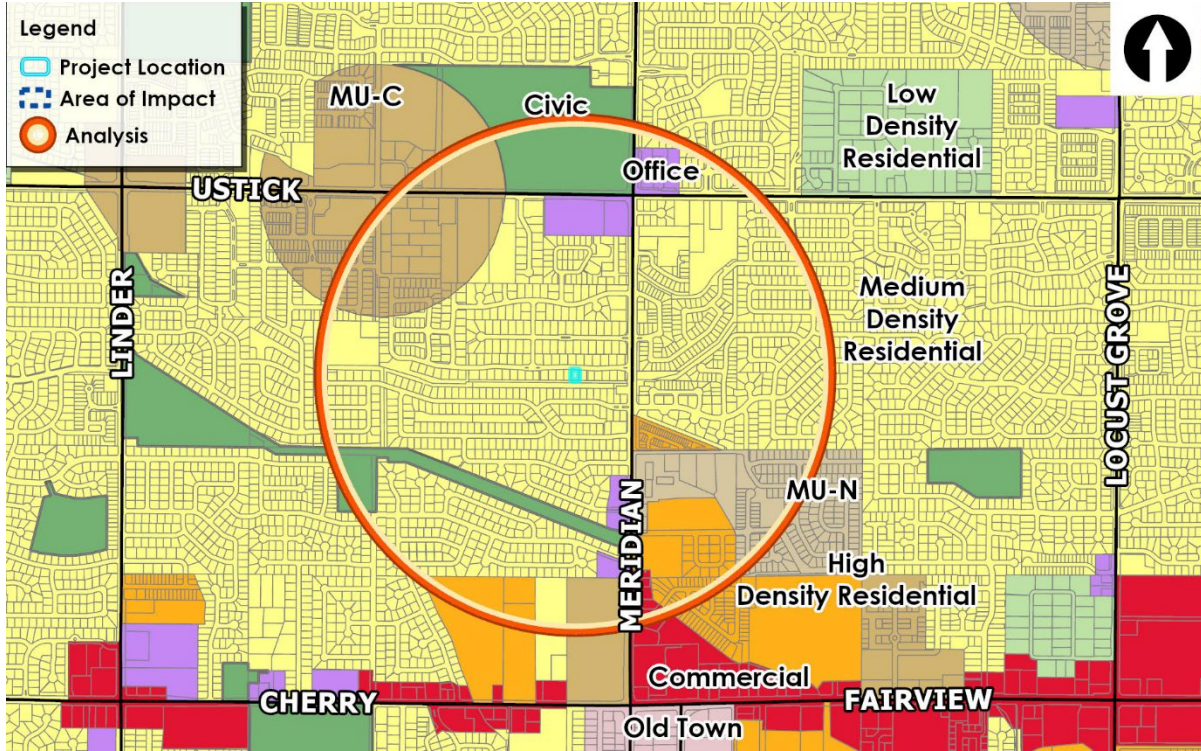
1. Aerial



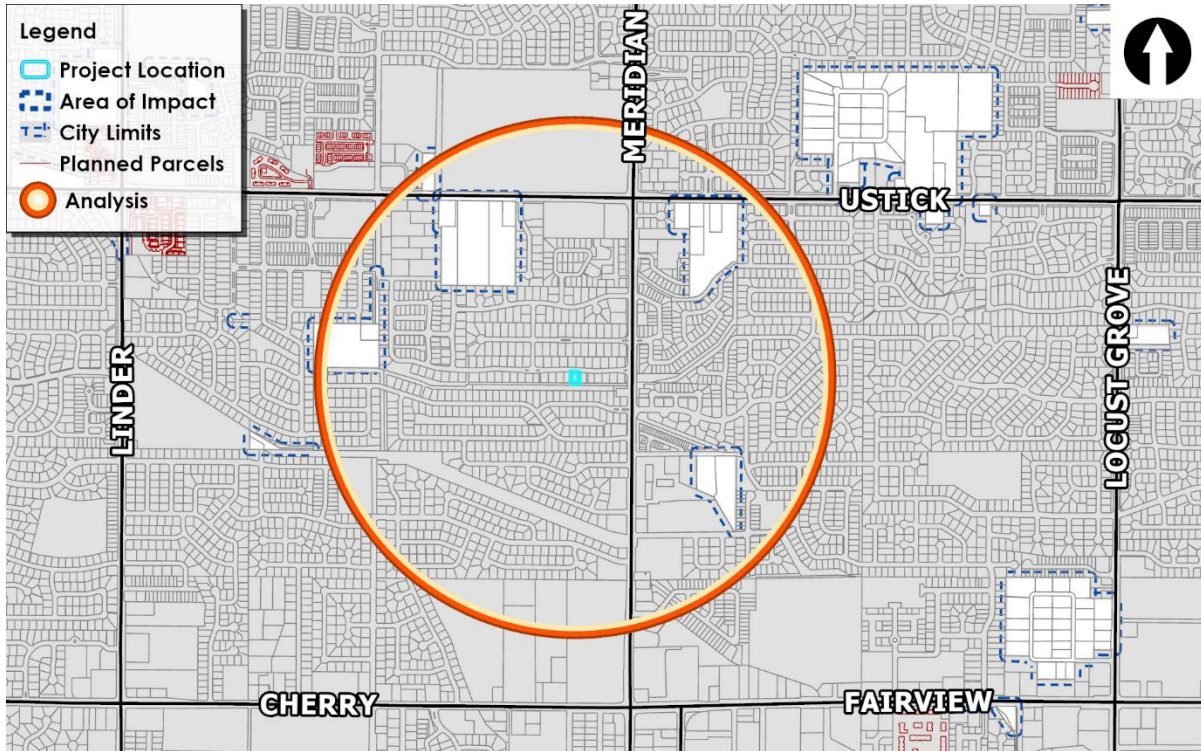
2. Zoning Map



3. Future Land Use



4. Planned Development Map



B. Subject Site Photos



C. Service Accessibility Report

PARCEL R1471900090 SERVICE ACCESSIBILITY

Overall Score: 35	65th Percentile
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Criteria	Description	Indicator
Location	In City Limits	GREEN
Extension Sewer	Trunkshed mains < 500 ft. from parcel	GREEN
Floodplain	Either not within the 100 yr floodplain or > 2 acres	GREEN
Emergency Services Fire	Response time < 5 min.	GREEN
Emergency Services Police	Meets response time goals most of the time	GREEN
Pathways	Within 1/4 mile of current pathways	GREEN
Transit	Not within 1/4 of current or future transit route	RED
Arterial Road Buildout Status	Ultimate configuration (# of lanes in master streets plan) matches existing (# of lanes)	GREEN
School Walking Proximity	From 1/2 to 1 mile walking	YELLOW
School Drivability	Either a High School or College within 2 miles OR a Middle or Elementary School within 1 mile driving (existing or future)	GREEN
Park Walkability	Either a Regional Park within 1 mile OR a Community Park within 1/2 mile OR a Neighborhood Park within 1/4 mile walking	GREEN

Report generated on 07-29-2024 by MERIDIAN\sallen

D. Aerial View of Property



