

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



In the Matter of the Request for Conditional Use Permit for a 10,759-square foot daycare center providing childcare for up to 159 children and 21 staff members for New Horizon Academy, Located at 2918 S. Meridian Road in the C-G Zoning District, by CASCO.

Case No(s). H-2023-0034

For the Planning & Zoning Commission Hearing Date of: August 3, 2023 (Findings on August 17, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of August 3, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of August 3, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of August 3, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of August 3, 2023, 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 3, 2023, 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 3, 2023, 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-6F.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 3, 2023

By action of the Planning & Zoning Commission at its regular meeting held on the _____ day of _____, 2023.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED _____

COMMISSIONER MARIA LORCHER, VICE CHAIRMAN VOTED _____

COMMISSIONER NATE WHEELER VOTED _____

COMMISSIONER JARED SMITH VOTED _____

COMMISSIONER PATRICK GRACE VOTED _____

COMMISSIONER MANDI STODDARD VOTED _____

COMMISSIONER ENRIQUE RIVERA VOTED _____

Andrew Seal, Chairman

Attest:

Chris Johnson, City Clerk

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

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

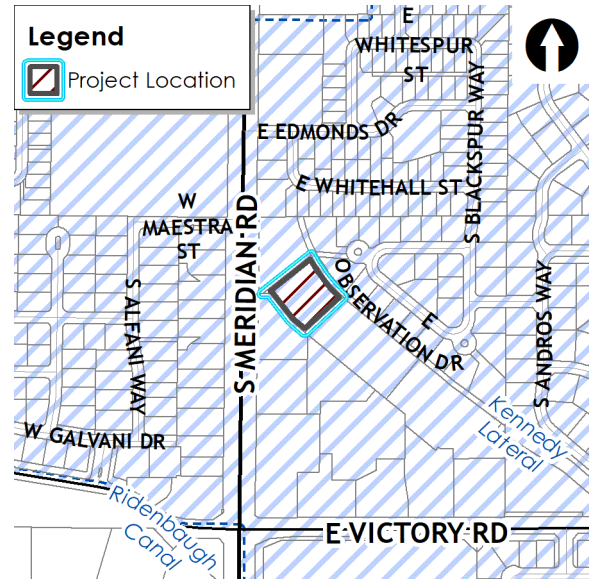
HEARING DATE: August 3, 2023

TO: Planning & Zoning Commission

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: New Horizon Academy – CUP
H-2023-0034

LOCATION: 2918 S. Meridian Road (Parcel
#R9024770040).



I. PROJECT DESCRIPTION

Conditional use permit (CUP) for a daycare center providing childcare for up to 159 children and 21 staff members on 1.22 acres of land in the C-G zoning district.

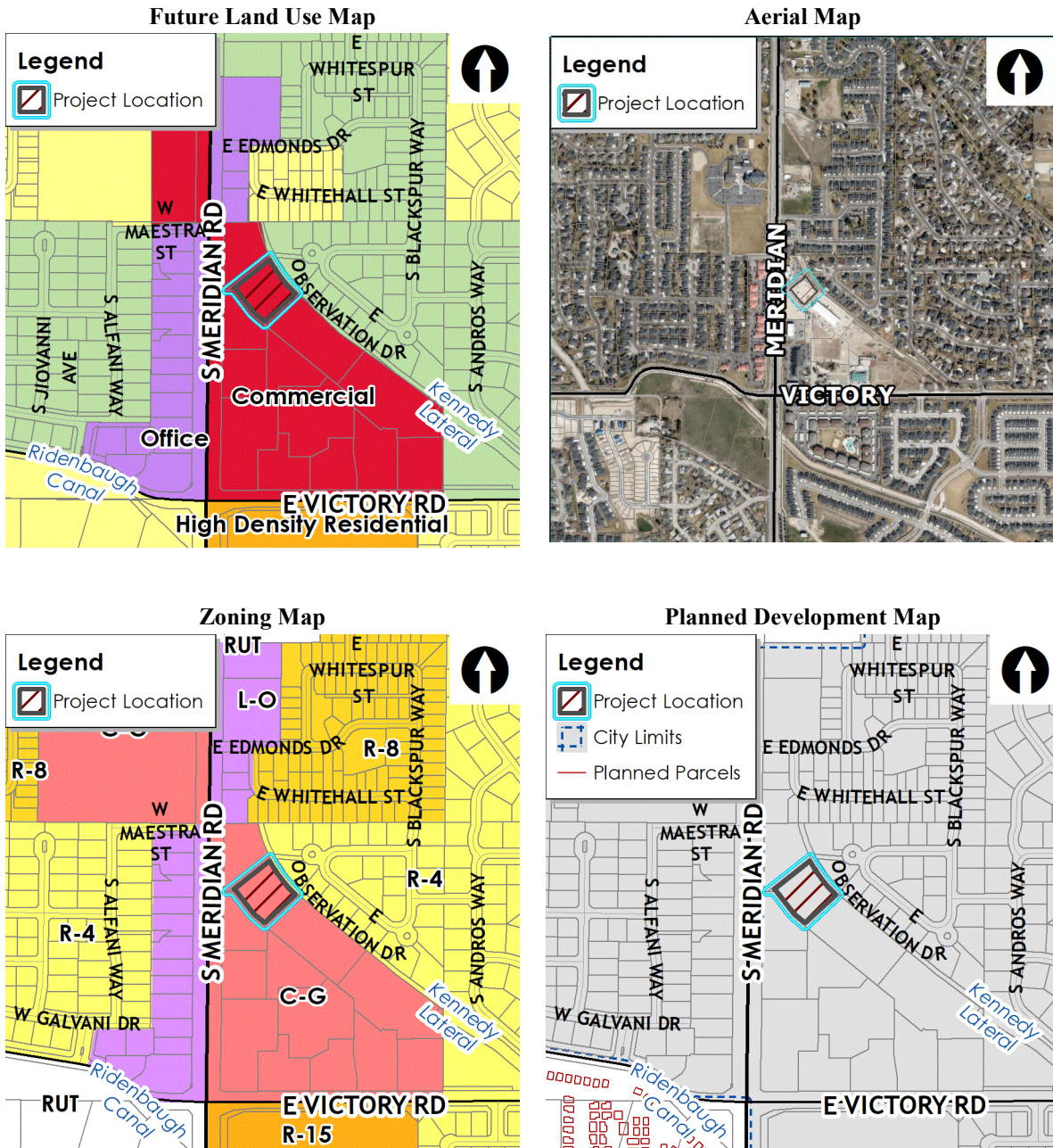
II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.22-acres	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Daycare center	
Current Zoning	General Retail and Service Commercial District (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	Kennedy Lateral	
Neighborhood meeting date; # of attendees:	5/18/2023	
History (previous approvals)	AZ-03-038 ; PFP-03-0007 ; CUP-03-071 ; MI-06-005 (Mussell Corner Sub. AZ – Development Agreement Inst. # 104153422); (Addendum to Development Agreement Inst. # 106155843) ; H-2019-0091 (DA modification Inst. # 2019-119405); Victory Commons PP H-2019-0150 ; FP H-2020-0086	

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A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Angie Seguin, CASCO – 12 Sunnen Drive, Suite 100, St. Louis, MO 63143

B. Owner:

Eric Isom, Kuna Victory, LLC – 2194 Snake River Parkway, Suite 300, Idaho Falls, ID 83401

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C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	07/19/2023
Radius notification mailed to properties within 500 feet	07/14/2023
Site Posting Date	07/21/2023
Next Door posting	07/14/2023

V. COMPREHENSIVE PLAN

Land Use:

The future land use designation for this property is Commercial – This designation will provide a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses. Multi-family residential may be allowed in some cases, but should be careful to promote a high quality of life through thoughtful site design, connectivity, and amenities. Sample zoning include: C-N, C-C, and C-G.

*The proposed use of a Daycare Center (more than 12 children) is a community-serving commercial use that fits within the future Commercial land use designation. The proposed use can serve both the immediate area and the nearby community at large. The proposed location is at the northeast edge of a commercial subdivision adjacent to single-family residential and across the street from multi-family residential which functionally creates a mixed-use development despite the future land use designation not being such. The daycare use is a needed use throughout the City and providing it nearby higher density 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 Commercial future land use designation.***

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability” (3.06.02B). *As noted, the subject area is not part of a mixed-use designation on our future land use map but this area has developed as a mixed-use area with a high-density multi-family residential to the south, limited office to the north and west, and single-family residential to the east. Staff finds that adding a daycare use in this location introduces an additional service to the*

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immediate area. Daycare facilities are commonly utilized by residents within multi-family, single-family, and nearby business communities.

- “Encourage the development of supportive commercial near employment areas” (3.06.02C). *The proposed daycare is not near an employment center but is part of a medium-sized commercial subdivision and nearby multiple residential developments. Furthermore, the remaining undeveloped properties within this commercial subdivision should contain additional employment opportunities making the location of this daycare to those future employers equally important.*
- “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). *The subject use is proposed adjacent to commercial, medium-density residential, and higher-density residential. This property has pedestrian access to the neighborhood to the west and the multi-family development across the street via existing facilities that should help reduce vehicle trips and provide convenient access overall. In addition, the Applicant is not proposing any direct access to the adjacent arterial streets (Meridian Road & Victory Road) and is instead proposing internal access from existing facilities.*
- “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 proposed use should be both buffered and integrated into the existing neighborhoods, considering the existing landscaping and landscape buffers along S. Meridian Road and E. Victory Road, as well as the required 25-foot buffer adjacent to the residential district on the west.*

VI. STAFF ANALYSIS

A 10,759 square foot daycare center is proposed in the C-G zoning district which is designed to accommodate a maximum of 159 children and 21 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 Pre-K (4 years). The Applicant has not provided information on the proposed curriculum with this application.

A modification to update terms of the existing Development Agreement (Inst. #106155843 & #104153422) for the purpose of updating the ownership information and boundaries of the subject properties. This modification is subject to new terms, modifications to existing provisions, and the addition of new provisions. As part of the approval, a new conceptual development plan was approved for the site ([H-2019-0091](#)). The proposed conceptual site plan approved with Development Agreement (Inst. #2019-119405) shows a parking lot designated for Lot 2, Block 1 in Victory Commons Subdivision No. 1. Staff believes that a modification to the development agreement is not necessary to allow the daycare, as the Applicant is providing a parking lot consistent with the plan and upgrading the pad site to include a building structure rather than merely using asphalt on the entire pad site. Staff finds these additions to be consistent with the updated conceptual development plan and uses approved with that application.

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.

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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 159 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 frontage road to Meridian Road and will provide access to properties to the north and south. Employee parking is planned for the outer parking areas, while the parking spots closest to the entrance will be reserved for parent drop-off parking. Drop-off times usually span approximately 3 hours, starting at 6:30 am and ending at 9:30 am. Pick-up times also tend to extend from 4:00 pm to 6:00 pm.*
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. 159).*
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 west, zoned R-4. However, the proposed hours of operation are Monday through Friday from 7:00 am to 6:00 pm, which will operate within the allowed hours in accordance with this standard.*
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 two fenced playgrounds with this application. The fence is proposed around the building; however, no details of the fence are provided on the plans submitted. The fence should be non-scalable, a minimum of 6-feet tall and provide screening of the play area. Staff recommends that the Applicant provide a detail of the proposed fencing with the plans submitted with the future Certificate of Zoning Compliance application.*
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

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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.

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-G zoning district.

Access: A right-in/right-out driveway access is proposed via S. Meridian Rd. at the northwest corner of this site as shown on the site/landscape plans consistent with that approved with the subdivision. The site plan illustrates a drive aisle running through the site, ensuring smooth site circulation and easy access for drop-off and pick-up. This area is separate from the main drive aisle for the development.

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 10,759 s.f., a minimum of 22 spaces are required; a total of 35 spaces are proposed, including two (2) ADA compliant spaces.

Although the proposed parking exceeds the minimum standards by thirteen (13) 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 21 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, if shared parking is established in the Victory Commons development, the Applicant shall provide written documentation to ensure there is adequate parking at peak drop of and pick-up times. The Applicant can submit the documentation with the future CZC application. Additionally, the parking stalls should contain wheel stops to prevent vehicle overhang in accordance with UDC [11-3C-5.B.3](#); or the buffer along the west boundary of the site next to the parking stalls and the sidewalk next to the building should be widened to a minimum of 7-feet to allow for 2 feet of vehicle overhang in accord with UDC 11-3C-5B.4 – parking stalls may be reduced to 17 feet in length; or, wheel stops may be provided in parking spaces to prevent vehicle overhang.

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 is provided in accordance with this requirement and depicted on the site plan. A detail of the bicycle rack is also included on the plan that demonstrates compliance with the standards in UDC 11-3C-5C.**

Pedestrian Walkways: A continuous internal pedestrian walkway, measuring 5 feet and 6 feet in width, is implemented around the main building and entrance. This walkway ensures

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interconnectivity to the urgent care facility located to the north and retail flex building to the south.

Landscaping: Parking lot landscaping is required to be provided in accord with the standards listed in UDC [11-3B-8C](#) as shown. A 25-foot wide landscape buffer is required to be provided to adjacent residential uses in the C-G 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](#). There is an existing residential use situated to the east. Additionally, there is an existing 35-foot irrigation easement along the Kennedy Lateral. To address the topographical variations and adhere to the required 25-foot landscape buffer adjacent to the residential area, a rock retaining wall is proposed along the lateral. **The submitted landscape plan appears to be in compliance with these standards.**

Street buffer landscaping along S. Meridian Rd. was completed with the Phase 1 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](#). **The site plan depicts screened trash standards for only one (1) trash enclosure shared between the daycare and the existing urgent care to the north. The developer has provided written documentation that this is a shared enclosure to use within the development.**

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 James Hardie fiber cement lap siding, vintage wood architectural wall panel with stone cultured stone accents, metal roofing, and solar panels.

Final design is required to incorporate some of the same or similar design elements and materials as those within 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.

VII. 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 August 3, 2023. 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: Cammra Wakagawa; Jake Murphy
- b. In opposition: None
- c. Commenting: Cammra Wakagawa; Jake Murphy
- d. Written testimony: None
- e. Staff presenting application: Stacy Hersh, Associate Planner
- f. Other Staff commenting on application: Bill Parsons, Planning Supervisor

2. Key issue(s) of public testimony:

- a. None

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

- a. Pedestrian safety crossing through the parking lot.

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4. Commission change(s) to Staff recommendation:
 - a. Applicant shall work with Staff to depict striping and visible directional signage noting the required traffic flow for both vehicles and pedestrians. Additionally, the Applicant shall work with the surrounding businesses to ensure the safety of the children attending the facility.

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VIII. EXHIBITS

A. Proposed Site Plan

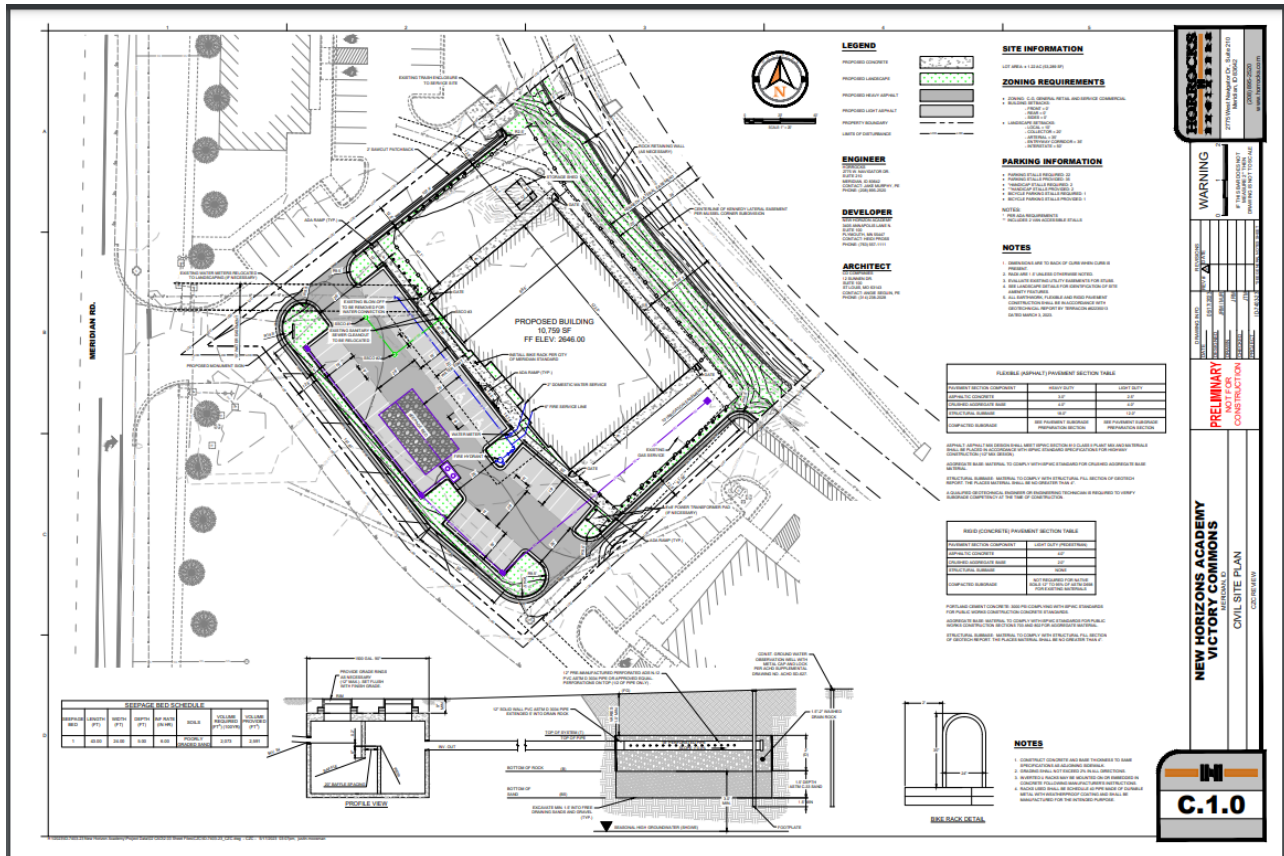


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C. Building Elevations



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IX. 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) (DA modification Inst. #[2019-119405](#)); Victory Commons PP [H-2019-0150](#); FP [H-2020-0086](#); and the conditions contained herein.
2. 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 Applicant shall provide a detail for the proposed fencing with the plans submitted with the future Certificate of zoning compliance Application.*
 - 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 wheel stops in the parking stalls on the site to prevent vehicle overhang in accordance with UDC [11-3B-5.B\(3\)](#).
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 159 as proposed with this application.
8. The business hours of operation shall be limited to the hours between 7:00 am 6:00 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 Applicant shall depict striping and visible directional signage noting the required traffic flow for both vehicles and pedestrians. Additionally, the Applicant shall work with the surrounding businesses to ensure the safety of the children attending the facility
11. If shared parking is established in the Victory Commons development, the Applicant shall provide written documentation to ensure there is adequate parking at peak drop of and pick-up times **The Applicant shall submit the documentation with the future CZC application.**
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. *The Development Agreement requires the following architectural features: faux wood and metal panel accents with extra fenestration/windows to be incorporated in the commercial development.*
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

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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=300902&dbid=0&repo=MeridianCity>

C. IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=301027&dbid=0&repo=MeridianCity>

D. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=302017&dbid=0&repo=MeridianCity>

E. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=301457&dbid=0&repo=MeridianCity>

X. 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-G 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.

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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.