



## BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of Friendship Celebration Lutheran Church

File #201400341 CU-MSP

### FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

#### FINDINGS OF FACT

If any of these Findings of Fact are deemed Conclusions of Law, they are incorporated into the Conclusions of Law section.

A. The Commission finds that the record is comprised of:

1. Exhibits to the Staff Report.
2. Exhibit A to the Findings of Fact, Conclusions of Law and Order.
3. All other information contained in Ada County Development Services File for Project No. 201400341 CU-MSP.

B. As to procedural items, the Commission finds the following:

1. In accordance with Section(s) 8-6-3A of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on February 20, 2014.
2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on February 16, 2014.
3. Submission of File #201400341 CU-MSP occurred on March 10, 2014 and Development Services scheduled it for public hearing before the Ada County Planning and Zoning Commission on May 8, 2014.
4. On March 13, 2014, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as exhibits to the staff report.
5. On April 8, 2014, property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in The Idaho Statesman on April 22, 2014. Notices of the public hearing were posted on the property on or before April 28, 2014 and a certification sign posting was submitted to the director on or before May 1, 2014.

C. As to the project description, the Commission finds based on the application materials found in the file for File #201400341 CU-MSP the following:

1. PROPOSED USES: Church
2. PROPOSED STRUCTURES: 11,508 square foot addition to an existing church building
3. PROPOSED SITE IMPROVEMENTS: 47 additional parking spaces, and improved landscaping along Chinden Boulevard, throughout the parking lot and around the building addition.
4. OTHER: None

D. Based on the materials found in the file for File #201400341 CU-MSP, the Commission finds the following concerning the project description:

1. PARCEL NUMBER AND LOCATION: S0530212415; 765 East Chinden Boulevard
2. OWNERSHIP: Friendship Celebration Lutheran Church of Ada Co. ID Inc.
3. SITE CHARACTERISTICS

Property size: 9.45 acres

Existing structures: A 7,662 square foot church building, a preschool/office building approximately 3,500 square feet in size, a barn approximately 1,680 square feet in size and four small accessory buildings totaling approximately 550 square feet in size.

Existing vegetation: Most of the site is covered with grass. There are trees located along Chinden Boulevard, and around the church and the preschool/office building.

Slope: The site is flat with no slopes of 15% or more.

Irrigation: The site is serviced with a pressurized irrigation system with water provided by United Water Company.

Drainage: Drainage will be retained on site.

Other Opportunities and/or Constraints: None

E. Based on the officially adopted Ada County land use maps, the Commission finds the following concerning the current land use and zoning:

The site is located in the Rural Urban Transition (RUT) District. It contains a 7,662 square foot church building, a preschool/office building approximately 3,500 square feet in size, a barn approximately 1,680 square feet in size and four small accessory buildings totaling approximately 550 square feet.

F. Based on the officially adopted Ada County land use maps, the Commission finds the following concerning the surrounding land use and zoning:

North: The site to the north is located in the R-1 District within the City of Eagle. It contains detached single family homes in the Castlebury West Subdivision No. 03.

South: The site to the south is located in the Rural Urban Transition (RUT) District and contains a detached single family home and agricultural land.

East: One of the sites is located in the C-C District within the City of Meridian and contains storage structures. The other site is located in the R-8 District within the City of Meridian and contains detached single family homes in the Hightower Subdivision.

West: The site to the west is located in the Rural Urban Transition (RUT) District and contains a commercial retail store.

- G. Based on the officially adopted Ada County land use maps and materials found in the file for File #201400341 CU-MSP, the Commission finds the following concerning services:

Access Street and Designation: E Chinden Boulevard which is a principal arterial.

Fire Protection: Meridian Fire District

Sewage Disposal: Individual Septic System

Water Service: United Water Company

Irrigation District: Settlers Irrigation District

Drainage District: None

- H. As to the applicable law, the Commission finds the following:

1. The Commission finds **Section 8-4E** is applicable because the applicant has submitted a Master Site Plan. The Commission finds the application complies with **Section 8-4E-5: Required Findings** because:

- A. The master site plan complies with this title and the applicable comprehensive plan;

*The Commission finds that the conditional use and master site plan comply with the Ada County Zoning Ordinance as outlined in the required findings herein and the conditions of approval attached as Exhibit A.*

*The Commission finds that the site is located in the City of Meridian Area of Impact. According to the City of Meridian Comprehensive Plan and Future Land Use Map, this property is designated as Medium Density Residential which is suitable for single-family homes at densities of three to eight dwelling units per acre. As churches are allowed as a conditional use in the Medium Density Residential District, the Commission finds that the use complies with the Meridian Comprehensive Plan.*

- B. The applicant has submitted a natural features analysis (subsection 8-4E-4D of this article) identifying constraints presented by such natural features, and the proposed development sufficiently addresses such features;

*The Commission finds that the applicant has submitted a natural features analysis for this site as part of a previous application, Project # 00-67-CU/#00-14-MSP, which was approved by the Commission on February 22, 2001 and so a new natural features analysis is not required.*

- C. The proposed landscaping meets the requirements of article F of this chapter;

*The Commission finds that the applicant has submitted an alternate landscaping plan as is allowed per Section 8-4F-6A of the Ada County Code. Section 8-4F-6A allows for landscape*

requirements to be modified or waived by the Commission for Conditional Uses located in the RUT District. The Applicant has requested a reduction in landscaping points required along Chinden Boulevard as there is an ITD right-of-way extending approximately thirty feet (30') into the property on which the applicant does not feel new landscaping should be added to. There is also a large storm water retention swale on which new landscaping cannot be added. The Commission finds that given the unique characteristics along Chinden Boulevard, the additional proposed landscaping is adequate. The Commission also finds that the large grass fields currently existing on the site serve as an adequate landscaping buffer for the property along its west and south boundaries as the new development will not significantly impact abutting properties to the west and south. On the eastern boundary, the Commission finds that the existing grass field is an adequate landscape buffer for the southern half of the eastern boundary as the new development is not impacting this area. On the northern portion of the eastern boundary, the Commission finds that no new landscaping is necessary as this primarily abuts a walled storage structure on which a landscape buffer would be unnecessary.

- D. The proposed parking and loading spaces meet the requirements of article G of this chapter;

#### **Off-Street Parking Spaces**

The Commission finds that the site plan submitted by Friendship Celebration Lutheran Church has 115 parking spaces. This includes 47 additional spaces that will be added as part of the building expansion. According to Section 8-4G of the Ada County Code, churches are required to provide two (2) parking spaces for every eight (8) seats in the main sanctuary. As the main sanctuary will have 350 seats, 88 parking spaces are required. In addition, the site has a preschool. According to Ada County Code, preschools (which would fall under the Group Daycare requirements) are required to provide one parking space for every two (2) employees and provide a child loading area or additional spaces. As the preschool has eight (8) staff members, four (4) parking spaces would be required for the preschool plus a child loading area or additional spaces. The preschool has eight parking spaces, which means there are four (4) additional loading spaces provided in addition to the four (4) spaces required for staff which meets the requirements of the Ada County Code.

In total, 96 parking spaces are required for the entire site to accommodate the church and the preschool and 115 parking spaces have been provided, exceeding the requirements set forth in Section 8-4G of the Ada County Code.

#### **Bike Racks**

The Commission finds that the applicant is proposing one new (5) space bike rack as part of their site plan application. Ada County Code requires one (1) bike rack be provided for every twenty-five (25) parking stalls. As there will be 115 total parking spaces on the site, this meets the requirements of the Ada County code.

#### **Accessible Parking**

The Commission finds that the applicant is proposing five (5) accessible parking spaces on the site plan which has been submitted. As there will be a total of 115 parking spaces and the ADA requires one (1) of every 25 parking spaces to be accessible, this will meet the requirement. .

**Loading Spaces**

*The Commission finds that the applicant has proposed a 24' x 40' loading area on the site plan to be located on the east side of the church building.*

**Sidewalks/Pedestrian Circulation**

*The Commission finds that according to the site plan submitted by the applicant, there will be new five foot (5') or larger sidewalks connecting the new parking lot to the church building and along much of the perimeter of the building addition which complies with the Ada County Code.*

- E. The proposed lighting plan meets the requirements of article H of this chapter;

*The Commission finds that the lighting plan submitted by the applicant as part of the site plan meets the requirements of Section 8-4H of the Ada County code.*

- F. The proposed master site plan complies with the applicable design and dimensional standards of chapters 2 and 3 of this title;

*The Commission finds that the property is located in the Rural Urban Transition (RUT) District. The Commission finds that Section 8-2B-4 outlines the dimensional standards of the RUT District. The Commission finds that the property meets the minimum frontage requirement of 250 feet required by the RUT District. The Commission finds that the front-yard setback shall be 30 feet because it abuts an arterial road. The rear-yard setback shall be 25 feet and the side-yard setback shall be 25 feet. The Commission finds that the existing and proposed buildings meet the required setbacks of the RUT District. There is one (1) structure located in the rear setback and one (1) structure located in the east side setback, but both structures are less than 200 square feet in size and so they are permitted as per section 8-4A-10 of the Ada County Code.*

*The Commission finds that the RUT District allows for 20% lot coverage for churches. The property contains 9.45 acres, which is 411,642 square feet. This means that 83,328 square foot coverage would be allowed. The current lot coverage is approximately 10,930 and so the new building addition will be far below the allowed coverage. The Commission finds that the building meets the 35-foot maximum building height requirement of the RUT District.*

*The Commission finds that the property is not located within any overlay districts; therefore, Chapter 3 of the Ada County Code is not applicable.*

- G. The proposed master site plan is consistent with the APA ridge-to-rivers pathways plan; and

*The Commission finds that the property is not located within the APA ridge-to-rivers pathway plan, therefore; this finding is not applicable.*

- H. Adequate utilities and public services are available or provided for the proposed development, and the development would not be premature by reason of lack of utilities, transportation, schools, fire protection, or other essential services.

*The property receives water service from United Water Company. The site is served by septic system and Central District Health has required that an accessory use application would need to be submitted to them before construction of the addition could proceed. The proposed building addition will also require approval from the Meridian Fire Department.*

*ITD responded that site already has an approved access to E. Chinden Boulevard and that they had no additional requirements.*

2. The Commission finds **Section 8-5B** is applicable because the applicant is proposing a Church, which requires a conditional use permit in the RUT District. The Commission finds the application complies with **Section 8-5B-5: Required Findings** because:

- A. The proposed use is not detrimental to the public health, safety, or welfare;

*The Commission finds that the proposed use is not detrimental to the public health, safety or welfare because it is in conformance with the Meridian Comprehensive Plan and the applicant will be required to obtain approval from the Central District Health Department and the Ada County Building Department before beginning construction on the new 11,508 square foot addition.*

- B. The propose use shall not create undue adverse impacts on surrounding properties;

*The Commission finds that the proposed use shall not create undue adverse impacts to the surrounding property. The land to the west is zoned RUT and contains a commercial retail center. The site to the south is zoned RUT and contains a single family detached dwelling on a large agricultural parcel. Some of the land to the east is located in the R-8 District of Meridian City an contains a residential subdivision with detached single family homes and some of the land is located in the C-C district of Meridian City and contains storage facilities. The land to the north is is separated from the site by E Chinden Boulevard and is located in the R-1District of Eagle City and contains detached single family homes within a subdivision.*

- C. The proposed use is consistent with the applicable comprehensive plan;

*The Commission finds that the proposed use is consistent with the City of Meridian Comprehensive Plan as discussed in Finding H.1.*

- D. The proposed use complies with the purpose statement of the applicable base district and with the specific use standards as set forth in this chapter;

*The Commission finds that the subject property is located in the Rural Urban Transition (RUT) District. The proposed use complies with the purpose statement of the RUT District because churches are allowed as conditional uses in the RUT District.*

*The Commission finds that the specific use standards found in Section 8-5-3-26 for Churches is applicable and the proposed use meets or is conditioned to meet the standards in the following ways:*

Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

*The Commission finds that the property contains a preschool which was previously approved as a conditional use (File #98041-CU-A) in 1998.*

- E. The proposed use complies with all applicable county ordinances;

*The Commission finds that as conditioned, the use complies with all applicable county ordinances.*

- F. The proposed use complies with all applicable state and federal regulations;

*The Commission finds that as conditioned, the use complies with all applicable state and federal regulations.*

- G. The proposed use and facilities shall not impede the normal development of surrounding property; and

*The Commission finds that the proposed use shall not impede the normal development of surrounding property because it is in conformance with the Meridian Comprehensive Plan and the Ada County Comprehensive Plan. The properties to the west and the south of the site are located in the RUT District of Ada County. The properties to the east are located in the R-8 and C-C Districts of Meridian City and the properties to the north are located in the R-1 District of Eagle City.*

- H. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use.

*The Commission finds that the applicant will be required to obtain permits from Central District Health and the Ada County Building Department prior to construction of the 11,508 square foot building addition. ITD has stated that the current approach off of E Chinden Boulevard is sufficient for the site. The Commission finds that the proposed parking spaces meet Ada County Standards.*

## **CONCLUSIONS OF LAW**

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

1. The Commission concludes that File #201400341 CU-MSP complies with Article 8-4E of the Ada County Code.
2. The Commission concludes that File #201400341 CU-MSP complies with Chapter 8-5B of the Ada County Code.

**ORDER**

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission approves File #201400341 CU-MSP, subject to the Conditions of Approval attached as Exhibit A.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

John Seidl, Chairperson  
Ada County Planning and Zoning Commission

ATTEST:

\_\_\_\_\_

Mark Perfect, Secretary

EXHIBIT A

**CONDITIONS OF APPROVAL FOR CONDITIONAL USES AND MASTER SITE PLANS**

**REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS (IN ORDER) THAT THE APPLICANT AND/OR OWNER MUST COMPLETE BEFORE THE APPROVAL OF 201400341 CU-MSP WILL BE CONSIDERED FINAL. PLEASE NOTE THAT YOU HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THESE TASKS AND OBTAIN A ZONING CERTIFICATE UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS.**

**Required Actions**

1. The applicant and/or owner shall obtain written approval of the development (site plan and/or use) from the agencies noted below. All site improvements are prohibited prior to approval of these agencies:
  - a) The applicant shall obtain approval from Central District Health for the septic system before beginning any new construction
  - b) The Meridian Fire Department must approve all fire flow requirements and building plans before beginning any new construction.
  - c) A drainage Study and Drainage Plan will need to be submitted to the Ada County Engineer in accordance with Code 8-4A-11. Upon completion of the site work the applicant shall inform the Ada County Engineer so a site visit can take place.
2. The applicant shall obtain a building permit and a zoning certificate from Ada County Development Services before beginning new construction.
3. The applicant shall landscape the site per the approved landscaping plan.
4. The applicant shall construct the parking area per the approved master site plan.
5. The applicant shall install lighting per the approved master site plan. Lighting shall be in conformance with Section 8-4H of the Ada County Code.
6. The applicant shall request a zoning compliance inspection from the Development Services Department when the improvements are complete and prior to the certificate of occupancy. Staff will check for compliance with the approved master site plan. The applicant and/or owner shall submit a final inspection request form and pay the applicable fee.
7. In the event conditions cannot be met by the desired start date for excavation, the owner and/or applicant may request a surety agreement in lieu of completing the improvements. See Title 8, Chapter 4, Article K of the Ada County Code for the terms and regulations of surety agreements.

**TERMS OF APPROVAL. The following terms must be complied with at all times or your approval may be revoked.**

8. A zoning certificate may not be issued until 15 days after the Commission issues the written decision on the proposed development. In the event the decision of the Commission is appealed, the zoning certificate may not be issued until the appeal is resolved in favor of the proposed development. See Section 8-7-7 of the Ada County Code for more information on appeals.

## EXHIBIT A

9. The applicant shall comply with all requirements of the Department of Environmental Quality and Central District Health.
10. The use shall continuously comply with the approved master site plan.
11. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
12. The property must be managed and maintained consistent with the standard regulations in Title 8, Chapter 4, Article A of the Ada County Code. Please note that this Article contains specific regulations regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous material storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.
13. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.
14. The applicant will be required to comply with the Off-Street Parking and Loading Facilities regulations set forth in Section 8-4G of the Ada County Code.
15. The use shall comply with all County, State and Federal requirements.