

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
March 4, 2019

Leah Carlson
Staff Liaison

boa@ci.moscow.id.us

208.883.7095

<http://www.ci.moscow.id.us/354/Board-of-Adjustment>

The meeting was called to order at 5:33 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Annette Bieghler, Steve Bush, Laurene Sorensen, Tim Thomson

MEMBERS ABSENT: Marshall Comstock, Mark Monson

STAFF IN ATTENDANCE: Leah Carlson, Anne Peterson

1. Approval of Minutes from February 26, 2019.

Sorensen moved approval of the minutes as presented.

RESULT:	ACCEPTED BY ACCLAMATION [UNANIMOUS]
MOVER:	Sorensen
SECONDER:	Thomson

2. Approval of Relevant Criteria and Standards for Property Located at located at 816 Hathaway Street – LUP2018-0039

Bush moved approval of the Relevant Criteria and Standards as presented.

RESULT:	APPROVED BY ACCLAMATION [UNANIMOUS]
MOVER:	Bush
SECONDER:	Bieghler

3. Approval of Relevant Criteria and Standards for Property Located at located at 155 Southview Avenue – LUP2019-0007

Thomson moved approval of the Relevant Criteria and Standards as presented.

RESULT:	APPROVED BY ACCLAMATION [UNANIMOUS]
MOVER:	Thomson
SECONDER:	Sorensen

4. Board Communications

None.

Adjournment

The meeting adjourned at 5:42 pm.


Joe Bazzoli, Chair

2/24/2019
Date

**BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
REGARDING A CONDITIONAL USE PERMIT APPLICATION FOR NEW POLICE
SERVICES FACILITIES LOCATED AT 155 SOUTHVIEW AVE IN THE CITY OF
MOSCOW, IDAHO WITHIN THE MOTOR BUSINESS (MB) ZONING DISTRICT PER
MCC 3-4.**

WHEREAS, the applicant filed an application for a conditional use permit on February 05, 2019; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on February 26, 2019; and

WHEREAS, during the public hearing and having considered the matter including all testimony presented, the Moscow Zoning Board of Adjustment approved the proposed Conditional Use Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board's review and approval; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents:

**THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW, IDAHO, AFTER DUE
DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant City of Moscow Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The applicant proposes to construct a new police services facility at the property addressed 155 Southview Avenue including a 16,000 square foot administrative and operations building, 4,000 square foot storage and evidence processing outbuilding, and public and secure parking areas.
3. The subject property is located within the Motor Business (MB) Zoning District, where a CUP is required for Public Service and Utility Facilities per MCC 3-4. Properties to the north and south of the subject property are also within the MB Zoning District. Properties to the

east and west of the subject property are within the Multiple Family Residential Zoning District (R-4).

4. The subject property is currently undeveloped. Properties to the north and west are also currently undeveloped. A large multi-family development, The Grove, is located to the east and several commercial business are located to the south along Highway 95.
5. The subject property is approximately 2.31 acres in size and has approximately 230 foot frontage on Highway 95, 386 foot frontage on Southview Avenue, and 260 foot frontage on Myrtle Street.
6. The Development Agreement for Indian Hills 9th Additions stipulated that Myrtle Street be developed prior to the development of commercial lots within the subdivision adjacent to Highway 95.
7. The development of Myrtle Street includes installment of underground utilities and sidewalks, as well as paving and curbing of the proposed street.
8. There are existing sidewalks along western and northern edge of the subject property.
9. Although the zoning code does not require any parking for the proposed use, submitted plans show 22 parking spaces dedicated for public parking along with 74 spaces reserved for employee parking, 23 of which are covered specifically for patrol vehicles.
10. Public parking is accessed from Southview Avenue and employee parking is accessed from both Southview Avenue and Myrtle Street.
11. Chapter 2 of the City's Comprehensive Plan, Land Use and Community Character, designates the subject property's future use as Auto-Urban Commercial. Auto-Urban Commercial designated areas provide commercial services and developments that are motor vehicle oriented or those which require large amounts of land. These areas should be located adjacent to existing commercial developments and along major arterials where the vehicle traffic can be accommodated. Developments within these designations should be required to provide significant landscaping which would be applied to enhancing areas along the street edge, screening parking lots, and buffering adjacent uses.
12. Chapter 5 of the City's Comprehensive Plan, Public Utilities, Services, and Growth Capacity, Section 5.9.5. states that an objective for Emergency Service is to, "plan for and provide the efficient and effective delivery of emergency police and fire protection and emergency medical services to the Community today and in the future". An implementation action of this objective is to, "locate, plan, and maintain emergency service facilities and resources necessary to meet the needs of current and future residents of the community."

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed use is a conditionally permitted use within the Zoning District:** Public Service and Utility Facilities are conditionally permitted per MCC 3-4 within the Motor Business (MB) Zoning District.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The Board finds that the proposed use will be in harmony with the neighborhood and surrounding land uses. Although the surrounding area is primarily undeveloped currently, properties to the east and west of the subject property are within the R-4 Zoning District are anticipated to be developed in the near future. The new facility will provide improved services to the community such as decreased response times and improved neighborhood security.
3. **The proposed use, as approved with conditions, will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like):** The Board finds that the proposed use is not anticipated to generate nuisances detrimental to the neighborhood. A required Type B buffer yard will be installed along the eastern side of the subject property where the adjacent property is zoned R-4. The police facility intends to utilize a silent deployment method in order to avoid disturbance of nearby residences. No other nuisances such as dust, glare, vibrations, or odors are anticipated.
4. **The location, design, and size of the proposed use is adequately served by existing streets, public facilities, and services:** The Board finds that the proposed use is adequately served by existing streets, public facilities, and services. The development of Myrtle Street is required prior to the development of any commercial lots within the Indian Hills 9th subdivision. Development of Myrtle Street along the eastern edge of the subject property includes paving, curbing, installing a sidewalk, as well as underground facilities.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The Board finds that the proposed use will not endanger the public health or safety. The secure facility will be fully equipped with safety features ensuring the security of the surrounding neighborhood.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The Board finds that the proposed use meets all applicable development standards for the City Code. Although no parking is required, the facility provides 22 public parking spaces and 74 employee parking spaces, 23 of which are covered for patrol vehicle parking.

7. **The proposed use will not be in conflict with the Comprehensive Plan:** The use is consistent with the Comprehensive Plan as it supports the goals and strategies of multiple chapters and does not conflict with other sections of the Plan.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a Conditional Use Permit for a new Police Services Facility located at 155 Southview Avenue with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 4 DAY
OF MARCH, 2019.



Joe Bazzoli, Chair
Board of Adjustment

**BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
REGARDING A CONDITIONAL USE PERMIT APPLICATION FOR A TYPE II HOME
OCCUPATION LOCATED AT 816 HATHAWAY STREET IN THE CITY OF MOSCOW,
IDAHO WITHIN THE MODERATE DENSITY, SINGLE FAMILY RESIDENTIAL (R-2)
ZONING DISTRICT PER MCC 3-4.**

WHEREAS, the applicant filed an application for a conditional use permit on December 28, 2018;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on February 26, 2019; and

WHEREAS, during the public hearing and having considered the matter including all testimony
presented, the Moscow Zoning Board of Adjustment approved the proposed Conditional Use
Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board's
review and approval; and

WHEREAS, having reviewed the application, including all exhibits entered, and having
considered the issues presented by the applicant and the opponents:

**THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW, IDAHO, AFTER DUE
DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant City of Moscow Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The applicant proposes to operate a massage therapy business, designated as a Type II Home Occupation, from her home location at 816 Hathaway Street.
3. The subject property is located within the Moderate Density, Single Family Residential (R-2) Zoning District, where a CUP is required for Type II Home Occupations per MCC 3-4.
4. The applicant intends to see clients at her home between two (2) to five (5) times per week.
5. Sessions with clients would last between sixty (60) to ninety (90) minutes, on average.

6. Parking for clients is available both in the client's driveway as well as along Hathaway Street where street parking is available on a first-come, first-serve basis.
7. The subject property is 7,350 square feet in size and is approximately 70 feet wide by 105 feet long.
8. The subject property is accessed from Hathaway Street, which branches from Joseph Street approximately 500 feet south of the subject property.
9. Chapter 2 of the City's Comprehensive Plan, Land Use and Community Character, designates the subject property's land use as Auto-Urban Residential. Auto-Urban designated areas includes the conventional and more recently developed subdivisions with lots ranging from 6,000-9,000 sf where there are no alleys. These designated areas are generally anticipated to be developed for low to moderate density residential uses at densities between 3 to 7 units per acre, which could include a mix of detached single-family, townhome, and limited scale multiple-family residential dwellings subject to appropriate buffer yard requirements and building scale and design standards to ensure compatibility.
10. Chapter 3 of the City's Comprehensive Plan, Community Mobility, identifies Hathaway Street as a local neighborhood street.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed use is a conditionally permitted use within the Zoning District:** Type II Home Occupations are conditionally permitted per MCC 3-4 within the Moderate Density, Residential (R-2) Zoning District.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The Board finds that the proposed use will be in harmony with the neighborhood and surrounding land uses. The proposed use will take place completely within the applicant's home and will not have any impact on the surrounding neighborhood.
3. **The proposed use, as approved with conditions, will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like):** The Board finds that the proposed use is not anticipated to generate nuisances detrimental to the neighborhood. The frequency of client visits and length of appointments would create no greater traffic or nuisances than already exist in the neighborhood currently.
4. **The location, design, and size of the proposed use is adequately served by existing streets, public facilities, and services:** The Board finds that the proposed use is adequately

served by existing streets, public facilities, and services. Parking is available for clients both in the client's driveway as well as on both sides of Hathaway Street.

5. **The proposed use will not endanger the public health or safety if located where proposed:** The Board finds that the proposed use will not endanger the public health or safety.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The Board finds that the proposed use meets all applicable development standards of the City Code. The applicant is the only employee of her business and will see clients at her house, meeting all requirements of a Type II Home Occupation.
7. **The proposed use will not be in conflict with the Comprehensive Plan:** The use is consistent with the Comprehensive Plan as it supports the goals and strategies of multiple chapters and does not conflict with other sections of the Plan.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a Type II Home Occupation located at 816 Hathaway Street with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 4 DAY
OF MARCH, 2019.



Joe Bazzoli, Chair
Board of Adjustment