

BOARD *of* ADJUSTMENT



Joe Bazzoli
Commission Chair

~ Meeting Agenda ~

Leah Carlson
Staff Liaison

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**Wednesday
May 1, 2019**

5:30 PM

**Council Chambers
206 E Third St**

Call to order

1. **Approval of Minutes from April 24, 2019**

ACTION: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

2. **Approval of Relevant Criteria and Standards for Property Located at located at 1723, 1733, and 1753 East F Street – LUP2019-0010**

Conditional Use Permit application to construct a new 7,860 sf Educational Services Facility on the existing campus of Moscow Charter School within the Medium Density Residential Zoning District (R-3) per MCC 3-4.

ACTION: Review the draft Relevant Criteria and Standards document and approve the document; or approve the document with corrections; or provide Staff further direction as deemed necessary.

3. **Board Communications**

4. **Other Business**

Adjournment

NOTICE: Moscow City Council Commission meetings can be televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
April 24, 2019

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

The meeting was called to order at 7:01 PM

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

MEMBERS ABSENT: None

STAFF IN ATTENDANCE: Leah Carlson, Mike Ray, Anne Peterson

1. Approval of Minutes from March 4, 2019.

Thomson moved approval of the minutes as presented.

RESULT:	ACCEPTED BY ACCLAMATION
MOVER:	Thomson
SECONDER:	Sorensen
ABSTENTIONS:	Comstock, Monson

2. Public Hearing: Proposal for a Conditional Use Permit to construct a new 7,860 sf Educational Services Facility at 1723, 1733, and 1753 East F Street – LUP2019-0010

Carlson presented the proposal for a new middle school on the existing school property, including reconfiguration of the fire lanes, parking lots and pathways. Subject property is within the Medium Density Residential Zoning District and is surrounded primarily by single-and two-family housing, as well as the Hamilton Indoor Recreation Center to the north. A CUP approved in 2000 allowed the Charter School and daycare operation. The sitting Board of Adjustment chose to allow as part of the CUP process a reduction in the required landscape buffer on the western side of the property due to financial constraints of the applicant. The applicant was allowed to install the Type 'A' buffer around the main playground only and a three-foot landscape strip along the remaining perimeter of the property. In 2014, another CUP allowed the addition of a portable classroom building and paved pathway. For this CUP, a Type 'A' buffer will be required on the eastern property line which will be impacted by development, but because the western property line will not be impacted by development, staff is not requiring additional landscaping in that area. The new parking lot will also require a three-foot landscape buffer. Carlson reviewed how the application more than adequately addressed the required loading spaces, general parking and handicap spaces. Staff recommended approval of the application with no conditions.

Bazzoli asked how the City justified not requiring the landscape buffer on both sides of the property when the impact appeared to be the same on all side. Carlson said the drive lane on the western side was not changing so that side wasn't impacted as much. Comstock asked why any buffer was required when the abutting property was the same zoning district and Carlson explained that institutional uses require the buffer regardless of the neighboring zoning.

Public hearing opened at 7:11.

Tony Bonicelli, Administrator of Moscow Charter School, testified the expansion has been in the works for many years. The facility will benefit the students as well as the community, because a reciprocal agreement with the City allows Parks & Recreation programming to use the school building during the summer in exchange for the school using the HIRC for PE classes during the school year. The new building will include five middle school classrooms and a science lab. One classroom will have cooking facilities for life skills courses, and also be a multi-use room for all grade levels. The school does not intend to expand beyond its 198-student capacity.

Thomson inquired about the building being demolished. Bonicelli said it was previously a residence and then housed the daycare, and now houses the English/language arts and life skills classroom and counseling office. The house and portable won't be demolished until the new construction is complete. The school has offered the house to the Fire Department to use as a practice burn. Bush asked for more detail on how drop-offs would occur. Bonicelli explained a temporary route that will include use of the HIRC parking lot and said there would also be additional crossing guards. Busses will have a completely separate route to avoid traffic back-ups. Once all construction is complete (anticipated in October) then all drop-off traffic will occur within the school parking lot.

Public hearing closed at 7:20.

Comstock said it was a straightforward project that offers a better design than what exists currently. Bush asked again about the eastern landscape buffer and she said staff determined that combining the three-foot parking lot buffer and ten-foot Type 'A' buffer into one ten-foot buffer would be sufficient to meet all applicable developmental standards.

Comstock moved approval of the Conditional Use Permit with no conditions and directed staff to prepare relevant criteria and reasoned statement.

RESULT:	APPROVED BY ROLL CALL [UNANIMOUS]
MOVER:	Comstock
SECONDER:	Monson

3. Board Communications

Meeting to approve the RCS was scheduled for Wednesday, May 1, at 5:30. Next hearing date is Wednesday, May 15, to hear the Ice Rink CUP and Variance applications. In preparation for that hearing, Bazzoli asked that staff provide a very thorough history of all the CUP and Variance activity on this parcel to facilitate the Board's deliberations.

Adjournment

The meeting adjourned at 7:32 pm.

Joe Bazzoli, Chair

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 THE EXPANSION
OF A CHARTER SCHOOL LOCATED AT 1723, 1733, & 1753 EAST 'F' STREET IN THE
CITY OF MOSCOW, IDAHO WITHIN THE MEDIUM DENSITY RESIDENTIAL (R-3)
ZONING DISTRICT PER MCC 4-3-4.**

WHEREAS, the applicant filed an application for a conditional use permit on March 27, 2019;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on April 24, 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 expand the existing campus of Moscow Charter School (MCS) by constructing a new 7,860 square foot facility at the property addressed 1723, 1733, & 1753 East 'F' Street including the removal of an existing portable building as well as the reconfiguration of fire lanes, the parking lot, and pathways.
3. The subject property is located within the Medium Density Residential (R-3) Zoning District, where a Conditional Use permit (CUP) is required for the construction or expansion of educational Facilities per MCC 4-3-4. Properties to the east and west of the subject property are also within the R-3 Zoning District. Properties to the south are located within the

Moderate Density Residential (R-2) Zoning District. The Hamilton Indoor Recreation Center (HIRC) is located directly north of the subject property and is within the Farm, Ranch, & Outdoor Recreation (FR) Zoning District.

4. The subject property has approximately 165 street frontage on East 'F' Street and the site is accessed from East 'F' Street.
5. In February 2000, the Board of Adjustment approved a CUP for MCS and Turning Point Daycare to operate on the subject property. The CUP allowed the applicant to construct a 7,920 square foot facility for MCS to operate in and to remodel the existing single-family dwelling on the site for use by the daycare facility. The CUP also included parking lot improvements and a landscaping plan.
6. With the approval of the CUP in 2000, an alternative landscaping plan was also approved due to financial restraints of MCS. The required Type 'A' landscape buffer along the western, eastern, and southern edges of the property was instead placed only around the main playground at the south end of the property and a 3' landscape strip was placed around the remaining perimeter of the property.
7. Staff has determined that with the redevelopment of the property, the applicant will be required to install the required type 'A' landscape buffer along the impacted eastern property line. Since the western property line is not impacted by development, the applicant is not required to install a type 'A' landscape buffer at this location.
8. The subject property consists of two separate parcels. The largest parcel, which contains the bulk of the site, buildings, and parking lot, is approximately 68,575 square feet. The smaller parcel, which contains one building, is approximately 11,634 square feet. The approximate size of both parcels combined totals 80,209 square feet. Upon redevelopment of the site, both parcels will be combined into one single parcel.
9. Per MCC 4-6-2, Educational Services that are Elementary and/or Middle Schools require two (2) parking spaces per classrooms and one (1) parking space for every eight (8) seats in the largest assembly area. Based on these requirements, a total of 26 parking spaces is required. Submitted plans show a total of 29 parking spaces provided, two (2) of which are ADA accessible.
10. Specific Use Standards, per MCC 4-3-5(E), establishes that Educational Services must provide at least two (2) loading spaces provided in manner that would not result in a safety hazard to children being picked up or delivered. Additionally, the location of the spaces must ensure that there are no backing movements by vehicles.
11. Submitted plans show a total of three (3) loading spaces located near the front of the proposed building. The one-way flow of traffic around the site ensures there is no backing movements, therefore meeting both requirements.

12. Chapter 2 of the City's Comprehensive Plan, Land Use and Community Character, designates the subject property existing land use as Auto-Urban Residential. Auto-Urban Residential designated areas include the conventional and more recently developed subdivisions with lots ranging from 6,000 to 9,600 square feet and where there are no alleys. These areas are principally single family only.

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:** Educational Services are conditionally permitted per MCC 4-3-4 within the Medium Density Residential (R-3) 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 redevelopment of the site will be the same use and intensity that has been on the site for the previous 18 years.
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 type 'A' landscape buffer will be installed along the eastern edge of the property. This landscape buffer is in addition to the existing type 'A' landscape buffer around the southern edge of the property and the 3' landscape buffer along the western edge of the property. 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.
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 for the City Code. Submitted plans for the proposed landscape buffer, parking spaces, and loading spaces comply with all applicable requirements.

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 the expansion of the existing Charter School located at 1723, 1733, & 1753 East 'F' Street with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____, 2019.

Joe Bazzoli, Chair
Board of Adjustment