

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
January 15, 2019

Leah Carlson
Staff Liaison

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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: Mark Monson, Vice Chair; Annette Bieghler, Steve Bush, Laurene Sorensen, Tim Thomson

MEMBERS ABSENT: Joe Bazzoli, Marshall Comstock

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

1. Approval of Minutes from December 10, 2018.

Bush moved approval of the minutes with correction of Sorensen's name.

RESULT:	ACCEPTED
MOVER:	Bush
SECONDER:	Bieghler
ABSENTIONS:	Thomson, Sorensen

Motion carried by roll call vote.

2. Election of Officers

This item was heard as Item #3

Thomson nominated Joe Bazzoli as Chair and Mark Monson as Vice Chair. In anticipation of his absence Bazzoli had already stated his willingness to serve again. Monson also accepted nomination.

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

Motion carried by acclamation.

3. Public Hearing: Proposal for Conditional Use Permit for an Educational Institution to Use an Existing Parking Lot at 421 S Jackson Street– LUP2018-0038

This item was heard as Item #2

Carlson presented the application for an existing parking lot to be designated for NSA student and employee use. Carlson reviewed the conditions of the existing CUPs at 405 S Main Street and 112 N Main Street which require NSA to identify a total of 89 designated parking spaces for their students and staff, 47 of which must be within one quarter mile of the 112 N Main location and 50% must be identified prior to that building's occupancy. The subject property is .21 miles away and is currently undeveloped and unregulated. There will be no direct access onto Jackson Street. Staff recommended approval with two conditions:

1. The applicant shall bring the subject property into compliance with City of Moscow Parking Lot Standards which include paving, curbing, striping, and landscaping.
2. Signage shall be posted stating that lot is reserved for NSA parking only.

Monson asked if NSA owns the parking lot and are seeking to use it to satisfy the off-site parking required within the previous CUP. Staff said yes. Sorensen thought the signage should state the NSA-only hours are from 8am-5pm so it's clear to the public they can use it at other times. Staff replied there was no requirement that the lot be opened to the public, so that signage is up to NSA. Sorensen asked who currently uses the lot and what the domino effect would be of removing unregulated parking from downtown. Staff replied street parking or other downtown lots. Sorensen also wanted to know what efforts NSA was making toward the other parking spaces required under the 112 N Main CUP. Staff said that issue wasn't before the Board at this time and therefore couldn't be speculated by staff but she could ask the applicant. Thomson asked what triggers the second phase of the parking requirements and staff replied it would be when enrollment reaches 150 students, or five years, whichever comes first. Monson asked if there was anything in the Code that requires private parking lot owners to open their property to the public "after hours." Staff said that was an old provision which has been removed from the zoning code.

Monson opened the public hearing at 7:12 pm.

Ben Merkle, 528 East First, President of NSA, verified that the college owns the subject parking lot as well as two neighboring lots which already have CUPs. He said although the City doesn't require them to open the lots to the public at times outside of 8am-5pm, they will likely do so as they've done with the other two lots. He said this proposal's intention is to fulfill what the City required under the CUP for the 112 N Main building. Bush asked if Merkle knew who's using the lot now and Merkle guessed primarily downtown visitors and EMSI employees. He noted there's a commercial lot directly across the alley that is typically vacant so he said there wasn't a parking shortage. He added that NSA has already spoken with neighboring property owners regarding their intentions, and he said the potential impacts didn't concern the neighbors.

Other testimony in favor of the application:

Garrett Thompson, 212 College Avenue (business address), said Crites Seed wished to be on record as fully supporting the application.

Andrew Crapuchettes, 4930 Lenville Rd, said EMSI employees do use the subject property but he fully supports owners being allowed to use their own property as they wish. Monson about the parking situation near EMSI and Crapuchettes replied that his employees park as far away as the Jackson Street silos property which he owns. He suggested that tight parking indicates prosperity. Sorensen asked if Crapuchettes knew who owned the pay-to-park lot and he said the Gambinos owner.

Mike Church, 1041 Lyon Rd, owns property immediately to the south of subject parcel and his business is at 521 S Jackson. He was fully in support of the application and said he has no problem finding parking in the area.

Scott Underwood, 426 Quail Run, pastor at Canyon Creek Church located at 417 S Jackson, said they see the subject property as their primary church parking area and have appreciated NSA's willingness to let them use their lots. He was in full support.

Rusty Olps, 931 Harold Street, owns two parcels with small rentals directly west of the subject property. He was strongly supportive and didn't see a parking problem.

Jeff Breed, 1007 Katnook Lane, is board member for Canyon Creek Church who reiterated the benefits of the church's relationship with NSA and looked forward to the improved parking lot surface improving drainage issues.

Other testimony:

Ian vonLindern, 1025 Snow Rd and owner of 121 S Jackson, said he has contributed to the downtown business economy since 1986 by employing 40 people, generating \$2-3 million in local payroll, and paying hundreds of thousands in city taxes. His buildings now employ only nine people in non-profit organizations with rents about two-thirds what they had been, although the property taxes have gone up. He said those changes are a direct result of the City's changes to the private parking market. His business parking was directly impacted by the lack of parking, notably due to the County's Annex building and downtown educational uses. He said it was wrong-headed logic for the City to direct an educational institution to swallow up all the remaining private parking to a tax-exempt organization. He urged denial of the application and requested the Board to leave the hearing open for 10 business days to provide time for additional comments.

Joann Muneta, 203 S Howard, thought the Board couldn't approve the application because the presentation didn't match what NSA requested in their application, which said, "parking dedicated to generally support the educational services of NSA....and the proposed change in use is intended to meet a portion of the off-street parking requirement." She disagreed that the proposed use is not in conflict with the Comprehensive Plan because City Council is still discussing how educational uses in the CBD fit with the Comp Plan. She delved into details of the July 2017 CUP hearing and subsequent appeals. Muneta said since the application was not specific to students of the North Main music conservatory, how could the Board determine that this application would satisfy that location's requirement? Staff said it was clear during all discussions and documentation that this application was in direct response to the parking conditions of the North Main CUP and that parking conditions for NSA's Friendship Square location had already been met in 2013. Sorensen thought there should be clarification that the subject property be reserved for the North Main students only. Staff said there would be no way to regulate which students park where, and the City has no jurisdiction to regulate private parking lots.

Tina Hilding, 411 N Howard, stated her concerns about the application not meeting Criteria #4 and #7, specifically that the cumulative impact on the central business district is not being addressed. When the previous appeals were remanded to BOA, one of the instructions was to evaluate Criterion #7 which was not done. She said all these CUPs appear to be a shell game, and in her opinion the survey currently being conducted regarding educational institutions in the CBD should be concluded before this application is ruled upon.

David Hall, 1334 Wallen Rd, said on the surface this change of use might not appear to be a big issue, but he thought changing the existing parking lot into an NSA-only parking lot does the opposite of what the Board intended with its parking mitigation requirement. He believed it would simply displace existing parking which will make things worse downtown.

Rebuttal from Applicant:

Ben Merkle said NSA's goal was to minimize downtown parking impacts, and in response to Sorensen's suggestion he thought making a distinction between lots would be very impractical. He thought NSA's group of parking lots was similar, although smaller, to the UI parking system which allow students/staff to park in any appropriately designated lots anywhere on the campus rather than specific lots based on where they have class or offices.

Additional public testimony: Muneta said the CUP was for 300 students at the North Main location, not the 200 students at the Friendship Square location and said if the Board approved this request it didn't meet the intention of either location's CUP conditions. von Lindern asked again whether the record would be left open so people could provide additional testimony.

Monson closed the public hearing at 7:47 pm and asked staff to confirm that NSA had satisfied the preliminary steps to bring the matter before the Board, that the hearing was properly noticed, and that input was provided from the pertinent departments. Staff agreed to all those points. Sorensen said Chapter 2 of the Comprehensive Plan talks about infill development and adaptive reuse of areas downtown. She was aware of the infill occurring between Jackson and the UI campus, and was concerned that the subject property could be sold off later for a more lucrative use. Thomson thought parking lots in the downtown core being reserved for specific uses could cause some public parking ramifications, but he also thought the school should be allowed to self-manage who parks in their private lots. Bush said his downtown business has a private parking lot that is regularly abused but the Board of Adjustment isn't in a position to solve the downtown parking problem. He said the fact that downtown businesses are not required to provide their own parking contributes to the problem. With regard to this application, he thought landowners should always retain the right to use their property for their own purposes. Monson didn't anticipate any change of use as a result of this application, and noted that several people testified there is parking nearby, albeit paid parking. He was troubled with the idea of telling NSA how to use their own property. He added that developing the lot to City standards will actually reduce a runoff nuisance that currently exists. In response to the statements that some thought previous decisions had been made in error, he said the Board could not change decisions made in the past and he thought the conditions proposed by staff on this particular application were appropriate.

Bush moved approval of the application and directed staff to draft the RCS including the two conditions.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bush
SECONDER:	Thomson

Motion carried by acclamation.

4. Board Communications

None.

5. Other Business

The RCS approval meeting was scheduled for Thursday, January 24, at 5:30pm in at the Paul Mann Building.

Adjournment

The meeting adjourned at 8:07 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 A DEDICATED
PARKING LOT FOR STUDENTS AND EMPLOYEES OF NEW SAINT ANDREWS
COLLEGE LOCATED AT 421 S JACKSON STREET IN THE CITY OF MOSCOW,
IDAHO WITHIN THE CENTRAL BUSINESS (CB) ZONING DISTRICT PER MCC 3-4.**

WHEREAS, the applicant filed an application for a conditional use permit on December 18, 2018;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on January 15, 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. A Conditional Use Permit (CUP) was approved on July 18, 2017, permitting an Educational Institution belonging to New Saint Andrews College (NSA) at the property addressed as 112 N. Main Street. The CUP was approved with two conditions:
 - 1) The Applicant be required to provide 47 off-street parking spaces within approximately one quarter (1/4) mile of the subject property subject to the approval of the Zoning Administrator.
 - 2) The Applicant shall be allowed to phase in the off-street parking requirement by providing 50% of the required parking mitigation upon occupancy of the building and the remaining 50% to be provided when enrollment of the Educational

Institution use upon the subject property reaches 150 FTE students, or five (5) years passes from the date of the issuance of the certificate of occupancy of the building, whichever occurs first.

3. The applicant, NSA, then submitted a CUP application to satisfy the conditions of the previous CUP approved July 18, 2017, requiring 50% of the required 47 off-street parking spaces to be satisfied upon occupancy of the building at 112 N. Main Street.
4. The applicant proposes to convert an existing unregulated gravel parking lot currently under the ownership of NSA into a dedicated parking lot for students and employees of NSA at the property addressed 421 S. Jackson Street.
5. The subject property is located within the Central Business (CB) Zoning District, where a CUP is required for Educational Services per MCC 3-4.
6. The subject property is 0.21 miles from the building located at 112 N. Main Street, meeting the condition that the off-street parking be located within 0.25 miles of the property.
7. The applicant proposes to construct a total of 25 parking spaces upon the subject property, which satisfies the condition that the applicant provide 50% of the total required parking spaces upon occupancy of the building.
8. The subject property is 7,500 square feet in size and is approximately 125 feet wide by 60 feet long.
9. The subject property is accessed from the alleyway between Jackson Street and Almon Street. There is no access to the lot from Jackson Street.
10. The parking lot is partially paved, but has a gravel surface in the center where a building was previously located.
11. Chapter 2 of the City's Comprehensive Plan, Land Use and Community Character, designates the subject property's future use as Urban Mixed. Urban Mixed designated areas are intended to provide for infill development and adaptive re-use of areas that surround downtown. An objective for Moscow's downtown is to guide the expansion and intensification of downtown development while considering the need for parking and to maintain the existing historic character.
12. Chapter 3 of the City's Comprehensive Plan, Community Mobility, identifies Jackson Street as a National Highway.

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 3-4 within the Central Business (CB) 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 lot is currently used as an unregulated parking lot; therefore, the type of use will not differ. The applicant will be required to bring the parking lot into compliance with City of Moscow Parking Lot Standards, which includes paving, curbing, striping, and landscaping. The improved parking lot will be consistent with surrounding parking lots.
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. Developing the parking lot to parking lot standards will eliminate nuisances that are currently associated with gravel parking lots such as noise, dust, and vibrations. The Board heard public testimony from the property to the north that development of a paved parking lot should alleviate water issues in the basement of their building.
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 parking lot to the south, which is also owned by New Saint Andrews, provides through-access from Jackson Street to the alley which serves the subject property. The alley which provides direct access to the west is currently paved and contains stormwater conveyance.
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 Board heard public testimony that the development of the parking lot will alleviate existing drainage issues in the area and will also alleviate nuisance issues associated with gravel parking lots.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The Board finds that proposed use meets all applicable development standards for the City Code. The parking lot will be brought into compliance with City of Moscow Parking Lot Standards which include paving, curbing, striping, and landscaping as part of the proposal.
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 dedicated parking lot for NSA students and staff located at 421 S. Jackson Street with two conditions:

- 1) The applicant shall bring the subject property into compliance with City of Moscow Parking Lot Standards, which include paving, curbing, striping, and landscaping.
- 2) Signage shall be posted stated that the lot is reserved for NSA parking only.

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

Joe Bazzoli, Chairman
Board of Adjustment