

BOARD *of* ADJUSTMENT



Joe Bazzoli
Commission Chair

~ Meeting Agenda ~

Mike Ray
Staff Liaison

boa@ci.moscow.id.us

208.883.7095

<http://www.ci.moscow.id.us/agendacenter>

**Thursday
July 18, 2019**

7:00 PM

**Council Chambers
221 E 2nd Street**

Call to order

1. **Approval of Minutes from June 25, 2019**

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

2. **Public Hearing: Proposal for a Variance at 201 North Lilly Street – LUP2019-0022 [ACTION ITEM]**

Variance application to reduce side yard setbacks on a nonconforming lot within the Multiple Family Residential Zoning District (R-4) per Moscow City Code 4-4-2.

ACTION: Conduct the public hearing upon the proposed variance request and upon consideration of any testimony presented, approve the variance request and direct Staff to prepare a reasoned statement of relevant criteria and standards; or approve the variance request with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the variance request and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

3. **Public Hearing: Proposal for a Conditional Use Permit at 1428 South Blaine Street – LUP2019-0018 [ACTION ITEM]**

Conditional Use Permit application to operate a large childcare facility within the Motor Business (MB) Zoning District per Moscow City Code 4-3-4.

ACTION: Conduct the public hearing upon the proposed conditional use permit request and upon consideration of any testimony presented, approve the conditional use permit request and direct Staff to prepare a reasoned statement of relevant criteria and standards; or approve the conditional use permit request with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the conditional use permit request and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

4. **Board Communications**

5. **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~
June 25, 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 5:35 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Annette Bieghler, Laurene Sorensen

MEMBERS ABSENT: Steve Bush, Marshall Comstock, Mark Monson, Tim Thomson

STAFF IN ATTENDANCE: Leah Carlson, Anne Peterson

The meeting was called to order at 5:37 PM

1. Approval of Minutes from June 18, 2019.

Sorensen moved acceptance of the minutes as corrected.

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

2. Approval of Relevant Criteria and Standards for a Property Located at 1021 Harold Street—LUP2019-0018

Sorensen moved approval of the RCS as presented.

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

3. Approval of Relevant Criteria and Standards for a Property Located at 206 North Van Buren Street—LUP2019-0019

Sorensen moved approval of the RCS as corrected.

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

4. Board Communications

Next hearing is scheduled for July 18th.

Adjournment

The meeting adjourned at 5:40 pm.

Joe Bazzoli, Chair

Date

**CITY OF MOSCOW
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

HEARING DATE: Thursday, July 18, 2019

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2019-0022 – Variance application to reduce side yard setbacks on a nonconforming lot within the Multiple Family Residential Zoning District (R-4) per MCC 4-4-2.

Attachments:

1. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, June 29, 2019
2. Variance Application
3. Site Plan, Floor Plan, & Elevation Drawings

Prepared by: Mike Ray, AICP – Planning Manager

STAFF REVIEW

Proposal: The applicant, Wilf Costello, is requesting a Variance to reduce side yard setbacks on a nonconforming lot located at 201 North Lilly Street within the Multiple Family Residential Zoning District (R-4). The applicant plans to demolish the existing house and rebuild a new single-family home on the lot. Specifically, the applicant is proposing to reduce the side yard setbacks to three feet (3') on the northern side of the property with overhangs encroaching eighteen inches (18") into the side yard setback and one foot (1') on the southern side of the property with no encroaching overhang. Typically, lots under 50' wide within the R-4 Zoning District would require a minimum five-foot (5') side setback on both sides of a dwelling, creating a minimum ten foot (10') combined side yard setback.

The lot is nonconforming because it is only 20 feet wide with an area of 2,505 square feet. Typically, a lot within the R-4 Zoning District would require a minimum width of 50' with an area of 5,000 sf for a single-family house. The existing house on the subject property has no side setbacks, even slightly encroaching upon the adjacent parkland to the south.



Vicinity Map



Subject Property

Zoning: The subject property is located within the Multiple Family Residential (R-4) Zoning District. According to the Zoning Code 4-2-4(G): *“The R-4 zoning district provides for the most intense residential land uses permitted in the community. It is to be applied where activity levels are high and adequate public facilities are available, especially near the University of Idaho campus or the City Central Business Zoning District. Adequate transportation access should be given high priority in determining the appropriate location for the R-4 zoning districts.”*

Adjacent properties to the north, south, east and west are all residential uses and also reside within the R-4 Zone.



Zoning Map

Site and Area Land Use: The subject property is approximately 2,505 square feet in size and is bounded by Lilly Street to the west and an alley directly to the east.

Streets and Access: The subject property is accessed primarily via the adjacent alley to the east.

Comprehensive Plan: Chapter 2 of the Comprehensive Plan, Land Use and Community Character, designates the subject property as Urban Mixed (UM). UM designated areas are,

“intended to provide for the infill development and adaptive re-use of areas that surround downtown. Within these areas, a mix of residential and limited commercial uses should be promoted through the development of small urban apartments, townhomes, and two- to three-story vertically mixed-use buildings. The urban mixed area should provide a pedestrian connection between the University of Idaho and downtown, and provide space for a variety of housing alternatives, niche retail, restaurants, artist studios, and personal and professional services. Off-street parking should be required, but the requirements should be reduced in this area due to the likely number of non-motorized travel the uses will attract.”

An objective of Chapter 2 is to, “provide a mix of housing that meets the economic and lifestyle needs of the diverse population of Moscow.”

Input from other Departments/Agencies: No comments were received from other departments/agencies upon review of the request for the variance.

RECOMMENDATION FOR VARIANCE APPLICATION

Staff recommends **approval** of the Variance application at 201 North Lilly Street with one condition:

- 1) The applicant shall be required to maintain a three-foot (3’) setback on the south side of the subject property where the building eaves may encroach up to eighteen inches (18”) into the setback.

The Board shall direct staff to develop Relevant Criteria and Standards to be reviewed at a following meeting.

NOTICE OF PUBLIC HEARING

Proposal for a Variance at 102 North Lilly Street
Permit Application LUP2019-0022

A public hearing at which you may be present and speak will be conducted before the Board of Adjustment of the City of Moscow at which time the following proposals will be considered:

Variance application to reduce side yard setbacks on a nonconforming lot within the Multiple Family Residential Zoning District (R-4) per MCC 4-4-2.

HEARING DATE: Thursday, July 18, 2019

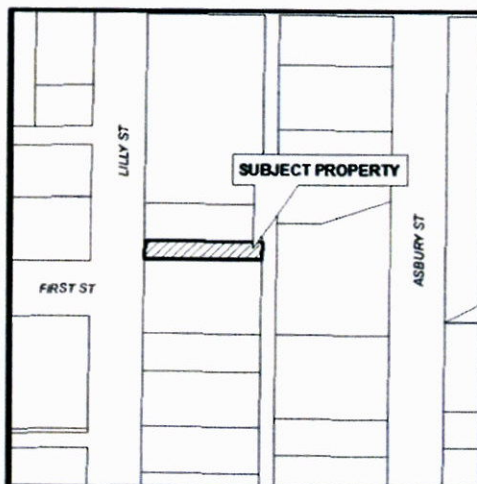
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00 pm

Note: Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting.

The file containing information on this matter is available for public review at the Community Development Department located in the Paul Mann Building at 221 East Second Street, Moscow, Idaho. Call 883-7035 for a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Minor amounts of written materials (less than two (2) pages) may be submitted to the hearing body at any time prior to the close of comments, as determined by the hearing body. More in-depth written materials require at least five (5) calendar days for review prior to the hearing. You may obtain further information about the public hearing process and procedures on the City's Website at: <http://id-moscow.civicplus.com/593/Public-Hearing-Notices>



Laurie Hopkins, Moscow City Clerk


Anne Peterson, Deputy City Clerk

Publish: Saturday, June 29



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**
Ph: 208-883-7035
Fax: 208-883-7033
apeterson@ci.moscow.id.us

For City Use Only			
Date Received		6/6/19	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$475	6/6/19
Receipt Number		LNP2019-0022	

APPLICATION FOR ZONING VARIANCE

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: WILF COSTELLO Telephone: 208-308-9959
2279 Pole Line Rd E
(home address)

Relationship to affected property (please check one):

Owner ☐ Purchaser ☒ Lessee ☐ Other ☐ (explain below)

2. Owner of Affected Property (if other than applicant)

Name: JOHN SPARROW Telephone: 208-310-5686
102 N LILLY ST.
(home address)

3. Location of Affected Property: 102 N LILLY ST.

Legal Description: LIEHALLER'S 3rd ADD BLOCK 65
(subdivision) (block) (lot)

If described by Metes and Bounds, please attach copy of deed.

INFORMATION ON REQUESTED VARIANCE

4. Proposal: The applicant proposes the following construction and/or use for the above-described property:

REMOVE CURRENT HOME AND RE-BUILD A NEW HOME
APPROXIMATELY 1000 sq ft.

Existing and proposed site conditions shall be shown on an attached site plan drawn to a standard engineer's or architect's scale. The site plan shall show, label and dimension all property lines and easements, existing and proposed buildings, parking lot and driveway(s) and fencing. The site plan should also show topography and landscaping if pertinent to the Variance.

5. Reason(s) for Variance Request: The proposed construction and/or use described in Question 4 above would be in violation of Section _____ of the Moscow Zoning Ordinance which requires that:

* TO ALLOW A VARIANCE TO THE CURRENT SIDE "SET BACK"
DUE TO NARROW LOT (20'X125')

* CURRENT HOME IS ON A REDUCED SETBACK ON THE SIDES AND
ACTUALLY IS PARTIALLY ON LOT 64 (owned by city)

6. **In order for the Board of Adjustment to issue a Variance, the Board must make findings of compliance with the following three relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.**

Criteria #1. SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH ARE PECULIAR TO THE PROPERTY (SUCH AS SIZE, SHAPE, TOPOGRAPHY OR LOCATION) WHICH ARE NOT APPLICABLE TO OTHER PROPERTY SIMILARLY SITUATED IN THE SAME ZONING DISTRICT.

Justification and compliance with criteria #1: THE NARROWNESS OF THE LOT DOES NOT ALLOW REASONABLE WIDTH FOR HOME. LOT IS 20' WIDE.
AS AFOREMENTIONED, CURRENT HOME ON REDUCED SETBACK ON THE SIDE.

Criteria #2. BECAUSE OF THE AFOREMENTIONED SPECIAL CONDITIONS OF THE PROPERTY, APPLICATION OF THE PROVISIONS OF THIS ZONING CODE WOULD IMPOSE UNDUE HARDSHIP AND WOULD DEPRIVE THE PROPERTY OWNER OF RIGHTS COMMONLY ENJOYED BY OWNERS OF OTHER PROPERTY SIMILARLY SITUATED IN THE SAME ZONING DISTRICT.

Justification and compliance with criteria #2: CURRENT WRITTEN SET BACK WOULD NOT ALLOW APPROX. 5 FT HOME.
LIKE VARIANCE APPROVED WITH ALLOWANCE ONTO CITY PROPERTY TO BUILD A PATH AT SIDE OF HOUSE

Criteria #3. GRANTING OF THE VARIANCE WILL NOT BE IN CONFLICT WITH THE PUBLIC INTEREST OR INJURIOUS TO PROPERTY OR PERSONS IN THE VICINITY OF THE SUBJECT PROPERTY.

Justification and compliance with criteria #3: APPROVED VARIANCE AND NEW HOME WOULD INCREASE VALUE OF SURROUNDING HOMES AND ADD TO THE AESTHETICS OF THE ADJACENT PARK.

Conditions of Approval: In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards that enable the Board or the Commission to approve the Variance application and ensure the Variance is consistent with the purposes and intents of the Zoning Code.

Compliance:

1. In the event of failure to comply with the plans approved by the Board of Adjustment, or with any conditions of a Variance approval, the permit shall be immediately revoked and shall be automatically null and void.
2. Where plans are submitted and approved as part of the application for a Variance, modifications of the original plans may be required by the Board as a condition of approval.
3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be submitted to and determined by City staff to be in substantial conformance with the plans approved by the Board. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board for an additional public hearing as an amendment to the Variance application.

Revocations: If a building permit or occupancy permit pertaining to the Variance is not obtained for the subject property within one (1) year from the date of the Board of Adjustment's final decision, such Variance shall be immediately revoked and shall be automatically null and void.

Application Submittal: This application must be completed and submitted with the below described items to the Moscow Community Development Director at least sixteen (16) days prior to the hearing at which the application is to be considered by the Board of Adjustment, or the application will not be processed. Applicant will be notified by the City Planner as to the time and place of the hearing pertaining to this application.

The following items must be submitted with this application:

1. Application Fee
2. Legal description (deed) of subject property, if it is not subdivision, block and lot.
3. Site Plan (drawn to scale)
4. Floor Plan(s) (drawn to scale), if applicable
5. Elevation Drawing(s) (drawn to scale), if applicable

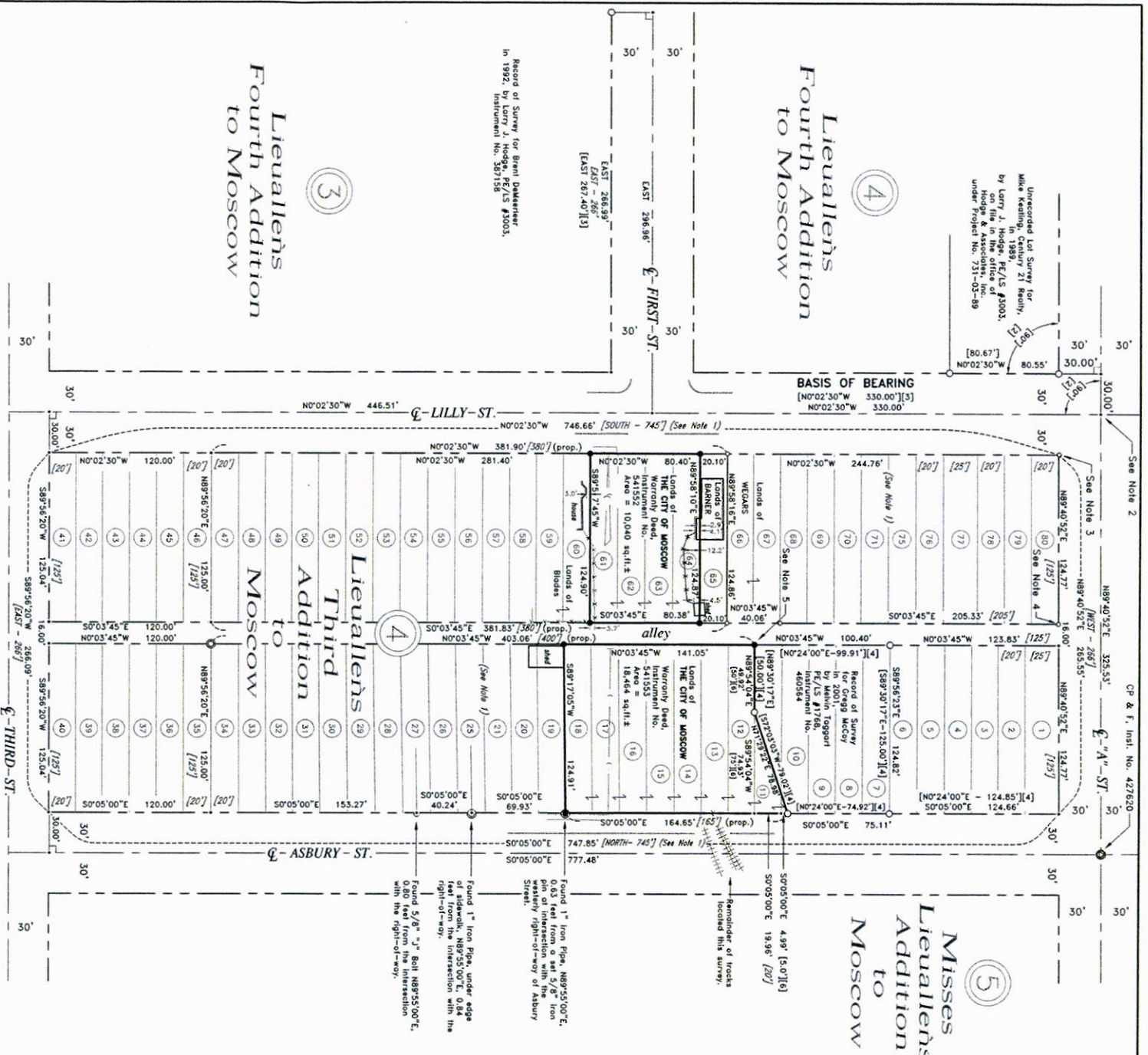
I understand this information is a public record and may be posted to a public website.

Willy Costello
Applicant's Signature

May. 31/19
Date

John Sparrow Mody Sparrow
Property Owner Signature

6-5-19
Date



Section 07 T39N R5W BM

References

- [1] The original plot of Lumberton's Third Addition to Moscow, recorded August 24th, 1885.
- [2] Unrecorded Last Survey for Mike Keeling, Century 21 Realty, in the name of Larry J. Hodges #90035, filed in the office of the Recorder of Deeds, Washington, D.C. on 7/29/90.
- [3] *See* Keeling v. Hodges, No. 90-2086.
- [4] Record of Survey for Beant Datesetter, in 1982, by Larry J. Hodges, Fz/S #9005, filed under instrument No. 387158.
- [5] Record of Survey for Oregon McCoy, in 2001, by Markh Toggerud, Fz/S #1785, filed under instrument No. 460504.
- [6] Worrnath Deed, Columbia Grid, Inc., to the City of Moscow, Instrument No. 541552.
- [6] Worrnath Deed, Columbia Grid, Inc., to the City of Moscow, Instrument No. 541553.
- [7] Worrnath Deed, Paulson to Bornev, Instrument No. 519179.
- [8] Worrnath Deed, Enfield to Bodees, Instrument No. 496333.
- [9] Agreement as to Status of Property, Morrison and Morrison v. Paulson, No. 571393.

Basis of Bearing

The Basis of Bearing for this survey is the centerline of Lilly Street as established and shown on this survey and known on Record of Survey Instrument No. 387158 as N0°02'30"W.

Surveyor's Certificate

I, Allison K Younger, PLS #12724 State of Idaho, do hereby certify that the survey represented by this map was performed by me or under my supervision in accordance with the laws of the State of Idaho and at the request of Ron Crumley for the City of Moscow in January 2012.

Purpose Of Survey

The purpose of this survey was to locate, monument, and map the boundary of those parcels described in Warranty Deed, Inst. No. 541552 and 541553.

Notes

1. Lots 234 and 72-73 of Block 4, Leland's Third, are missed by the original plot shows of sequential bids. All other records explaining the omission. Original record block length was 805 feet. This survey I used 745 feet as the record block length. The intersection of July Street, and "A" Street. The railroad spike using this survey. I used a calculated position of the spike using the survey. This omission provided from the unrecorded survey as shown here. This omission provided from the unrecorded survey as shown here.
2. The found 1/2" from pin, is North 0.35° and West 0.20° from the Northeast block corner. The unrecorded survey [2] shows the same.
3. Found a bent 1/2" iron pin, brightened it in the field and drove down to ground surface. It measures 32 0.20° and South 0.20° from the calculated Northeast corner of Lot 80. Observations shown on the original record.
4. Set a P.P. Nail 200 feet North of the Set pin. In the original, on any right-of-way, as a reference point to the Set pin location.

Legend

- Set 5/8" dia. x 30" long rebar w/ orange plastic cap stamped "Younger 12724"
- Found 5/8" Diameter Iron Pin
- Found 1/2" Diameter Iron Pin, no cap
- Found Carlinite Monument
- Found 1" Iron Pipe
- Theoretical Point

- Boundary line
Lot line
Fence line
Centreline
Right-of-Way
Flowline of Creek
street curb alignments
Record Plot Data
Reference Data
Lot Number



Block Number
NO. 549870
AT THE REQUEST OF:

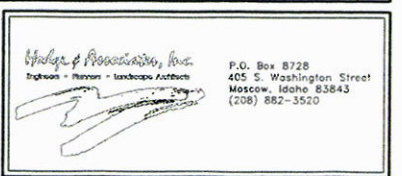
HOPGEY ASSOC

DATE & ROOM: 3.8.2012 11:13

SUSAN PETERSEN
LATAM COUNTY RECORDER

FEE \$ 5.00 BY Shannon

Record of Survey for:
The City of Moscow
Latah County, Idaho

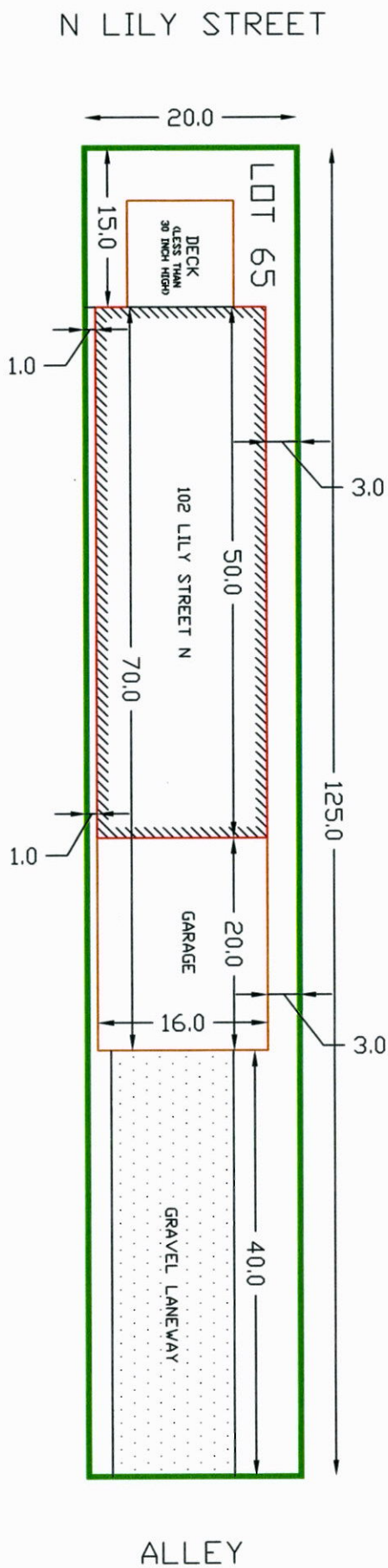
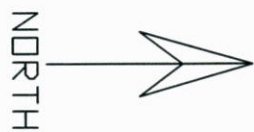


Drafted by:	AKY
Checked by:	AKY / MT
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Tab:	Layout
Plot Style	Default.ctb
Project:	3334-01-12
Date:	2/17/12

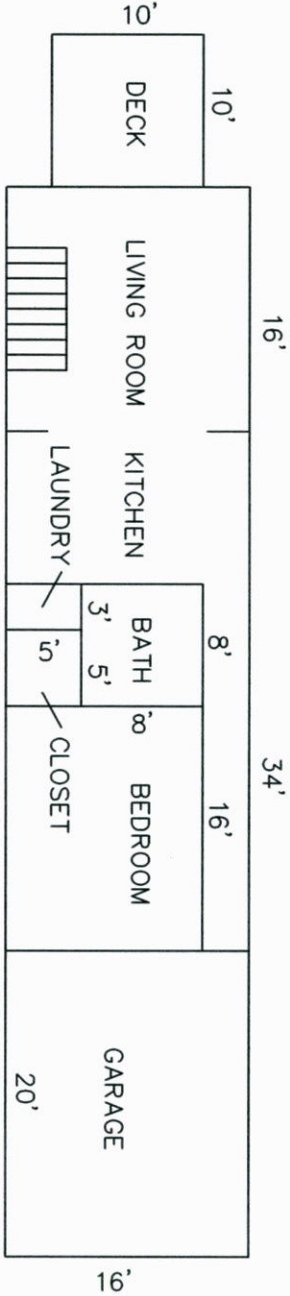
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102 LILY STREET NORTH

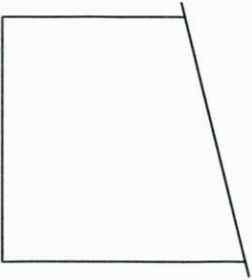
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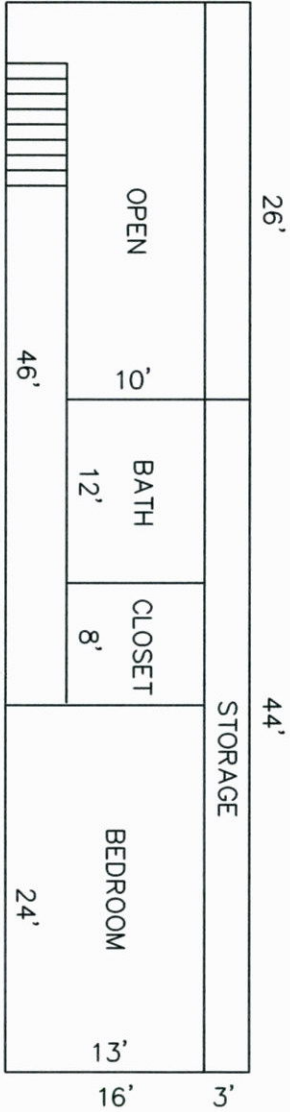
102 LILY STREET NORTH



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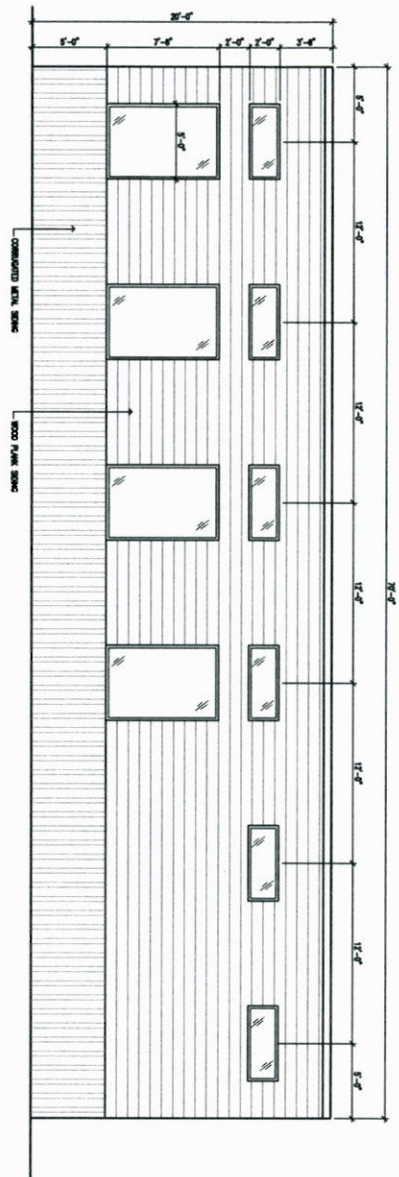


SIDE VIEW

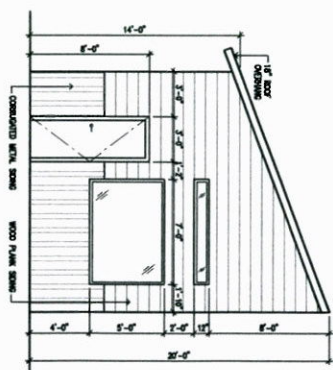


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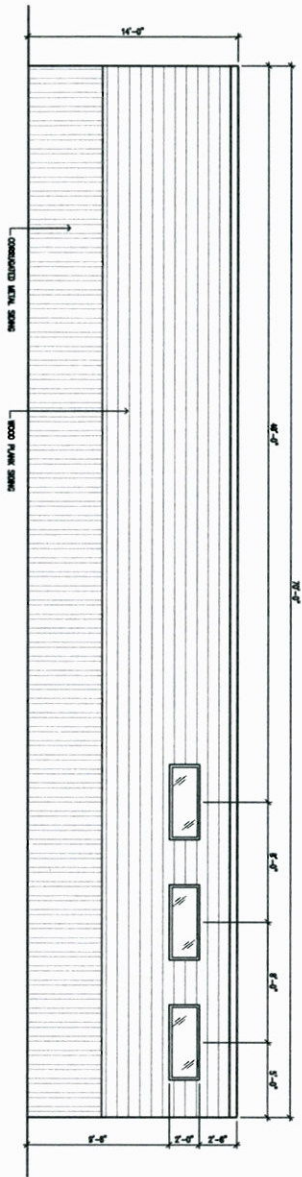
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1/8" = 1'-0"



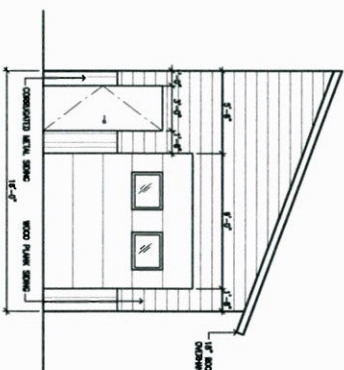
2 WEST ELEVATION
1/8" = 1'-0"

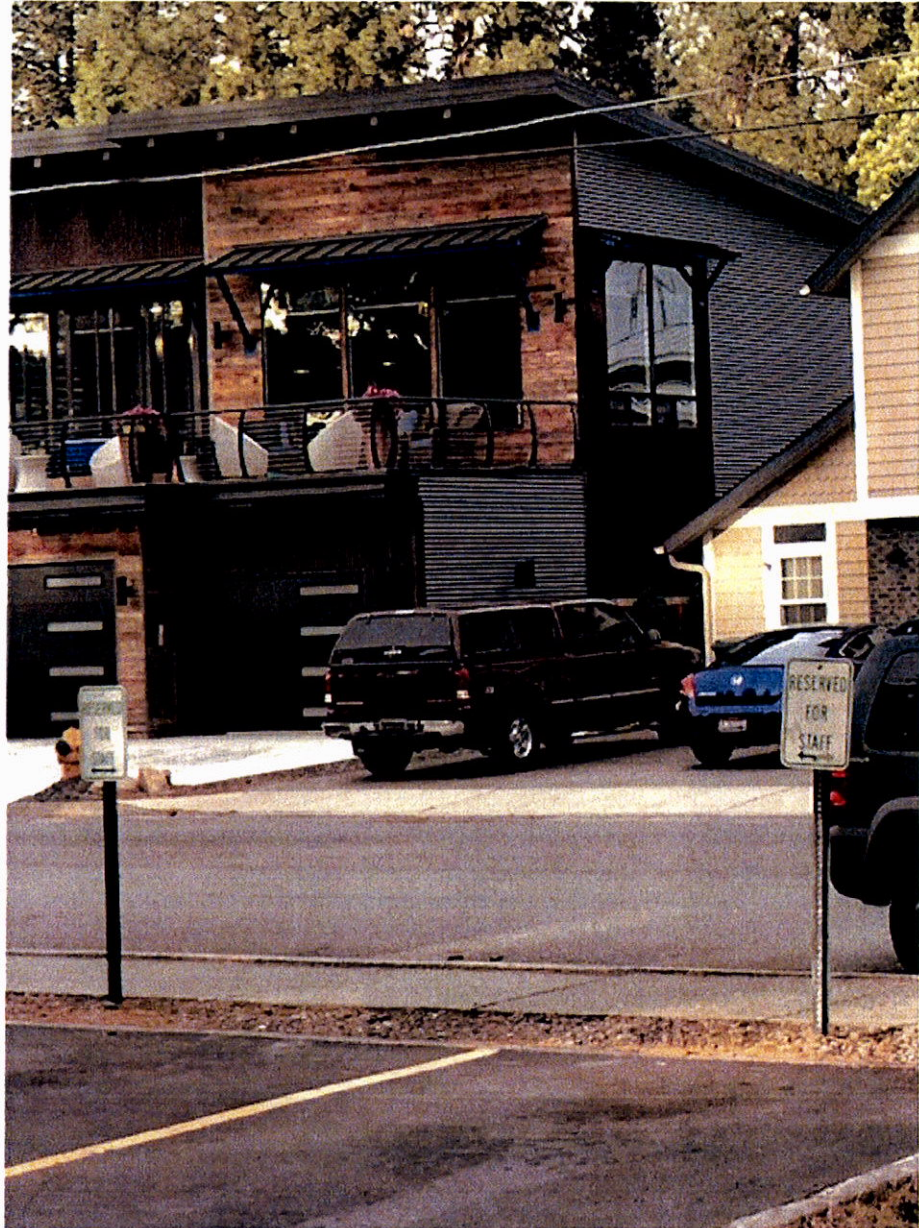


3 NORTH ELEVATION
1/8" = 1'-0"



4 EAST ELEVATION
1/8" = 1'-0"





Mail

12:01 PM



Done

plataformaarquitectura.cl



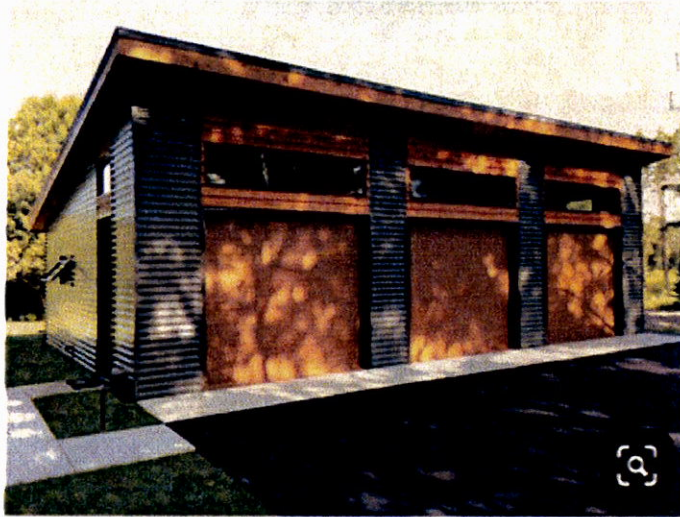
Mail LTE

9:04 PM



Send

Save



Hartley Garage Modern House Plan

\$369



Advanced House Plans

5.3k followers

Follow

This is a single story modern garage built on slab foundation. The garage feature 3 stalls with side... [More](#)

Visit



Home



Following

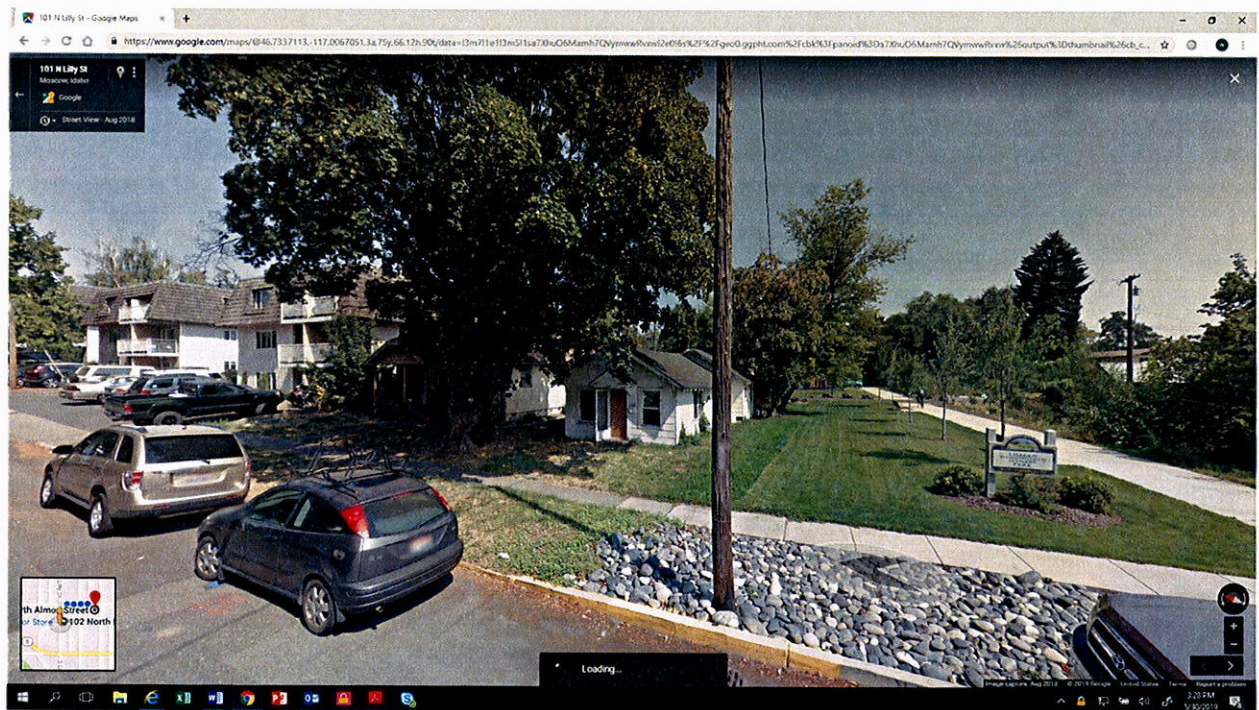
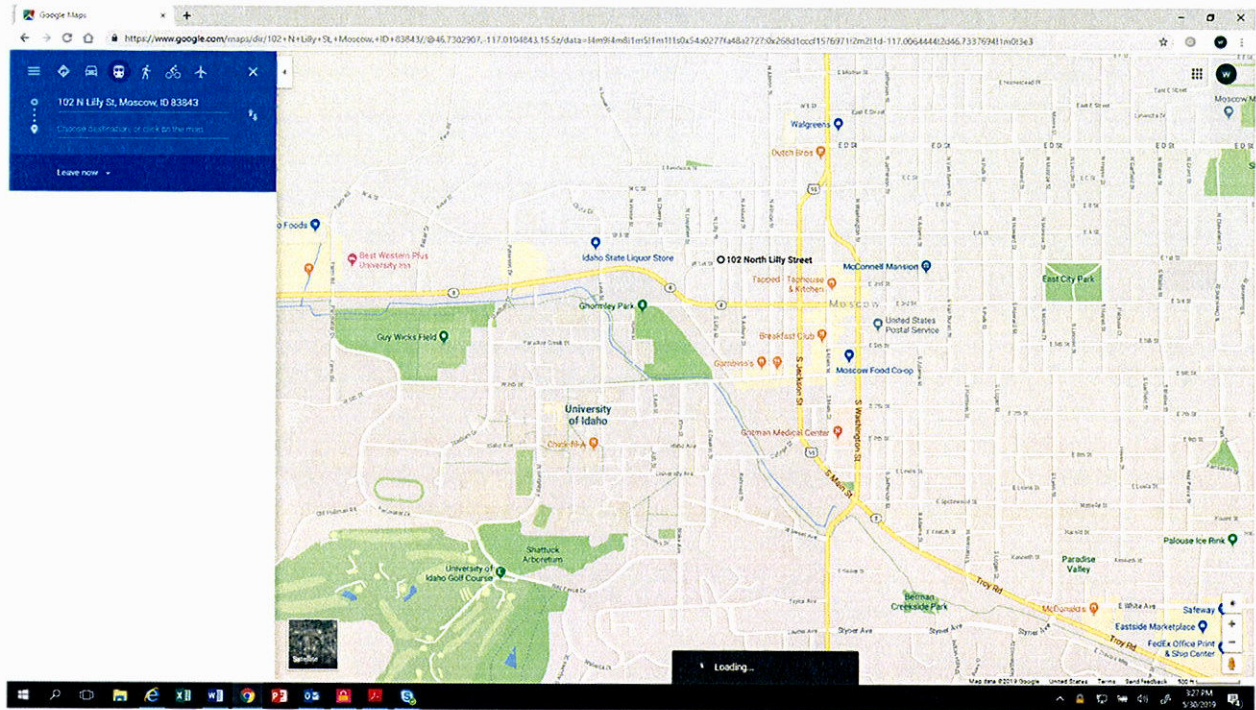


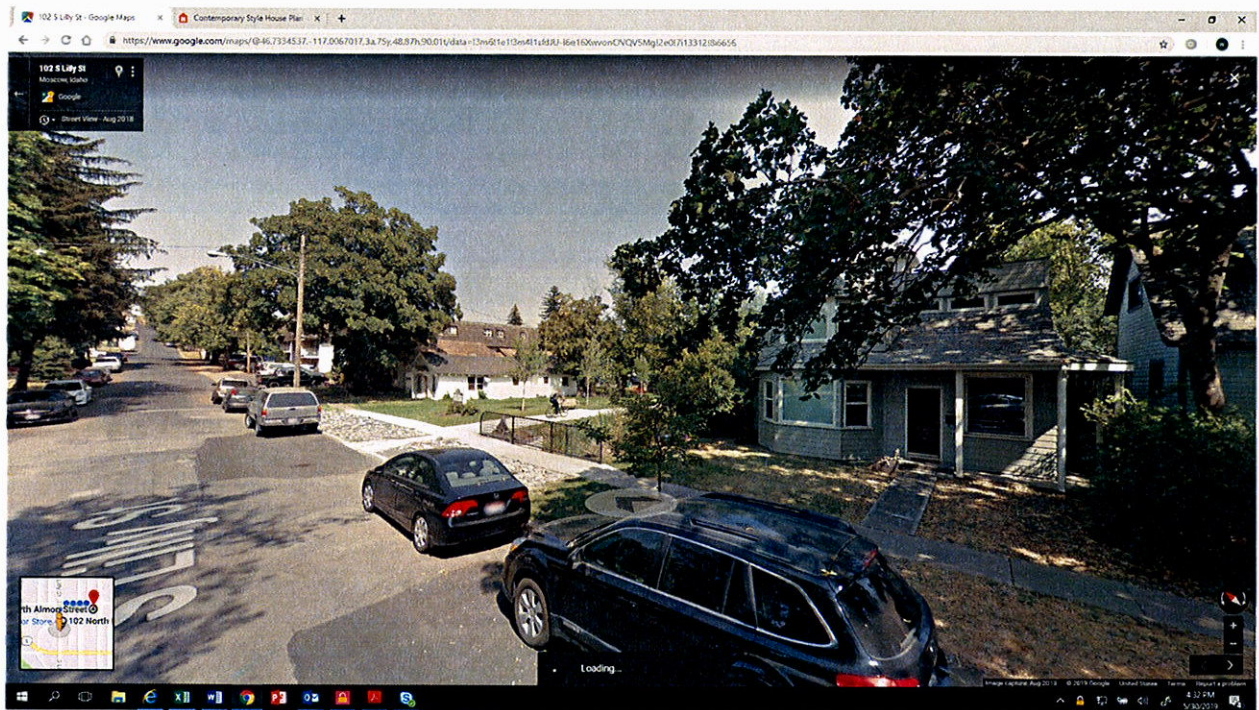
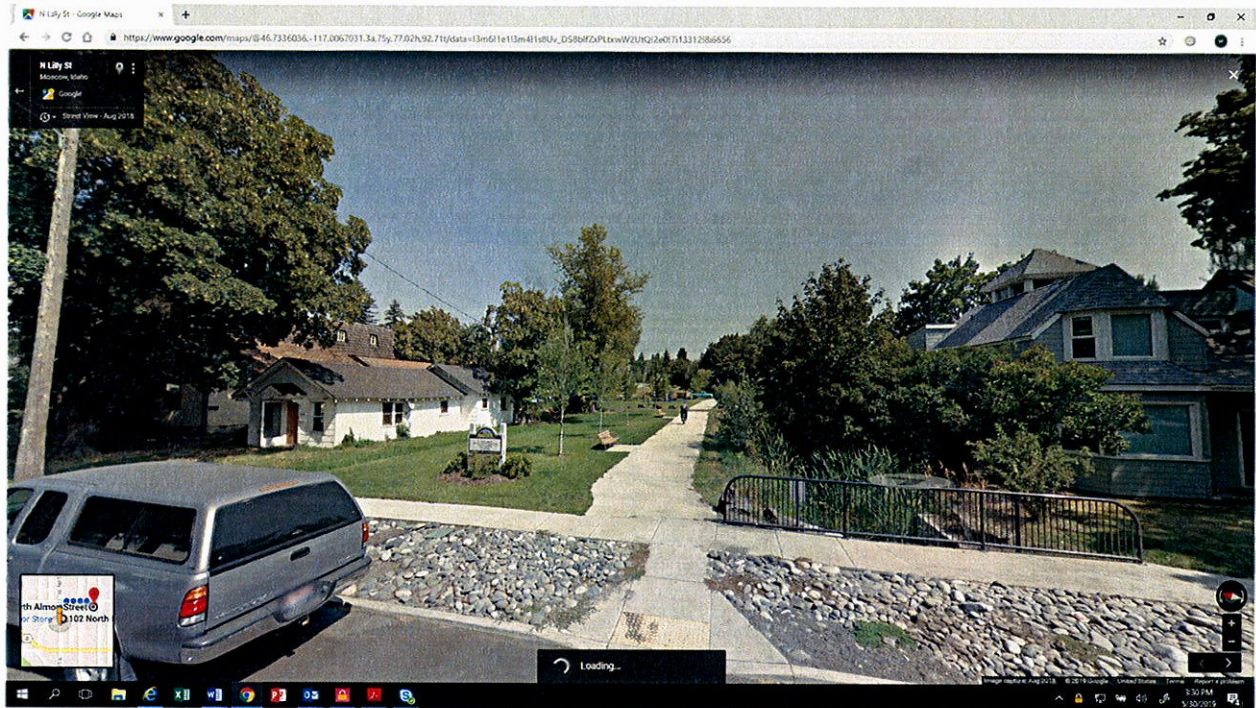
Notifications

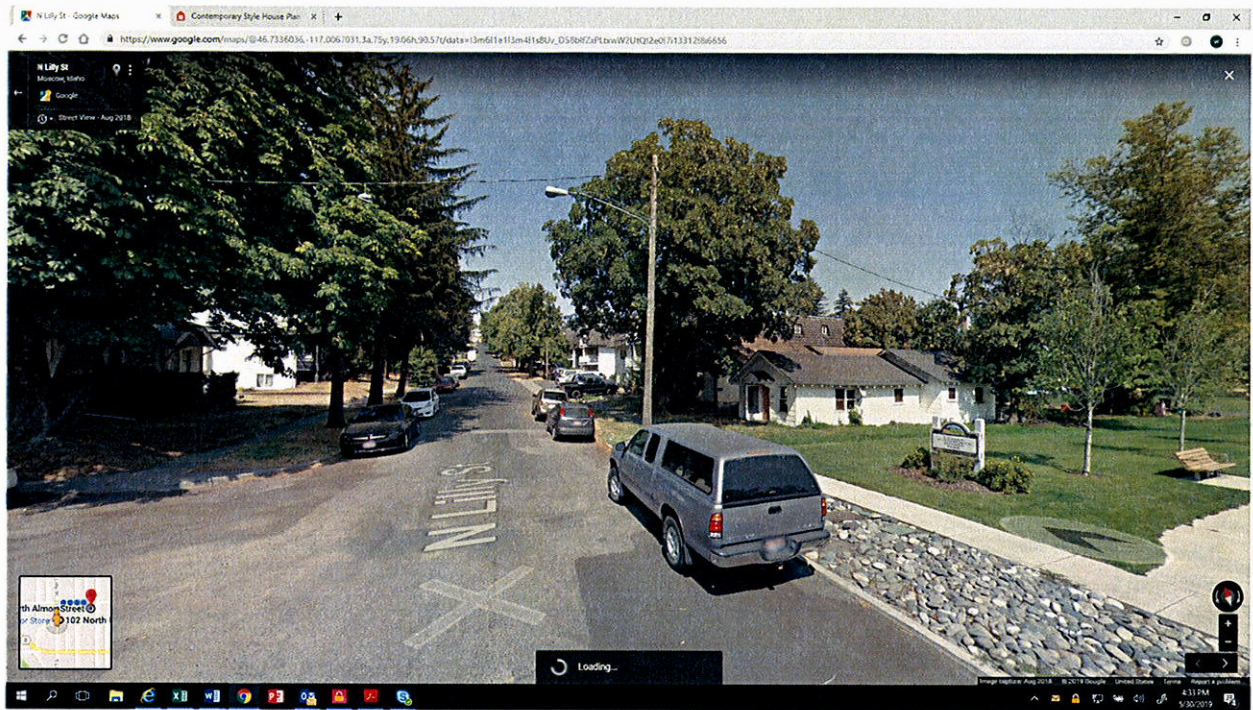
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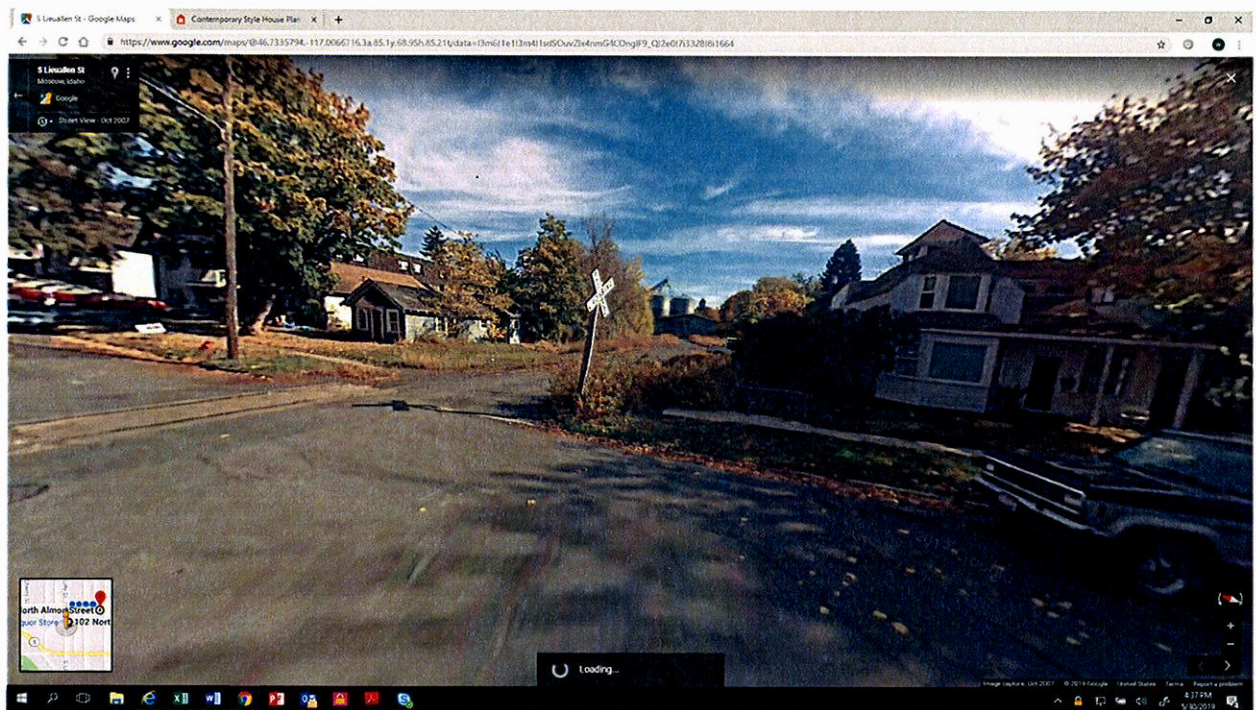
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2007 shot



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

HEARING DATE: Thursday, July 18, 2019

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2019-0023 – Conditional Use Permit application to operate a large daycare facility within the Motor Business (MB) Zoning District per Moscow City Code 4-3-4.

Attachments: A. Public Hearing Notice
B. Conditional Use Permit Application
C. Site Plan & Floor Plan

Prepared by: Mike Ray, AICP – Planning Manager

Proposal: The applicant, Happy Horizons Inc., is requesting a Conditional Use Permit (CUP) to operate a large daycare facility within the Motor Business (MB) Zoning District. According to Moscow City Code 4-3-4, large day care services require a CUP within the MB Zoning District.

The facility would operate between 7:00 am through 6:00 pm, Monday through Friday and would serve 21 or more newborn to kindergarten-aged children. The proposed daycare would be located in a classroom within the Real Life Ministries. The day care would also have between 10-20 employees overall.

Background: On April 29, 2019, Connie Salisbury on behalf of Happy Horizons Childcare, applied for a license to operate a daycare business at the subject property. Upon review of the daycare application and regulations, it was determined by City staff that Happy Horizons Childcare does not meet the requirements of Moscow City Code Title 9, Section 10-19.A.2.a which states, in part: “The Day Care Facility shall provide open space for outdoor play. A minimum of one hundred (100) square feet per child is required. This area shall be adjacent to the Day Care Facility and shall provide a safe area that can be easily maintained and is accessible for use by children.” Because the proposed play area was not directly adjacent to the Day Care Facility, the application was denied.

On May 6, 2019, Moscow City Council heard an appeal for a license denial for Happy Horizons Childcare. Upon review and the appeal, Council members approved the motion unanimously, issuing a license for the child care facility to operate on the subject property using an adjacent outdoor play area to meet the play area requirements.



Vicinity Map



Subject Property

Comprehensive Plan: Chapter 2, Future Land Use and Growth Plan, designates the subject property as Auto-Urban Commercial.

Zoning: The subject property is located within the Motor Business (MB) Zoning District. Properties to the north, east, and west of the subject property are also located within the MB Zoning District. Latah County Fairgrounds sits to the north of the subject property across White Avenue and is located with the Medium Density Residential (R-3) Zoning District. The property located directly to the south of the subject property is located within the Farm, Ranch, and Outdoor Recreation (FR) Zoning District. There is no minimum or maximum lot area or lot width within the MB Zoning District.

The purpose of the MB Zoning District is to,

“provide for the location and grouping of compatible uses having similar operation as they involve enterprises which depend primarily on the transient motor vehicle-based trade. By concentrating such uses the City intends to increase public convenience when utilizing such services and with the regulation, to allow such activities to render the maximum service.”



Zoning Map

Site and Area Land Use: The subject property is 2.31 acres in size and currently used for general retail purposes. The lot is relatively flat and currently has five (5) structures on the site including the Eastside Marketplace, U.S. Bank Branch, Taco Bell, KFC, and Wingers Restaurant. Other stores within the Eastside Marketplace include Safeway, Sears, Lavender & Thyme, Dollar Tree, Mongolian BBQ Express, and Pro Nails. The Health & Welfare Department as well as Les Schwab is directly to the east of the subject property. Northwest River Supplies occupies the property directly south of the subject property across Troy Highway. Latah County Fairgrounds is located directly to the north of the subject property across White Avenue. Wells Fargo Bank is located directly to the west of the subject property across Blaine Street.

Streets and Access: The property is located within the Eastside Marketplace, which is bounded by Troy Highway to the south, White Avenue to the north, and Blaine Street to the west. There are primary access points from all three streets.

Parking Requirements: Per Moscow City Code 4-6-2, large childcare facilities require four (4) parking spaces on-site. There is a large parking lot that currently exists on the subject property that serves the entirety of the Eastside Marketplace. Overall, the parking lot contains 799 parking spaces. The total number of required parking spaces for the tenants within Eastside Marketplace place is 574. This leaves a surplus of 225 parking spaces than what is required. Therefore, there is sufficient parking to provide for the operation of the proposed Day Care Facility.

Loading/Unloading Area: Per Moscow City Code 4-3-5(C)(2) requires large child care facilities to have two (2) on site loading spaces. The spaces must be located on the same side of the street as the child care facility and must be at least thirty feet (30') from any street intersection. The applicant is proposing to locate the two loading zone spaces parallel to the sidewalk directly in front of the child care facility.

RELEVANT CRITERIA AND STANDARDS

1. The proposed use is a conditionally permitted use within the Zoning District.
2. The character of the proposed use will be in harmony with the neighborhood and surrounding land uses.
3. The proposed use as approved, or 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).
4. The location, design, and size of the proposed use will be 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.
6. Proposed use meets all applicable development standards of the Zoning Code.
7. The proposed use will not be in conflict with the Comprehensive Plan.

RECOMMENDATION

Staff recommends **approval** for the Conditional Use Permit application to operate a large child care facility at 1428 South Blaine Street with no conditions.

The board shall direct staff to prepare Relevant Criteria and Standards to be reviewed at a following meeting.

NOTICE OF PUBLIC HEARING

Proposals for Conditional Use Permit at 1428 South Blaine Street
Permit Applications LUP2019-0023

A public hearing at which you may be present and speak will be conducted before the Board of Adjustment of the City of Moscow at which time the following proposals will be considered:

Conditional Use Permit application to operate a large childcare facility within the Motor Business (MB) Zoning District per Moscow City Code 4-3-4.

HEARING DATE: Thursday, July 18, 2019

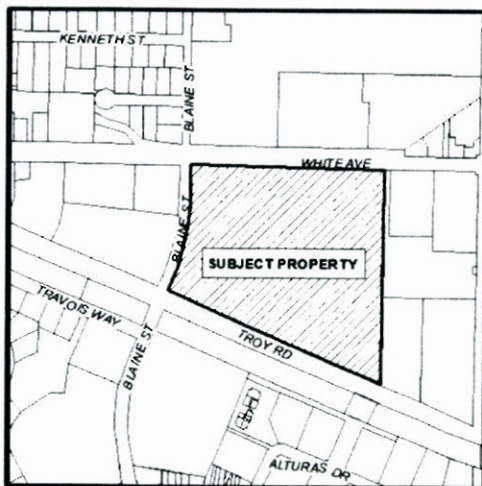
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00 pm

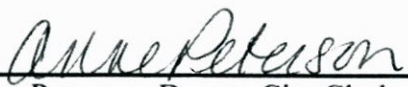
Note: Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting.

The file containing information on this matter is available for public review at the Community Development Department located in the Paul Mann Building at 221 East Second Street, Moscow, Idaho. Call 883-7035 for a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Minor amounts of written materials (less than two (2) pages) may be submitted to the hearing body at any time prior to the close of comments, as determined by the hearing body. More in-depth written materials require at least five (5) calendar days for review prior to the hearing. You may obtain further information about the public hearing process and procedures on the City's Website at: <http://id-moscow.civicplus.com/593/Public-Hearing-Notices>



Laurie Hopkins, Moscow City Clerk


Anne Peterson, Deputy City Clerk

Publish: Saturday, June 29



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**
Ph: 208-883-7035
Fax: 208-883-7033
apeterson@ci.moscow.id.us

For City Use Only			
Date Received		6-18-19 / 6-28-19 <i>complete</i>	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$475	6-18-19
Receipt Number		LUP2019-0023	

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Connie Salisbury, Happy Horizons Inc. Telephone: 509-595-3145
400 Mill Rd Moscow, ID 83843
(home address)

Relationship to affected property (please check one):

Owner ☐

Purchaser ☐

Lessee ☒

Other ☐ (explain below)

2. Owner of Affected Property (if other than applicant)

Name: Real Life Ministries, Eastside Holdings Telephone: 208-874-3267
1428 S. Blaine, Moscow, ID Josh Gray
(home address)

3. Location of Affected Property: Eastside Marketplace

Legal Description: NE 1/4 of SE 1/4 of Section 17 Township 39 N
(subdivision) (block) (lot)
Range 5 W, Latah County

If described by Metes and Bounds, please attach deed on a separate sheet.

4. Proposal: The applicant proposes the following use and/or construction for the above-described property:

Use of Real Life children's classroom wing for a quality income-based community daycare for children newborn to kindergarten age

The proposed activities and use shall be shown on an attached site plan drawn to a standard engineer's or architect's scale. The site plan shall show, label and dimension all property lines and easements, existing and proposed buildings, parking lot and driveway(s), fencing and landscaping. A site topography map shall be provided when appropriate.

5. Authorization: Section 3-7 of the Moscow Zoning Ordinance authorizes the proposed use, subject to a Conditional Use Permit.

6. **Operating Characteristics:** Detail the operating characteristics of the proposed use. In other words, provide specific information which describes and defines how the proposed use will be conducted and what will be involved in the day to day operations of the proposed use. Applicable information may include hours of operation, number of people (employees, customers, students, etc.) involved, traffic and/or delivery information, services provided, equipment or machinery which may be involved, or any other information which helps describe and define the proposed use and impacts which it may have.

Hours: 7:00 am - 6:00 pm. Large daycare for 21+ children, 10-20 employees, 8-10 approved volunteers, designated drop-off & pickup zone immediately in front of building doors, childcare, education, parental involvement, nutritious breakfast, lunch & snacks, age appropriate play equipment in classrooms & outdoor playground.

7. Before the Moscow Board of Adjustment may issue a Conditional Use Permit, the Board must first make findings of compliance with the following seven relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.

Criteria #1. THE PROPOSED USE IS A CONDITIONALLY PERMITTED USE WITHIN THE ZONING DISTRICT.

Justification and compliance with criteria #1: The facility is currently in use on Sunday a.m. & Thursday & Friday evenings as a childcare (Sunday School) facility. There is also an existing indoor playground located inside mall common area.

Criteria #2. THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES.

Justification and compliance with criteria #2: we would be providing quality childcare based on a families income for those in the Moscow area community. Eastside Marketplace is a family-friendly environment and the proposed use will add to existing uses.

Criteria #3. THE PROPOSED USE AS APPROVED, OR AS APPROVED WITH CONDITIONS, WILL NOT GENERATE NUISANCES THAT WOULD BE INJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD (INCLUDING BUT NOT LIMITED TO NOISE, DUST, GLARE, VIBRATIONS, ODORS AND THE LIKE).

Justification and compliance with criteria #3: The current facility ensures that nuisances are not generated that could be injurious or in anyway detrimental to adjoining properties or the neighborhood. Real Life currently has same use as proposed childcare facility and compliment the existing use.

Criteria #4. THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

Justification and compliance with criteria #4: The location, design and ample size of the proposed property would be adequately served by existing streets, public facilities, large parking lot and other needed services. Please see attached minutes of 5/6/19 City Council Meeting approval of Daycare license.

Criteria #5. THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED.

Justification and compliance with criteria #5: The proposed use will not endanger health or safety, given the property is currently in use by children

Criteria #6. THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE.

Justification and compliance with criteria #6: Real Life currently adheres to all zoning codes and the daycare usage will comply wherever needed, as needed

Criteria #7. THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE COMPREHENSIVE PLAN.

Justification and compliance with criteria #7: we meet the standards of the comprehensive plan and will continue to make any necessary adjustments

CONDITIONS OF APPROVAL

The Board of Adjustment may impose conditions including, but not limited to, those (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for onsite or offsite public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

COMPLIANCE

1. In the event of failure to comply with the plans proof by the Board of Adjustment, or with any conditions imposed upon the Conditional Use Permit, the permit shall be immediately revoked and shall be automatically null and void.
2. Where plans are submitted and approved as part of the application for a Conditional Use Permit, modifications of the original plans may be required by the Board as a condition of approval.
3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be submitted to and determined by City staff to be in substantial conformance with the plans approved by the Board. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board for an additional public hearing as an amendment to the Conditional Use Permit application.

REVOCATIONS

If a Building Permit and/or Certificate of Occupancy pertaining to the Conditional Use Permit is not obtained for the subject property within one year from the date of the Board of Adjustment's final decision, the Conditional Use Permit shall be immediately revoked and shall be automatically null and void. If the use and/or occupancy for which the Conditional Use Permit is approved ceases for a period of twelve consecutive months, unless otherwise provided for in the Conditional Use Permit, then the Conditional Use Permit shall be immediately revoked and shall be automatically null and void.

Application Submittal:

This application must be completed and submitted with the below described items to the Moscow Community Development Director at least twenty-one days prior to the hearing at which the application is to be considered by the Board or the application will not be processed.

The following items must be submitted with this application before it will be processed:

1. Application Fee
2. Site Plan, drawn to scale
3. Floor Plans, drawn to scale
4. ~~Elevation Drawings~~, drawn to scale (for new construction only)

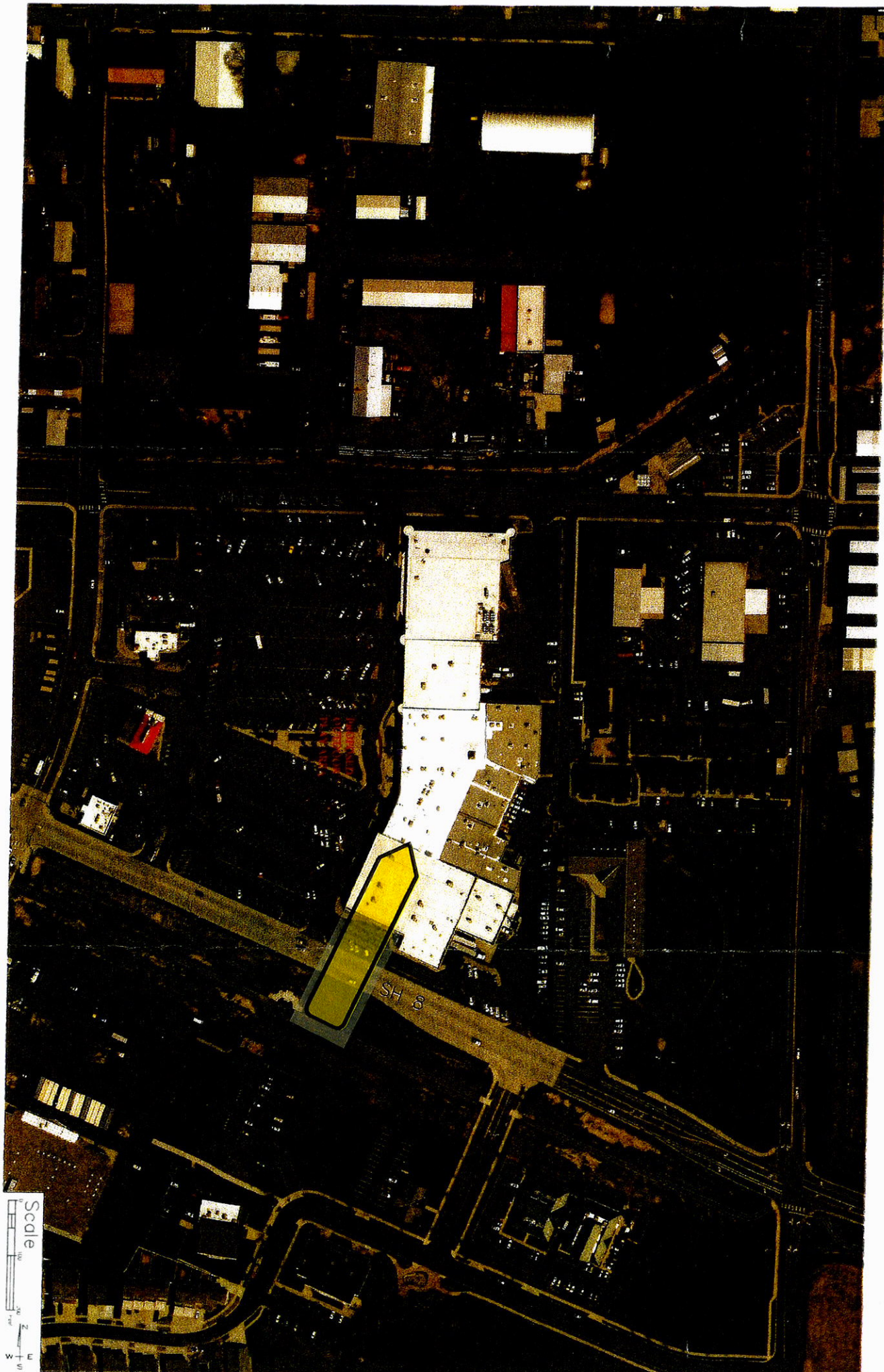
I understand this information is a public record and may be posted to a public website.

Connie Salisbury
Applicant's Signature

June 19, 2019
Date

Happy Horizons Childcare, Inc
Owner's Signature

June 19, 2019
Date



Scale
0 100 200
Feet
N
E
W

EAST - U - B - A - N

5
4
3
2
1
0

Happy Horizons Childcare

Parking Lot

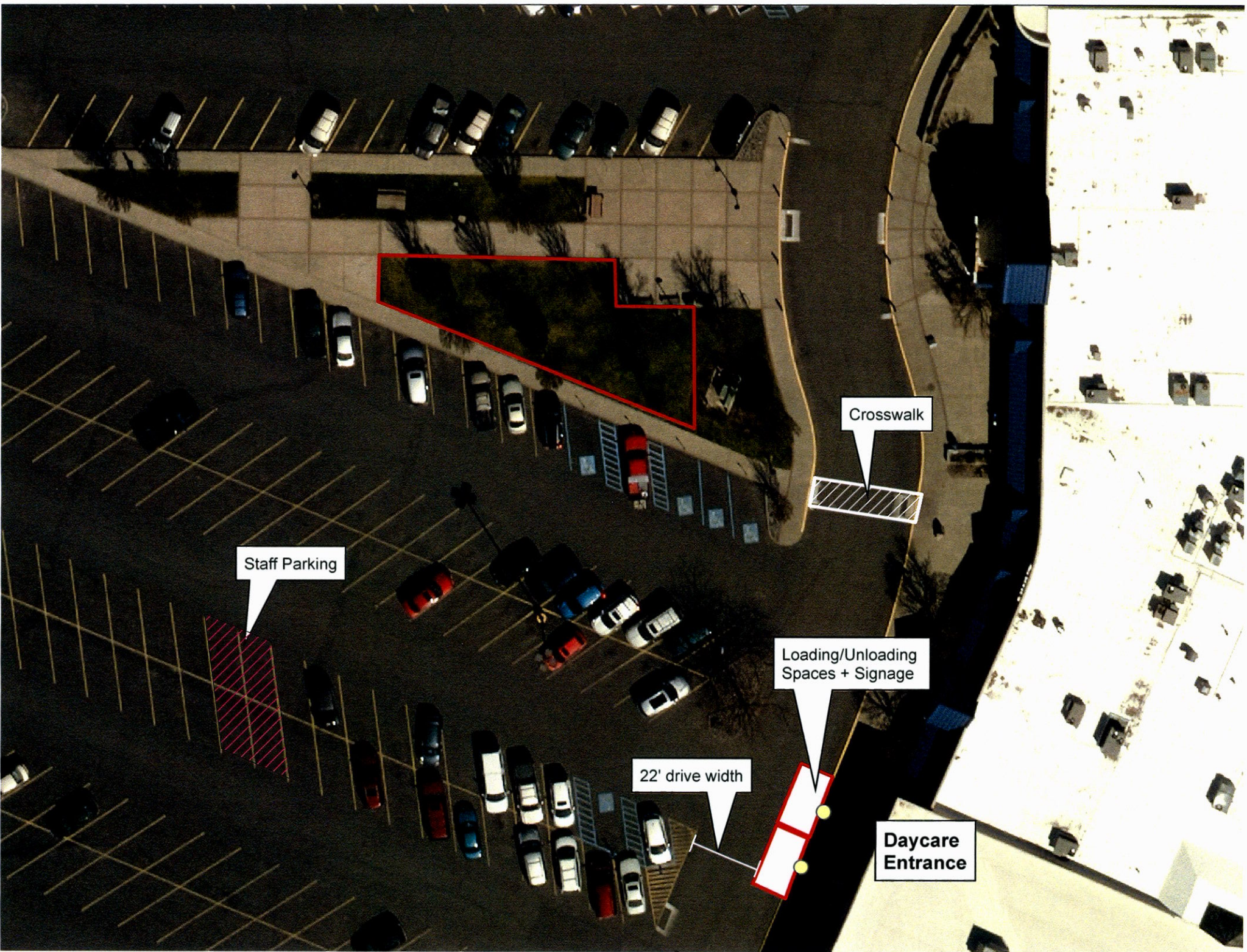
loading & unloading
Daycare

ROAD

SITE PLAN

N





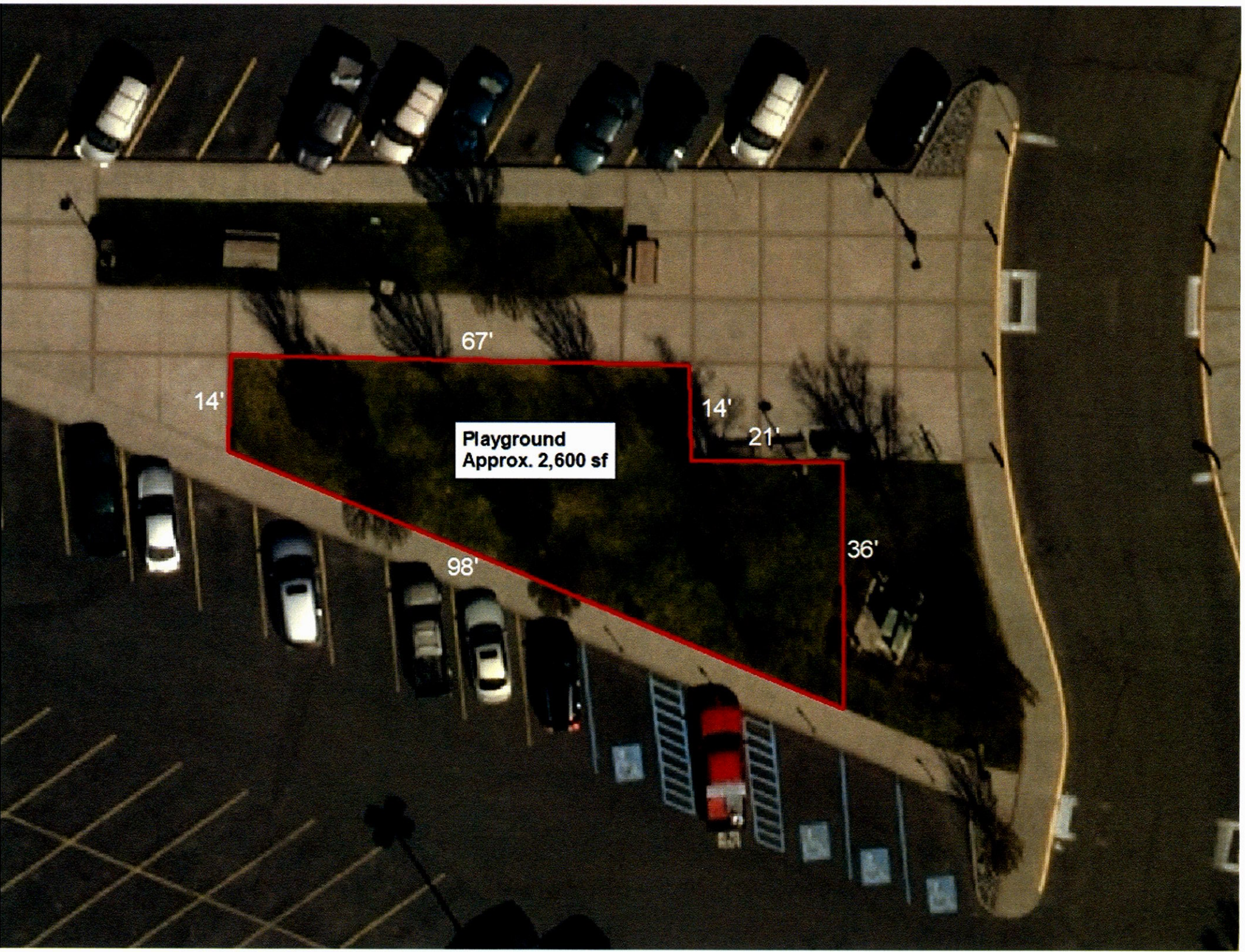
Staff Parking

Crosswalk

Loading/Unloading
Spaces + Signage

22' drive width

Daycare
Entrance



67'

14'

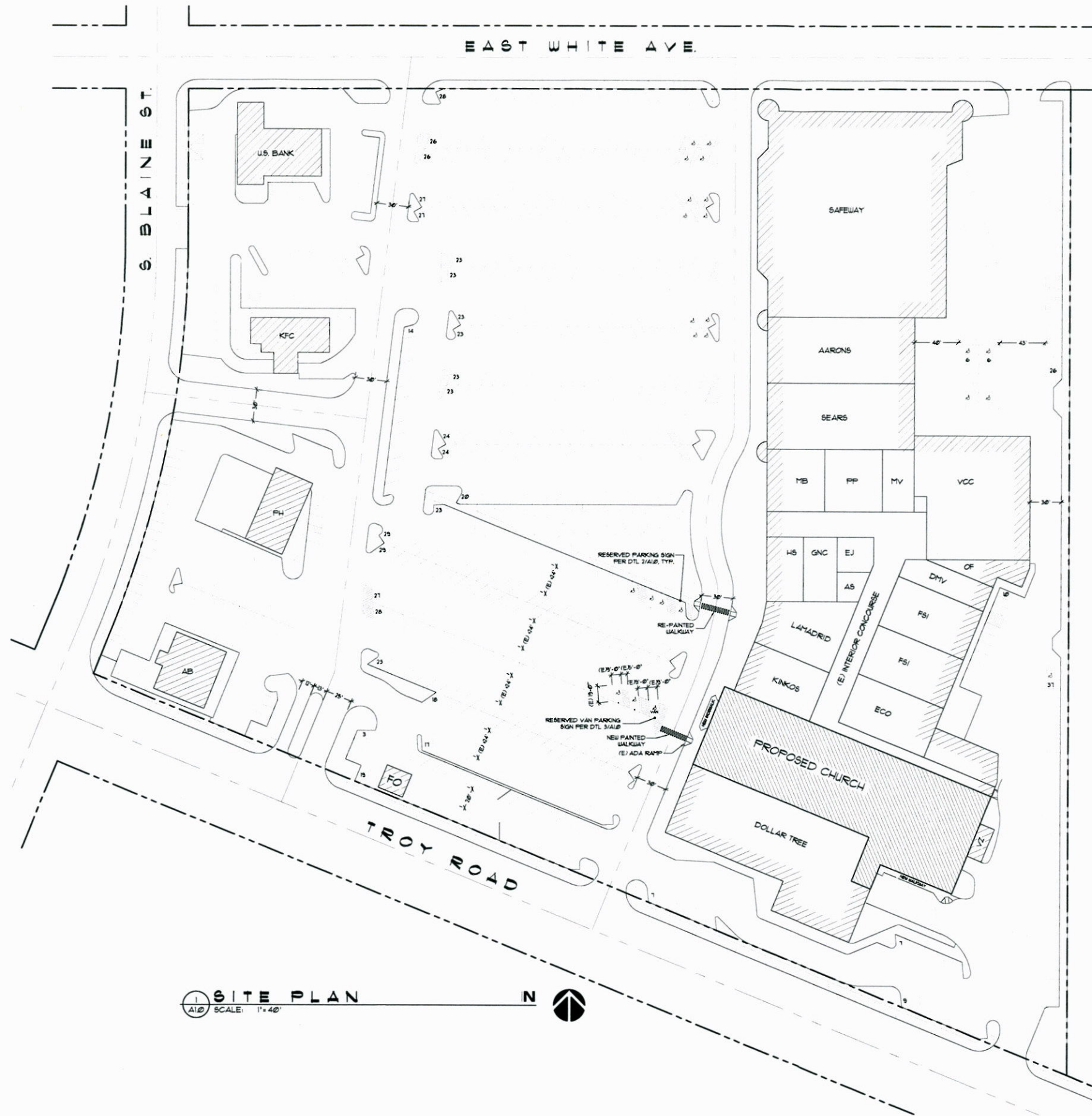
Playground
Approx. 2,600 sf

14'

21'

98'

36'



PROJECT DIRECTORY

SITE ADDRESS

1428 SOUTH BLAINE STREET
MOSCOW, IDAHO 83843

OWNER

REAL LIFE CHURCH
317 W. 6TH ST. #201
MOSCOW, ID 83843
CONTACT: DOUG WOOD
TEL: 208.882.2418
EMAIL: DOUG@LIFECHURCH.COM

DESIGNER

COLLABORATIVE
46 ETRURIA STREET #201
SEATTLE, WA 98109
CONTACT: JON BUGLER
TEL: 206.719.5114
EMAIL: JBUGLER@COLLABORATIVECO.COM

STRUCTURAL ENGINEER

KFF CONSULTING ENGINEERS
1601 FIFTH AVENUE, SUITE 1600
SEATTLE, WA 98101
BRIAN WIENS
TEL: (206) 826-0568
EMAIL: BRIAN@KFF.COM

AUDIO VIDEO LIGHTING ENGINEER

AMPLIO SYSTEMS
CONTACT: JEFF VANDERGIESSEN
TEL: 206-529-1116
EMAIL: JEFF@AMPLIOSYSTEMS.COM

BUILDER

TO BE DETERMINED
STREET ADDRESS:
CITY, STATE, ZIP:
CONTACT NAME:
TEL. NUMBER:
EMAIL ADDRESS:

PROJECT INFO

SCOPE OF WORK

A 22,900 SF TENANT IMPROVEMENT AND CHANGE OF USE FROM AN EXISTING RETAIL USE (11 OCC.) TO A RELIGIOUS USE (A-3 OCC.)

JURISDICTION

MOSCOW, LATAH COUNTY, IDAHO

PARCEL MAP NUMBER

0000011310

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NE1/4E1/4 OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, B.M. AND BEING DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT IN THE SOUTHERLY RIGHT OF WAY LINE OF WHITE AVENUE (60 FEET IN WIDTH), WHICH IS SOUTH 91.30 FEET AND S. 89.055' W. 458.20 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 17; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY, S. 89.055' W. 839.30 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF SOUTH BLAINE STREET (60 FEET IN WIDTH); THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, SOUTH 145.94 FEET; THENCE 373.90 FEET ALONG THE ARC OF A TANGENT 965.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 22.02 00'; THENCE S. 22.02 00' W. 495.9 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 8 (30 FEET IN WIDTH); THENCE ALONG SAID RIGHT OF WAY LINE S. 67.048 00' E. 1003.51 FEET; THENCE NORTH 335.91 FEET TO THE POINT OF BEGINNING.

LOT SIZE AND ZONING

LOT SIZE: 655,038 SF

ZONED: MB (MOTOR BUSINESS)

EMP PARKING CALCULATION

TENANT	AREA	STALL REQ'D	TOTAL	SOUTH END
DOLLAR TREE	13,626 ((SF - 5000)/400) + 10	52	52	52
PROPOSED 545 SEAT CHURCH	15,940 1 stall per 3 seats	182	182	182
GARAGE	2,068 1 per 200	4	4	4
VZ VERIZON	500 1 per 200	1	1	1
SAFENWAY	34,500 (SF - 25,000)/300 + 60	42	42	42
AARONS	8,866 (SF - 5000)/400 + 10	20	20	20
SEARS	8,714 (SF - 5000)/400 + 10	19	19	19
U.S. BANK	2,475 1 per 400	7	7	7
PH PIZZA HUT	2,135 1 per 200	11	11	11
KFC KEN FR. CHICKEN	2,500 1 per 200	13	13	13
AB ANGRY BEAR	3,200 1 per 200	16	16	16
VCC VILLAGE CENHAS	10,550 1 per 4 seats	63	63	63
MB MONGOLIAN BBQ	2,800 1 per 200	14	14	14
PP PALOUSE PEDIATRICS	2,250 1 per 400	6	6	6
MV MOSCOW VISION	2,500 1 per 400	6	6	6
OF OFFICE	650 1 per 200	1	1	1
DMV	1,940 1 per 400	5	5	5
FSI FIRST STEP INTERNET	6,000 1 per 200	4	4	4
ECO ECO ANALYSTS	4,400 1 per 200	6	6	6
ECO ECO ANALYSTS	2,820 1 per 200	4	4	4
KINKOS	4,400 1 per 400	11	11	11
LAMADRID	4,500 (SF - 4000)/100 + 20	26	26	26
AS ALLSTATE	454 1 per 200	1	1	1
EDWARD JONES	1,050 1 per 400	3	3	3
Vacant Space 24	552 1 per 400	1	1	1
GNC	1,140 1 per 400	3	3	3
HS A HEAVENLY SALON	550 1 per 400	1	1	1
ECO ECO ANALYSTS	475 1 per 200	1	1	1
ID STATE LIBRARY	449 1 per 500	1	1	1
FO FIDDLER ORGANICS na	19 stalls	19	19	19
KLEIN	739 1 per 200	1	1	1

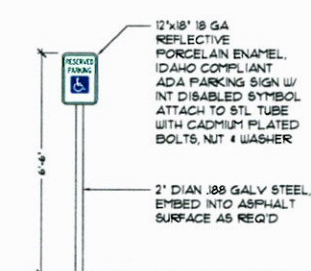
TOTAL PARKING REQUIRED 574

TOTAL PARKING ON SITE 749

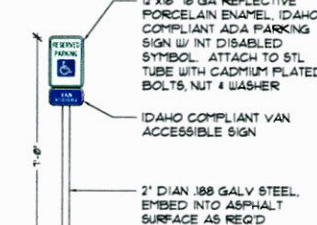
SURPLUS PKG STALLS 225

277 (SOUTH END) PARKING REQUIRED

305 EXIST PKG'S (south end)
28 SURPLUS (south end)
ADA 201 to 300 STALL = 7
7 ADA PARKG STLS REQ'D
7 ADA PARKG STLS EXIST
(1) VAN ADA STALL



2 RESERVED PARKING SIGN
SCALE: 1/2"=1'-0"



3 RESERVED VAN PARKING
SCALE: 1/2"=1'-0"

collaborative

SHEET SERIES INDEX

A0	GENERAL & CODE INFO
A1	SITE PLAN
A2	FLOOR PLANS
A3	EXTERIOR ELEVATIONS
A4	BUILDING SECTIONS
A5	WALL SECTIONS & DETAILS
A6	ASSEMBLES & SCHEDULES
A7	REFLECTED CEILING PLAN
A8	FINISH PLAN
A9	RESTROOM ELEVATIONS
A10	INTERIOR ELEVATIONS
A11	CASEWORK

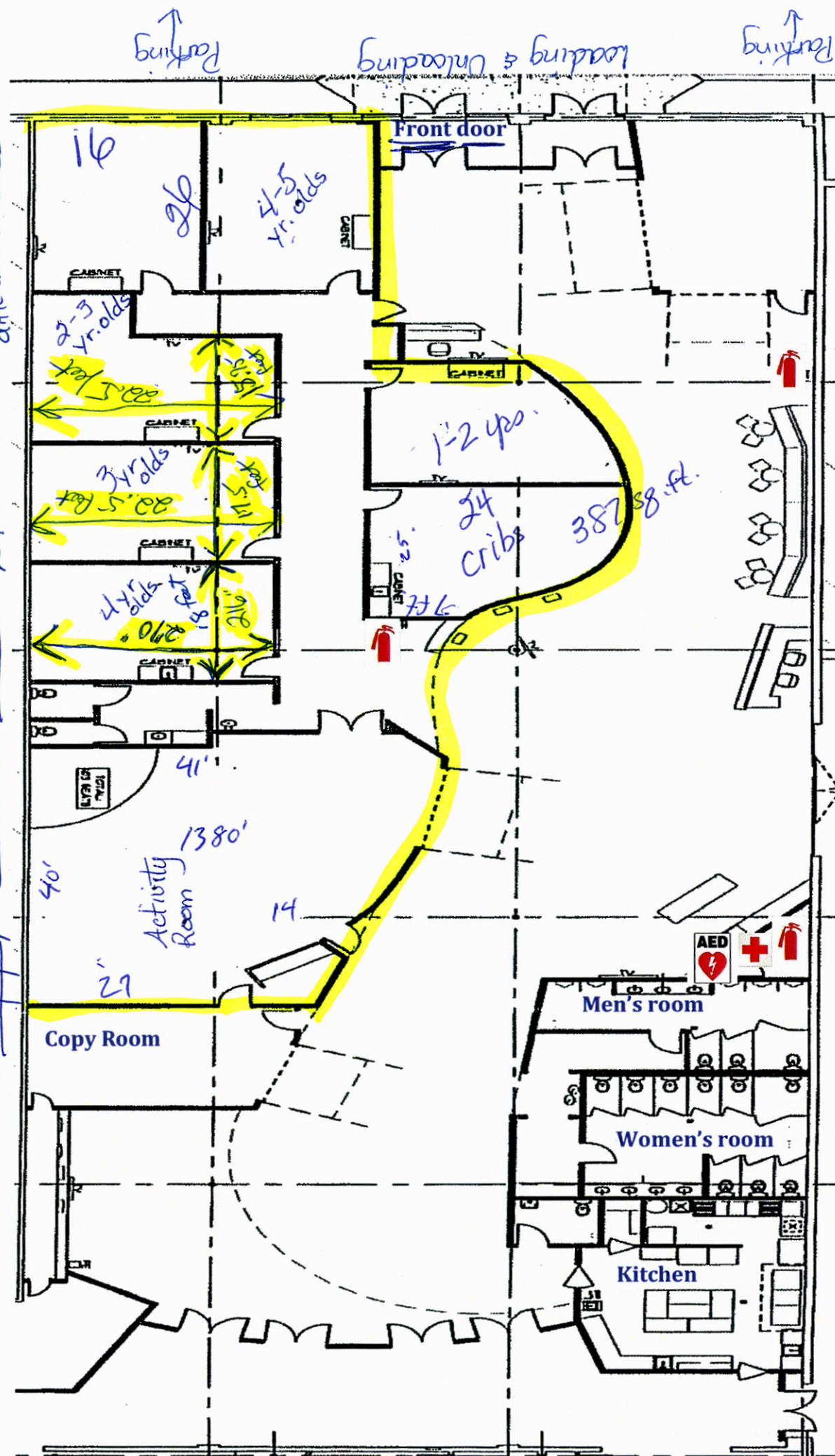
Real Life Church
PERMIT SET
December 20, 2013

SITE PLAN

SCALE: AS NOTED

A1.0

Happy Horizons Childcare
 These are the 3 Rooms we measured.
 Length is 22.5 feet. Width is slightly
 different in all 3 rooms.



~~Has~~
 a week

Gradin presented the annual Pathways Commission report going through the members and recent accomplishments including Blackbird Station and the Highway 8 underpass. Upcoming projects the Commission will work on is pathway lighting, pursuing an underpass at Highway 95 and safety improvements at road crossings. Sullivan asked if when the Commission begins data gathering, they could include the bridge and the information be shared with Transportation Commission.

6. Appeal of License Denial from Happy Horizons Childcare (ACTION ITEM) - Gary J. Riedner

On April 9, 2019, Connie Salisbury, on behalf of Happy Horizons Childcare applied for a license to operate a daycare business to be located at 1428 S Blaine Street (Real Life Ministries). Upon review of the daycare application and regulations, it was determined by City staff that Happy Horizons Childcare does not meet the requirements of Moscow City Code Title 9, Section 10-19.A.2.g which states, in part: "The Day Care Facility shall provide open space for outdoor play. A minimum of one hundred (100) square feet per child is required. This area shall be adjacent to the Day Care Facility and shall provide a safe play area that can be easily maintained and is accessible for use by children." The required open space for outdoor play is not adjacent to the daycare facility. Because of the failure of the applicant to comply with this regulation, license was denied. Pursuant to MCC Title 9, Section 10-15, the applicant filed an appeal of the denial to the City Council. After hearing the appeal, the City Council has the discretion to uphold the denial of the license, or may direct the City Clerk to issue the license upon a finding of good cause.

PROPOSED ACTIONS: Consider merits of the appeal and uphold the denial of the license; or upon a finding of good cause for the issuance of the license, direct the City Clerk to issue a daycare facility license to Happy Horizons Childcare; or take other such action deemed appropriate.

 Riedner introduced the item as written above.

Connie Salisbury, introduced Dr. _____, 1077 _____ Moscow, who is a board member for Happy Horizons. With the lack of open space adjacent to the building, they propose a plan for outdoor play space near the building. The City Council has set precedent approving daycares without adjacent play space in the past. Pictures of the space were presented including how the children will exit the mall building. The children will be accompanied by crossing guards wearing orange vests and include "child at play" signs for the drive way. Children will be taken to the playground in shifts to meet the requirement of 100 square feet per child. Age appropriate play equipment will be installed with a fence. Happy Horizons would like to request the license is issued and to use the indoor play space until the outdoor area is ready. The four foot fence will be placed on the grass around the age appropriate structure, not the sidewalk and the fence will work around the existing trees. The playground will be available to the public outside daycare use. Sullivan felt a playground with parking and traffic is a concern. Zabala said the grassy area is not well utilized and this would be a better use. Boland moved to grant the license and Bettge seconded the motion. Sullivan is still concerned about the public use and safety. Zabala felt good signage or a taller fence could mitigate. Riedner reminded the Council whether the play space is open to the public or not is not what is being decided. The question is whether there is good cause shown because it meets the intent of the City Code. Boland amended his motion to grant the license to Happy Horizons Childcare upon finding good cause for issuance. Bettge seconded the amendment to the motion. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. Local Highway Safety Improvement Program - 6th Street Pedestrian Improvements (ACTION ITEM) - Gary J. Riedner

The Idaho Transportation Department (ITD) advertised for construction bids of a grant awarded project through the Local Highway Safety Improvement Program (LHSIP) to the City for the 6th