

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
August 20, 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 5:35 PM

MEMBERS PRESENT: Mark Monson, Vice Chair; Annette Bieghler, Steve Bush, Marshall Comstock, Tim Thomson

MEMBERS ABSENT: Joe Bazzoli, Laurene Sorensen

STAFF IN ATTENDANCE: Mike Ray

The meeting was called to order at 5:32 PM

1. Approval of Minutes from August 8, 2019

Comstock moved acceptance of the minutes as corrected.

RESULT:	ACCEPTED BY ACCLAMATION [UNANIMOUS]
MOVER:	Comstock
SECONDER:	Bush

2. Approval of Relevant Criteria and Standards for a Property Located at 412 E Third Street—LUP2019-0026

Thomson moved approval of the RCS as presented.

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

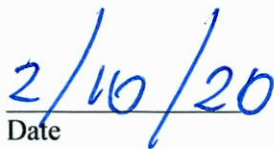
3. Board Communications

None.

Adjournment

The meeting adjourned at 5:38 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 VARIANCE REQUEST TO WAIVE ADDITIONAL OFF-STREET PARKING REQUIREMENTS FOR THE RENOVATION OF THE REMAINING FLOORS OF THE 1912 CENTER, LOCATED AT 412 E THIRD STREET, PER MOSCOW CITY CODE 4-6-2(E)(6).

WHEREAS, the applicant filed an application for a variance on July 11, 2019; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on August 8, 2019; and

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

THE MOSCOW 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 to the City of Moscow Zoning Code, Comprehensive Plan, and Moscow City Code.
2. The applicant, Heart of the Arts, Inc., is requesting a Variance to waive additional off-street parking requirements for the renovation and future occupancy of the remaining floors of the 1912 Center.
3. The applicant intends on renovating the remaining 20,000 sf of the building, which encompasses the second and third floors of the building. The ground and first floors of the building have previously been renovated and are currently being used. Adequate parking has been constructed (37 spaces on-site and 30 spaces off-site) for the ground and first floor occupancy.
4. The subject property is approximately 43,200 square feet in size and is bounded by Van Buren Street to the east, Adams Street to the west, Third Street to the south, and Second street to the north.
5. The 1912 Center site is developed with what was once the 1912 Moscow High School. It is adjacent to the current Moscow High School to the south across Third Street, residential uses to the east across Van Buren Street, the McConnell Mansion and the Unitarian Church to the north across Second Street, and the First United Methodist Church and Centennial Annex (Latah County Historical Society Office and Library) to the west across Adams Street.
6. The 1912 Center was originally constructed as the City's second high school by Spokane architect Clarence Hubbell, which was dedicated in 1912. In 1938, a new high school was constructed across Third Street and the 1912 school was adapted for junior high education.

7. Following construction of a new junior high school facility on D Street in 1959, the 1912 school was once again adapted to serve administrative office, teaching and storage needs. In 1993, the school board voted to relocate the district offices and vacate the building, which placed its future in jeopardy.
8. The building was placed National Register of Historic Places in 1992 and was acquired by the City of Moscow in 1998 to serve as a community center.
9. Then on December 14, 2000, the Board of Adjustment approved a Conditional Use Permit (CUP) and Variance request to allow Phase I and Phase II occupancy of the 1912 Center as a community center. Phase I and II involved the remodeling the plaza/subbasement level of the building and the east wing of the ground and first levels of the building for occupancies that would include the Senior Community Meals Program and public and private assembly for rent. At the time, the 1912 Center was located within the R-4 Zone and the occupancies requested required more parking than could be provided on-site.
10. Phase I and Phase II occupancies required a minimum of 60 off-street parking stalls at night and on the weekends, and 30 stalls were required for weekday uses. Only 30 parking stalls were proposed on-site, leaving a deficit of 30 parking stalls which would be accounted for at a proposed off-site parking lot on the east side of Jefferson Street, between Second and Third Street. The Zoning Code at the time required a CUP for off-site parking and/or joint use parking. Therefore, the CUP request was to allow the 1912 Center to satisfy a 30 space portion of their off-street parking requirement for their nighttime and weekend uses on the Jefferson Street parking lot, which contained 30 spaces.
11. The Variance request in the year 2000 was to accommodate parking on the 1912 Center at 412 East Third Street. The approval of the Variance allowed the required parking to be located in the street right-of-way, to allow the required off-street parking to be located in the front and street side yard setbacks, and to allow a reduced Type A landscape buffer adjacent to the parking lot and a two-year delay in planting. As mentioned previously, the Board of Adjustment approved the CUP and Variances on December 14, 2000.
12. Phase I of the project (Great Room, Kitchen and Pall Plaza) opened to the public in October 2001 and Phase II (Senior Center and Friendship Hall) opened in June of 2002.
13. Then on January 21, 2003, Moscow City Council approved a rezone request for a number of institutional buildings in close proximity to downtown. The subject properties that were rezoned contained the Moscow School District High School, the Latah County Courthouse, the 1912 Center, and the First Presbyterian Church.
14. These institutional properties were rezoned from the Multiple Family Residential (R-4) and Residential Office (RO) Zones to the General Business (GB) Zone. The intent of the rezones were to allow the applicants to continue and potentially expand their respective uses as permitted uses instead of special, conditional, or nonconforming uses as they currently exist. At the time, it was Staff's opinion that approval of the requested rezoning would promote the retention of the Courthouse, High School, 1912 Center and Presbyterian Church in their current locations, and that such retention promotes downtown area activity and sense of community centralization and cohesiveness. The historic and existing uses of the subject properties were expected to continue to serve the community where they are and were compatible with the surrounding area land uses.

15. The west wing of the first-floor project was then approved by City Council on December 3, 2007 was opened to the public for use in November of 2008. This project added a public meeting space (The Fiske Room), an arts workshop and a dressing room/restroom to the existing spaces in the facility.
16. Chapter 2 of the Comprehensive Plan, Land Use and Community Character, designates the subject property's Future Land Use as Civic/Institutional. Civic/Institutional designated areas are, *"intended to include properties that are civic or institutional in nature which include but are not limited to educational institutions, government properties, cemeteries, hospitals, fairgrounds, public service and utility facilities, and community/neighborhood centers. Since these areas are dispersed throughout the community, most zoning districts are appropriate for Civic/Institutional designated areas."*
17. The subject property is adjacent to Third Street to the south which is currently designated in the Thoroughfare Plan as a minor arterial. Adams Street, Second Street, and Van Buren Street are currently designated as local neighborhood streets.
18. The subject property is located within the General Business (GB) Zone. The principal purpose of the GB Zoning District is to, "provide for the location and grouping of compatible retail enterprises having the common characteristics of dispensing commodities, providing professional services or providing personal services to the individual, but which do not involve more than incidental or limited assembly, fabrication or storage of commodities. The GB Zoning District is appropriately applied in the following circumstances:
 1. On the periphery of the CB Zoning District where retail uses are appropriate yet the distance to community parking facilities indicates a need for on-site parking.
 2. At dispersed commercial centers where the grouping of retail and office uses is appropriate to serve community or regional needs."
19. As was mentioned previously, in 2003 the 1912 Center property was part of a multi-property rezoned to General Business (GB). The rezoning was conditioned upon the property owners entering into a development agreement that limited the properties to only uses that were allowed within the GB Zone that were compatible to the adjacent residential neighborhood. The setback requirements were also restricted to the setback requirements of the R-4 Zoning District.
20. The 1912 Center currently has 37 parking spaces developed on-site and another 30 spaces at the Third and Jefferson Street lot which are intended to be available during the evenings and weekends.
21. The applicant is wishing to proceed with renovation of the second and third floors and as part of the building permit process, the applicant is required to demonstrate how they will be satisfying off-street parking requirements. Based upon current parking requirements of the Zoning Code, the 1912 Center is required to provide 180 parking spaces at full occupancy.
22. The parking requirements for a community/neighborhood center use are 1 per 4 seats or 100 inches of bench seating, plus 1 per 100 square feet of open assembly area. Therefore, the applicant has provided proposed floor plans of the entire building and anticipated uses that each room will be used for. The open assembly areas require 1 space per 100 sf and the rooms

and classrooms are calculated based upon the number of seats in the typical room seating arrangement.

23. Since the 1912 Center currently has 67 spaces, with the proposed occupancy of the remaining floors they need a Variance to waive 113 parking spaces. The applicant has provided some supporting documentation about how Heart of the Arts, Inc. plans on managing the building when fully renovated.

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. **Are there special conditions or circumstances that exist which are peculiar to the property (such as size, shape, topography or location) which are not applicable to other properties similarly situated in the same Zoning District?** Ever since the 1912 Center was originally constructed as the City's second high school and was dedicated in 1912, the building has served multiple purposes. In 1938, the school was adapted for junior high education and then following construction of a new junior high school facility on D Street in 1959, the 1912 school was once again adapted to serve administrative office, teaching and storage needs. The building was placed National Register of Historic Places in 1992 and was acquired by the City of Moscow in 1998 to serve as a community center. Variances and a Conditional Use Permit were then approved in 2000 to accommodate parking on-site, as well as off-site at a parking lot at Third and Jefferson Streets. The Variances and CUP that were approved in 2000 allowed the remodeling of the ground and first floors of the building and the construction of the on-site parking lot. The 1912 Center has been meticulously remodeled in its original form and the lot upon which the building sits has been developed with as much parking as can fit within the parameters of the City's parking lot development standards. The Board finds that in order to adaptively reuse the 1912 Center building, which is on the National Register of Historic Places, that a variance is needed to waive additional off-street parking spaces for the second and third floors. The Board finds that the building serves a substantial benefit to the citizens of Moscow as a community center and the variance will ensure that the remaining floors of the building are allowed to be adaptively reused.
2. **Because of the aforementioned special conditions of the property, would application of the provisions of the Zoning Code impose undue hardship and deprive the property owner of rights commonly enjoyed by owners of other property similarly situated in the same Zoning District?** The 1912 Center was originally constructed in 1912 and is on the National Register of Historic Places. The building has served many uses over the years, most of which required no parking be provided. The applicant has developed as much parking on-site as is possible, and has also acquired off-site parking within 500 feet of the subject property. At full occupancy, the building still requires 113 additional parking spaces which are unachievable to develop on-site or off-site within 500 feet. Therefore, it would be an undue hardship to not allow the remaining floors of the building to continue to be adaptively reused

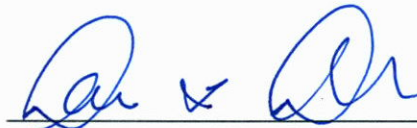
as a community center. The applicant has remodeled the building within the original footprint that was constructed in 1912 and has preserved its historical integrity.

3. **Will the granting of the Variance be in conflict with the public interest or injurious to the property or persons in the vicinity of the subject property?** The Board finds that it is in the public's interest to approve the Variance in order to allow the adaptive reuse of the remaining floors as a community center. The public receives substantial benefit from having such a facility for all citizens to be able to use. The 1912 Center is located in an area close to the core of town amongst other institutional buildings, which provides a centralized location that is accessible everyone.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a Variance to waive one-hundred and thirteen (113) additional off-street parking spaces for the renovation and future occupancy of the remaining floors of the 1912 Center at 412 East Third Street with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 20
OF August, 2019.



Mark Monson, Vice Chair
Board of Adjustment