

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
June 26, 2018

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 5:30 PM

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

MEMBERS ABSENT: Annette Bieghler, Jerry Long

STAFF IN ATTENDANCE: Mike Ray, Planning Manager; Leah Carlson, Staff Liaison; Anne Peterson, Deputy City Clerk

1. Approval of Minutes from June 20, 2018.

2. Approval of Relevant Criteria and Standards for Property Located at 412 N. Monroe Street – LUP2018-0014

Monson moved approval of the minutes and RCS as presented by staff. Bazzoli noted one minor typo on the minutes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Monson
SECONDER:	Comstock

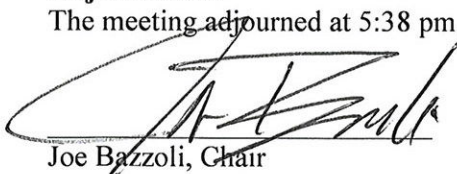
Motion carried by roll call vote.

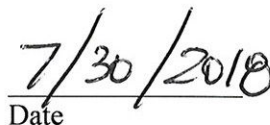
3. Board Communications

There was brief discussion about Board Member availability for the next hearing. Staff will confirm via email.

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 CONDITIONAL USE PERMIT APPLICATION FOR A LARGE CHILD
CARE FACILITY LOCATED AT 412 N. MONROE STREET IN THE CITY OF
MOSCOW, IDAHO, WITHIN THE MODERATE DENSITY, SINGLE FAMILY
RESIDENTIAL (R-2) ZONING DISTRICT PER MCC 4-2-6(D)(3).**

WHEREAS, the applicant filed an application for a Conditional Use Permit on May 23, 2018; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on June 20, 2018; 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, State Statutes, and Moscow City Code.
2. The applicant is proposing to relocate the Child Care Facility from St. Rose's to a portion of St. Mary's School across the street. St. Mary's has previously operated a large Child Care Facility called St. Rose's across the street to the west at 412 N Howard Street which had been in existence prior to the CUP requirement for large Child Care Facilities.
3. The proposed large Child Care Facility within St. Mary's will utilize an existing classroom in the northwest corner of the existing school building. It is anticipated that 28 pre-school and pre-kindergarten children (3 and 4 year olds) will be enrolled upon the opening of the facility. The number of staff will be between 3-4 teachers depending upon the ages of the children and the required staff/child ratio determined by City child care licensing requirements. The current operating hours of St. Mary's is Monday through Friday, 7:00 am to 3:30 pm.
4. The subject property is a 1.37-acre lot which has been used for school purposes since the early 1900's and the current elementary school structure was built in 1956. The property includes almost one city block.
5. The lot is relatively flat, with the existing school building at the southwest corner, parking in the northwest corner, and the remaining area playground and green space.

6. The site is surrounded to the east, north, and south by single family residential development. The current addition to the school which began in 2008, has been designed with articulated exterior walls, a low profile roofline, and color and materials that create a visually, pleasant character that is in keeping with the rest of the neighborhood.
7. The subject property is located in Moderate Density, Single Family Residential (R-2) Zoning District which requires a Conditional Use Permit (CUP) for Large day care facilities per MCC 4-2-6(D)(3).
8. Adjacent properties are all located within the Moderate Density, Single Family Residential (R-2) Zoning District to the north, south, east, and west.
9. Existing land uses include single-family housing to the north, east, and south, and the building that formerly contained Saint Rose's large child care facility to the west.
10. Chapter 2 of the 2009 Comprehensive Plan, Community Character and Land Use, designates the subject property as Neighborhood Conservation (NC).
11. According to the Comprehensive Plan, NC designated areas are, *"intended to preserve the character of many of the City's existing (built) residential neighborhoods. Within areas designated Neighborhood Conservation, neighborhood specific zoning districts would be established that would describe prevailing lot sizes, permitted uses, and still allow for improvement and expansion of existing development."*
12. A large Child Care Facility is defined as a facility providing child care for 21 or more children.
13. The Zoning Code has specific use standards for large Child Care Facilities within MCC 4-3-5(C).
14. Large child care facilities are required to provide two loading zone spaces. St. Mary's is requesting that two loading zone spaces be designated on the east side of Monroe Street just north of the parking lot entrance and that the west side of Monroe Street be designated as no parking. St. Rose's previously had their loading zone spaces designated on the west side of Monroe Street. The City Engineer has reviewed and approved the proposed location of the two loading zone spaces and the Board finds that the proposed loading zone spaces are in appropriate locations to serve the facility.
15. Child Care Facilities are required to provide a contained or fenced outdoor play area sufficient to comply with the spatial standards required by City Code. Sight-proof fencing or sight-proof landscaping shall be provided on perimeters of such outdoor play areas where necessary to protect the privacy of neighbors' yards. St. Mary's School already has a large fenced playground which meets the size requirements of the City Code. The playground is enclosed with a 6-foot-tall chain link fence and is surrounded by City streets. The Board finds that no screening shall be required since the playground is adjacent to only City streets and doesn't affect any neighboring yards.
16. Large Child Care Facilities must meet the parking requirements outlined in the off-street parking requirements table found within MCC 4-6-5, which requires large Child Care Facilities to provide 4 spaces per facility. The applicant has identified the gravel lot at the southeast portion of the property as the location where they would like these 4 parking spaces

to be located. The Board finds that the 4 parking spaces shall be improved to City of Moscow Parking Lot Standards within 5 years of approval of the CUP.

17. Large Child Care Facilities must meet ADA accessibility standards for parking outlined in MCC 4-6-5, which requires one accessible parking space for up to 25 total parking spaces, one of which must be van accessible. Currently, Saint Mary's provides two accessible parking spaces and therefore meets this criterion.
18. Upon review of the submitted materials, it is the Board's determination that the proposal meets all of the required setbacks and height, and locations of the proposed buildings conform to the proper zoning requirements.

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:** All large Child Care Facilities are conditionally permitted in the Moderate Density, Single Family Residential (R-2) Zoning District per MCC 4-2-6(D)(3).
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed large Child Care Facility is consistent with the existing character of the uses within the surrounding neighborhood. The existing school building has been designed with articulated exterior walls, a low profile roofline, and color and materials that create a visually, pleasant character that is in keeping with the rest of the neighborhood.
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):** The proposed use will not generate nuisances to the adjoining properties or the neighborhood through noise, dust, glare, vibrations, or odors. The large day care facility is not expected to generate a significant amount of additional traffic to the neighborhood since the additional students use the same street to access St. Roses on the opposite side of the street currently. The large child care facility's schedule will be during working hours and will have minimal effect on the neighborhood in the evening, early mornings, and during the summer months.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The primary access to the Saint Mary's School is via N Monroe St, which is a local neighborhood street with nearby access to 'D' Street, which is a minor arterial. The existing streets and public facilities will sufficiently serve the St. Mary's. As part of the CUP, the owner will be required to improve the proposed 4 space parking lot located in the southeast corner of the subject property to City of Moscow parking lot standards within 5 years.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The proposed use will not endanger the public health or safety on the proposed site.

6. **Proposed use meets all applicable development standards of the Zoning Code:** The use meets all applicable development standards of the zoning code. Improvements to the southeast parking lot will provide sufficient parking for the facility that will create a cohesive parking lot design between the three separate lots. Additionally, the transition of the loading zones from the west side to the east side of N Monroe St. will provide a direct path for students from the drop off point to their classroom. ADA accessible parking spots are provided per code. The existing facility conforms to the overall height and setback requirements in the zoning code.
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 Large Child Facility at 412 N. Monroe Street with one condition:

1. The applicant be required to improve the proposed 4 space parking lot located in the southeast corner of the subject property to City of Moscow parking lot standards within 5 years of the approval of the Conditional Use Permit.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 26 DAY OF JUNE, 2018.



Joe Bazzoli, Chair
Board of Adjustment