



Joe Bazzoli

~Agenda~

Leah Carlson

Commission Chair

Staff Liaison

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

Monday

Council Chambers

7:00 PM

July 30, 2018

206 E 3rd Street

1. Approval Of Minutes From June 26, 2018

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

Documents:

[MINBOA20180626.PDF](#)

2. Public Hearing: Proposal For Conditional Use Permit For A Detached Private Garage Not To Exceed 1,500 Sf Located At 808 Park Drive – LUP2018-0019

Conditional Use Permit application for detached private garage not to exceed 1,500 sf located at 808 Park Drive. The applicant is proposing to construct a 1,500 sf detached private garage on their property where detached private garages shall not exceed 1,000 sq. ft. unless conditionally approved.

ACTION: Conduct the public hearing upon the proposed Conditional Use Permit and upon consideration of any testimony presented, approve Conditional Use Permit with no conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or approve the Conditional Use Permit with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the Conditional Use Permit and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

Documents:

[808 PARK DRIVE CUP.PDF](#)

3. Public Hearing: Proposal For Conditional Use Permit For A Drive-Through Coffee/Espresso Stand Located At 625 S. Jackson Street – LUP2018-20

Conditional Use Permit application for a drive-through coffee/espresso stand located at 625 S. Jackson Street. The applicant is proposing a drive-through coffee/espresso stand within the Urban Mixed Commercial (UMC) zone.

ACTION: Conduct the public hearing upon the proposed Conditional Use Permit and upon consideration of any testimony presented, approve Conditional Use Permit with the one condition recommended by Staff and direct Staff to prepare a reasoned statement of relevant criteria and standards; or approve the Conditional Use Permit without conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the Conditional Use Permit and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

Documents:

[625 S JACKSON ST CUP.PDF](#)

4. Board Communications
5. Other Business

Adjourn

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 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

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

HEARING DATE: Monday, July 30th, 2018

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2018-0019 – Conditional Use Permit application for a proposed detached private garage not to exceed 1,500 sf located at 808 Park Drive within the Moderate Density, Single Family Residential (R-2) Zoning District per Moscow City Code 4-2-6(D)(13).

Attachments:

- A. Public Hearing Notice
- B. Conditional Use Permit Application
- C. Site Plan with Floor Plans and Elevations
- D. Relevant Criteria and Standards

Prepared by: Leah Carlson, Planner I

Proposal: The applicant, Rick Beebe, has submitted an application for a Conditional Use Permit (CUP) for a detached private garage, which exceeds 1,000 sf in size located at 808 Park Drive. The applicant is proposing to construct a detached, 1,500 sf private garage, 30' wide by 50' deep to be located 10' off the southeastern property line. The subject property is within the Medium Density, Single Family Residential (R-2) Zoning District that requires that garages over 1,000 sf and up to 1,500 sf to be reviewed as conditional uses.



Vicinity Map

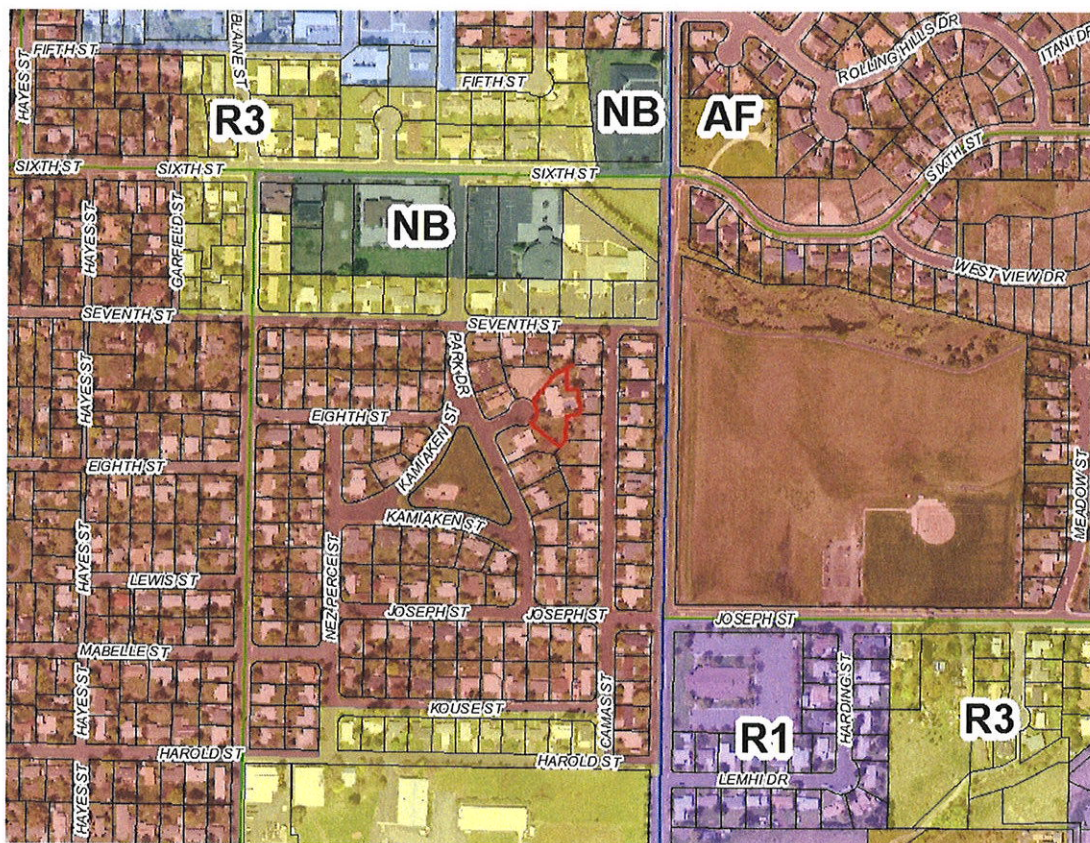


Subject Property

Zoning: The subject property is located within the Moderate Density, Single Family Residential (R-2) Zoning District. Adjacent properties to the north, south, east, and west are also in the R-2 Zone. Properties north of Seventh Street are located in the Medium Density Residential (R-3) Zoning District with a small section of Neighborhood Business (NB) Zoning District laying north of the subject property. While the majority of surrounding land uses are for residential purposes, other uses include community churches, a funeral chapel, a small community park, and large community playfields to the east.

According to the Zoning Code 4-2-6(A): *"Intent: The R-2 zoning district is a moderate density residential zone appropriate where the following circumstances are present: 1. Single family dwellings predominate. 2. The terrain is not harshly irregular and smaller lot sizes can be accommodated without extensive earthwork. 3. Utilities and other public facilities are adequate for the densities allowed. 4. Existing lot development patterns and policies embodied in the Plan will also guide application of this zoning district."*

Within the R-2 Zoning District, private garages and workshops exceeding 1,000 sf are listed as a conditionally permitted use, but may not to exceed 1,500 square feet in size (MCC 4-2-6(D)(13)).



Zoning Map

Site and Area Land Use: The subject property is about a half-acre in size, approximately 21,550 sf, and is located at the end of the Park Drive cul-de-sac. At its widest, the lot is 228 feet long and 153 feet deep. The subject property was originally used for agrarian purposes prior to being subdivided in 1957 as part of the Eastgate subdivision.

Streets and Access: Access to the subject property is from Park Drive, which splits off into Park Drive cul-de-sac. The lot has approximately 75 feet of frontage within the Park Drive cul-de-sac. The Park Drive cul-de-sac right-of-way is 50 feet wide with a 34 foot paved street and has on-street parking on both sides. The cul-de-sac at the western most portion of the street is 70-feet in diameter. Park Drive has a 50' right-of-way with a 34 foot wide paved street.

Comprehensive Plan: Chapter 2, Land Use and Community Character, designates the subject property as Auto-Urban Residential. The Auto-Urban Residential designation includes the conventional and more recently developed subdivisions with lots ranging from 6,000-9,000 sf where there are no alleys. These designated areas are generally anticipated to be developed for low to moderate density residential uses at densities between 3 to 7 units per acre, which could include a mix of detached single-family.

Chapter 3, Community Mobility, identifies Park Drive as a local neighborhood street.

Floodplain Considerations: The subject property is located within both the 100-year and 500-year floodplain due to its proximity to Paradise Creek. While the structure is not required to be elevated because it will not be used for human habitation, it will be required to be firmly anchored to prevent flotation and utilities must be elevated or flood-proofed to or above Base Protection Elevation. Flood vents, one square inch for every square foot of enclosed area, are also required. Upon issuing the building permit, the applicant will be required to provide elevation certificates and building plans than reflect these requirements.

Input from other Departments/Agencies: A building permit will be required for construction of the new building and all minimum requirements of the Building, Plumbing, Fire, and Electrical Codes as adopted by the City of Moscow shall be satisfied. No other departments within the city had comments.

RELEVANT CRITERIA AND STANDARDS

- 1. The proposed use (is/is not) a conditionally permitted use within the Zoning District.**
- 2. The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses.**
- 3. The proposed use as approved, or as approved with conditions, (will/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/will not) be adequately served by existing streets, public facilities and services.

5. The proposed use (will/will not) endanger the public health or safety if located where proposed?

6. Proposed use (meets/does not meet) all applicable development standards of the Zoning Code.

7. The propose use (will/will not) be in conflict with the Comprehensive Plan.

RECOMMENDATION

Staff recommends **approval** for the proposed 1,500 sf detached private garage located at 808 Park Drive with no conditions and board will direct staff to develop Relevant Criteria and Standards to be reviewed at a following meeting.

NOTICE OF PUBLIC HEARING

Proposal for Conditional Use Permit at 808 Park Drive
Permit Application LUP2018-0019

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 for a proposed detached private garage not to exceed 1,500 sf located at 808 Park Drive per MCC 4-3-4.

HEARING DATE: Monday, July 30, 2018

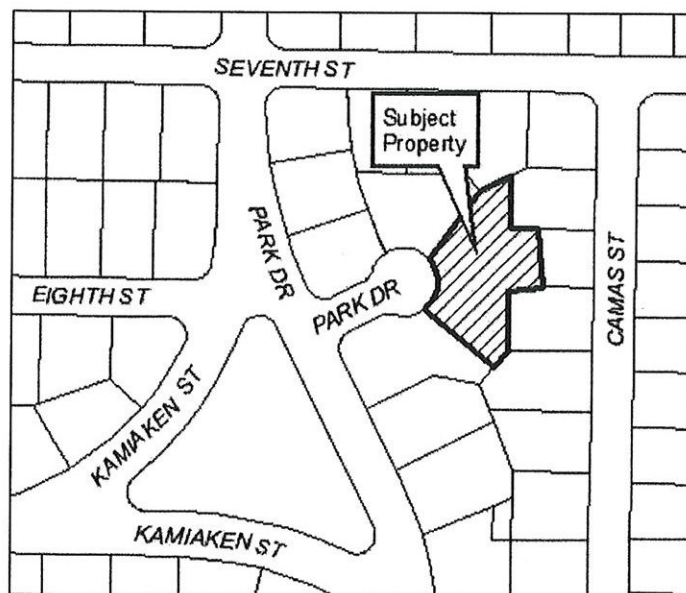
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00pm

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 to get 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, July 7, 2018



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

For City Use Only			
Date Received		6-22-18	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$410	6-22-18
Receipt Number		LUP2018-0019	

APPLICATION FOR CONDITIONAL OR SPECIAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Rick Beebe Telephone: 509 330-0634
808 Park Drive, 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: Same Telephone: 509-330-0634
(home address)

3. Location of Affected Property: 808 Park Drive

Legal Description: East Gate Addition 4 16, 17, portions of 23, 24, 25
(subdivision) (block) (lot)

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:

Construct a detached garage.

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 2-6, D 13 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.

The proposed use is for parking a motor home and vehicle and to provide additional storage.

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 OR SPECIALLY PERMITTED USE WITHIN THE ZONING DISTRICT.

Justification and compliance with criteria #1: Per Section 2-6, D, 13 the proposed use is permitted with a conditional use permit.

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: _____

The surrounding land use is single family one and two story structures.

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 proposed use will not generate nuisances that would be detrimental to surrounding properties. Additionally the location of the proposed use is buffered from other properties by both a fence and buffer landscaping.

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 proposed use is located on lot that is accessed by an existing cul-de-sac.

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 is located at the end of a cul-de-sac and will not create any public health or safety issues.

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

Justification and compliance with criteria #6: _____

The proposed use meets all development standards of the zoning code with the exception of the 1,500 sf size limitation. A 300 sf storage shed is being removed that is currently attached to the house. The owner is requesting to construct an additional 300 sf for a replacement storage shed attached to the new garage being proposed.

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

Justification and compliance with criteria #7: _____

The comprehensive plan does not address accessory uses.

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 of the Conditional Use Permit 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:

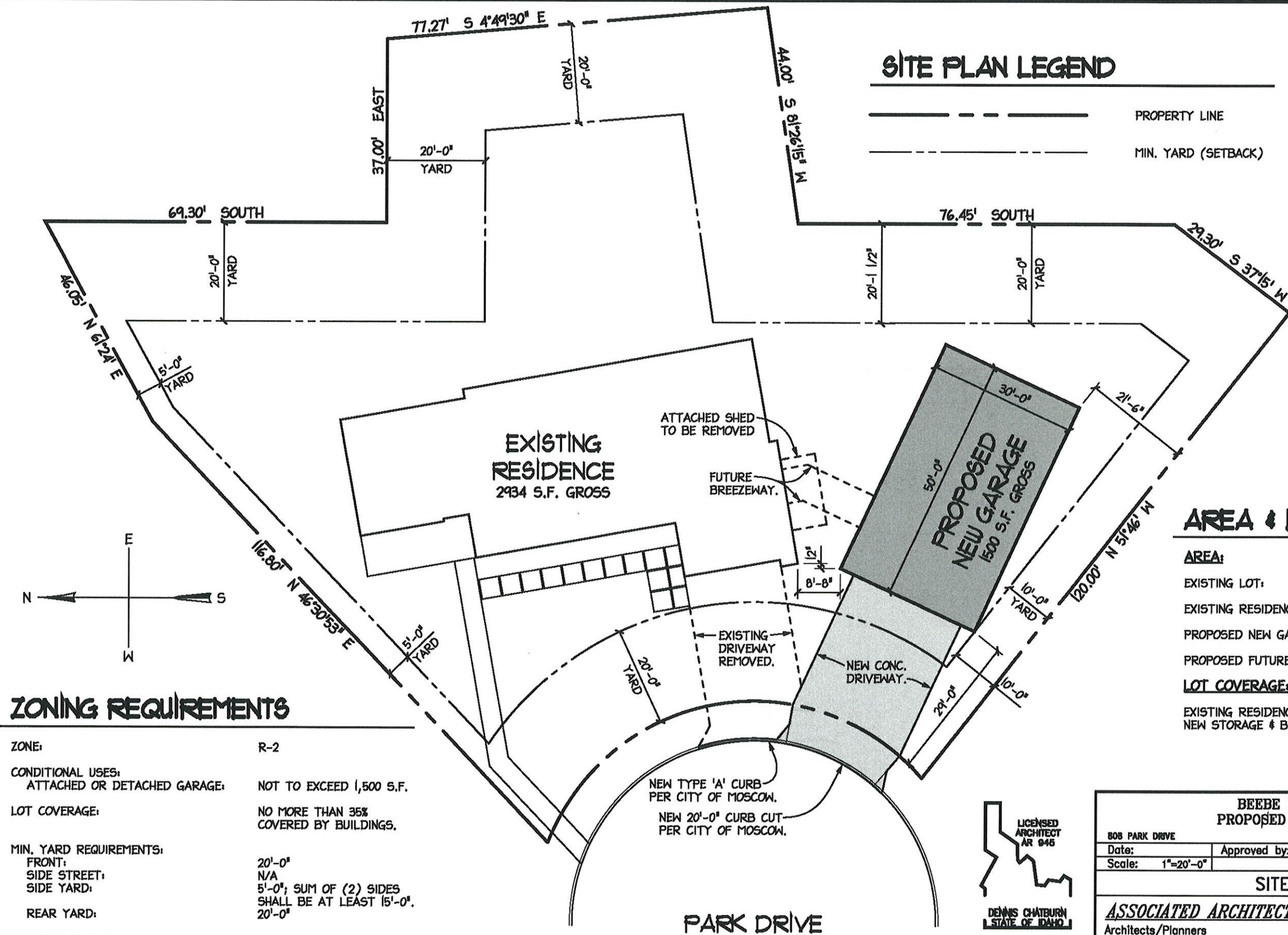
1. Application Fee
2. Site Plan, drawn to scale
3. Floor Plans, drawn to scale
4. Elevation Drawings, drawn to scale (for new construction only)


Applicant's Signature


Date


Owner's Signature


Date



C:\Acad2004\Draw\Beebe\Residence\Conditional Use Plans_1.dwg PLOT DATE: 06/22/18



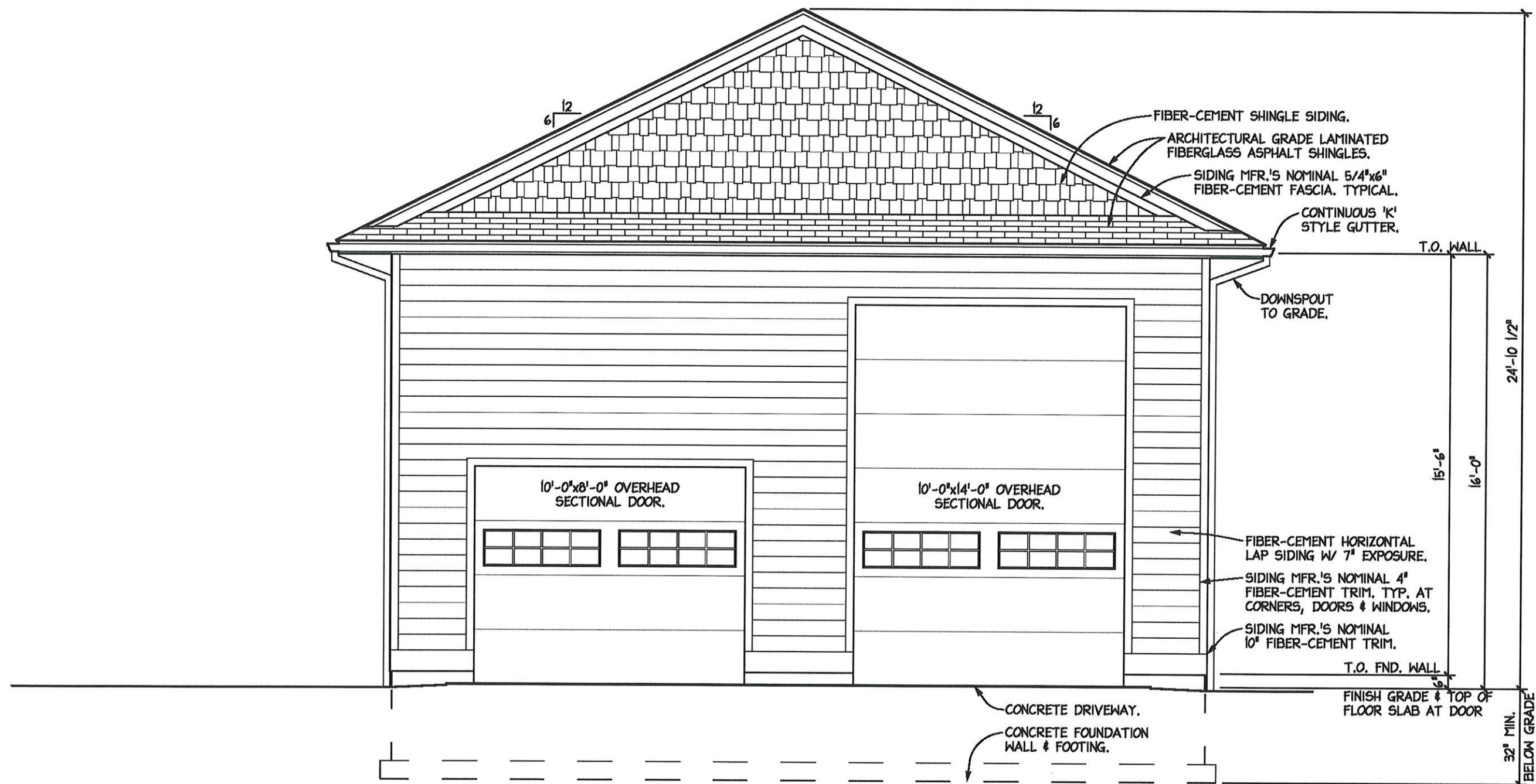
SOUTH ELEVATION

1/4"=1'-0"



BEEBE RESIDENCE PROPOSED NEW GARAGE			
808 PARK DRIVE		MOSCOW, IDAHO	
Date:	Approved by:	Drawn by:	L.W.
Scale:	AS SHOWN		
SOUTH ELEVATION			
<u>ASSOCIATED ARCHITECTS LLP</u>		P.O. BOX 6432 129 W. THIRD STREET MOSCOW, IDAHO 83843 OFF. (208) 882-8001 FAX. (208) 882-8043	
Architects/Planners			

C:\Acad2004\Draw\Beebe\Residence\Conditional Use Plans_1.dwg PLOT DATE: 06/22/18



WEST ELEVATION

1/4" = 1'-0"



BEEBE RESIDENCE PROPOSED NEW GARAGE			
808 PARK DRIVE		MOSCOW, IDAHO	
Date:	Approved by:	Drawn by:	L.W.
Scale:	AS SHOWN		
WEST ELEVATION			
ASSOCIATED ARCHITECTS LLP		P.O. BOX 8432 128 W. THIRD STREET MOSCOW, IDAHO 83843 OFF. (208) 882-8081 FAX (208) 882-8043	
Architects/Planners			

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

HEARING DATE: Monday, July 30, 2018

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2018-0014 – Conditional Use Permit application for a Drive-through Coffee/Esspresso Stand located at 625 S Jackson Street.

Attachments:

- A. Public Hearing Notice
- B. Conditional Use Permit Application
- C. Site Plan with Floor Plans
- D. Building Elevations
- E. Comment from Idaho Transportation Department

Prepared by: Mike Ray, AICP - Planning Manager

Proposal: The applicant, Pat Greenfield, has submitted an application for a Conditional Use Permit (CUP) for a Drive-through Coffee/Esspresso Stand located at 625 S Jackson Street. The Coffee/Esspresso Stand is proposed to operate daily from 5am to 5pm with 1 to 2 employees working at a time. The circulation on-site will include an ingress and egress approaches on the north and south of the property and room for 5 vehicles to queue, as required by the Drive-through Facility Standards. Equipment that will be contained with the Coffee/Esspresso Stand includes an espresso machine, grinder, blender, microwave, refrigerator, and ice machine.



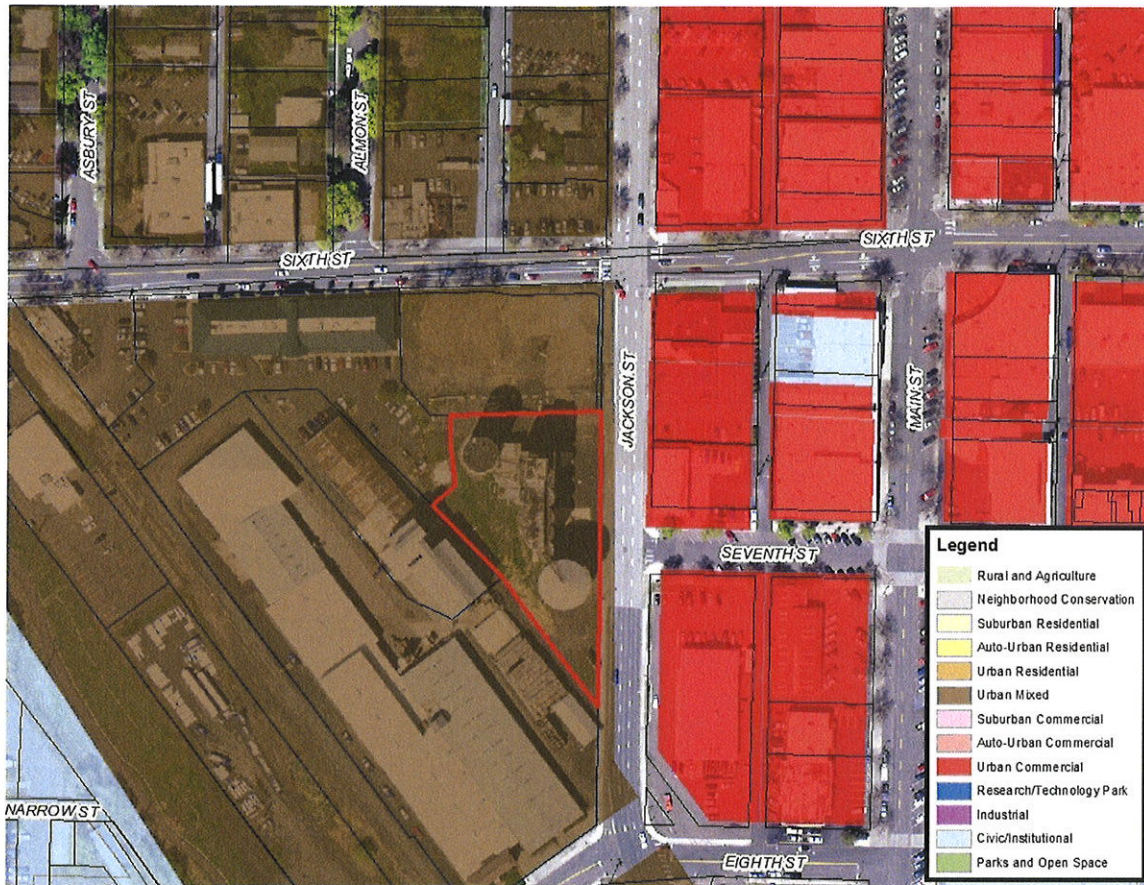
Vicinity Map

Site and Area Land Use: The subject property is a 42,790 sf parcel which has historically been utilized for industrial agriculture operations associated with the railroad which previously extended through this block. There are a number of grain silos and associated buildings which still remain on the property and Crites Seed still operates on the property to the southwest of the subject property. To the north of the subject property is the property at the southwest corner of Sixth Street and Jackson Street which was purchased by the Moscow Urban Renewal Agency to be redeveloped. To the northwest is the University Pointe mixed used development and to the east is Banner Bank and Bruneel Tire.

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

“intended to provide for the infill development and adaptive re-use of areas that surround downtown. Within these areas, a rich 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,

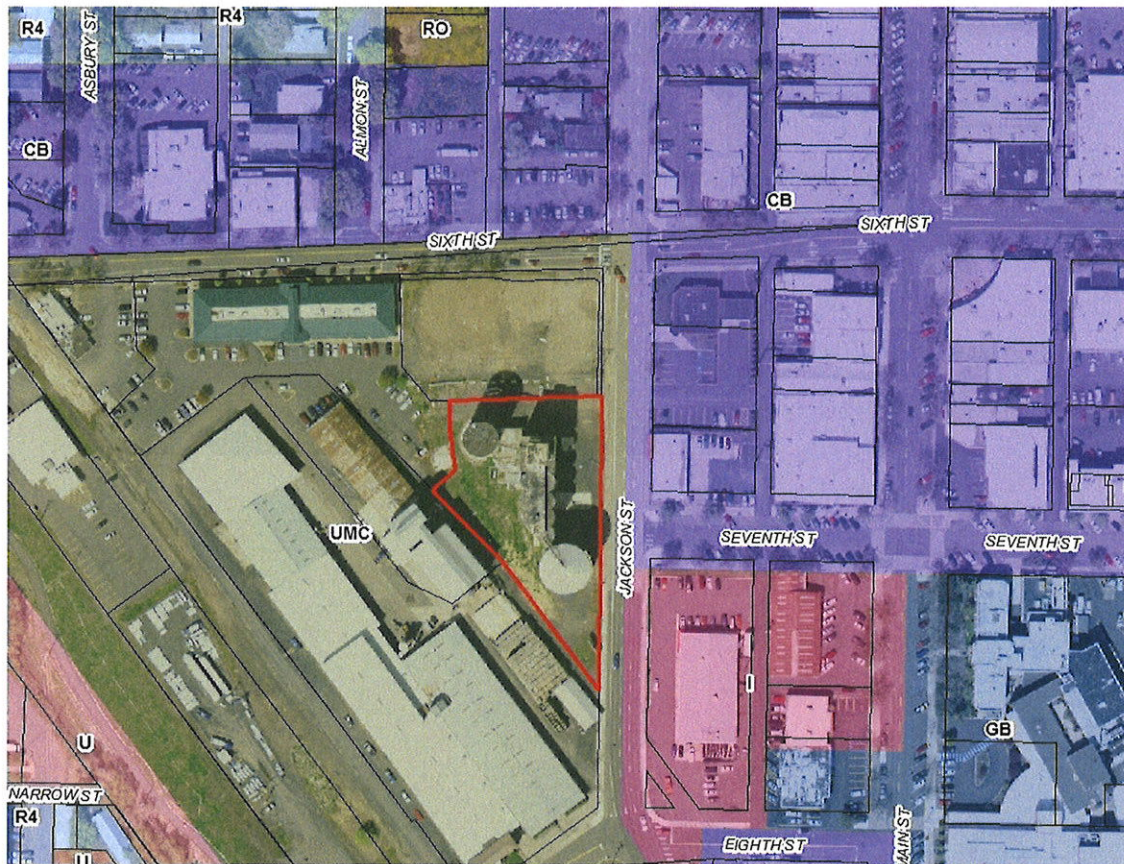
but the requirements should be reduced in this area due to the likely number of non-motorized travel the uses will attract."



Comprehensive Plan Land Use Designation Map

Zoning: The subject property is located within the Urban Mixed Commercial (UMC) Zoning District as well as all surrounding properties. The principal purpose of the UMC Zoning District is to provide a location for urban mixed development including a range of compatible commercial uses such as retail, eating and drinking, and hospitality establishments, professional and personal service uses, as well as residential uses. The UMC Zoning District is intended to promote the urban development form, promote a mixture of commercial and residential land uses. This Zoning District is appropriately applied in close proximity to the Central Business District and the downtown area where the urban form of development is appropriate and intensity of allowed commercial land uses can be accommodated.

Uses allowed within the UMC Zone include: residential uses above or behind commercial uses; amusement and recreation facilities; financial, technology, and professional services; food and beverage services; beverage manufacturing; public/institutional uses; retail and personal services; temporary uses; parking lots and garages; hotels and motels; and drive-through facilities.



Zoning Map

Streets and Access: The property is located directly adjacent to Jackson Street which is designated as National Highway. Jackson Street is currently a one-way street with three southbound lanes and a paved shoulder on the west side of the street. Curb, gutter, and 5 foot sidewalks are also located on both sides of the street. The applicant will need to work with Idaho Transportation Department to update the right-of-way use permit for the property prior to operating

Drive-through Facility Standards:

Drive-Through Facilities shall comply with the following design standards and requirements.

Number of Spaces Required

Drive-Through Facilities with one service window are required to provide room for five queuing spaces. When there are two or more service windows provided, there shall be room for four queuing spaces per service window. The applicant has provided queuing room for five spaces since there is only one proposed drive-through window, which satisfies City standards.

Size of Space

The dimensions of a vehicle queuing space shall be a minimum of twelve feet in width and twenty feet in length. The applicant has satisfied the dimensional requirements with the five proposed queuing spaces.

Turning Radius

The minimum drive-through lane inside turning radius shall be twenty feet. The applicant's proposed circulation on the site meets the turning radius requirements of the code.

Demarcation

Drive-through lanes shall be clearly demarcated with striping or curbing. The applicant will be required to delineate the drive-through lanes with striping that will be verified during the building permit process.

Additional Queuing

The design, signage or operational characteristics of the Drive-Through Facility shall prevent or discourage vehicles from waiting for service on public sidewalks or streets. The design of the proposed drive-through allows for an additional queuing lane to be located parallel to the proposed queuing lane in the circumstance where there are more than five cars in the queue.

Landscaping

Drive-through lanes adjacent to public streets shall provide a landscape buffer of a minimum of three feet (3') in width and shall contain one (1) tree of one and one half inch (1.5") caliper every forty (40) lineal feet and one (1) shrub every six feet (6'). The applicant has identified the 3-foot landscape buffer on the plans and the number of trees and shrubs will be verified during the building permit process.

Legacy Crossing District:

The subject property is located within the Legacy Crossing Overlay District (LCOD), which requires certain design standards for new structures and substantial improvements to existing structures. The proposed coffee/espresso stand is listed as a conditional use within the UMC Zoning District, but would not meet the design standards of the LCOD since stand-alone coffee/espresso stands were not a use that was really contemplated within the design standards. The underlying owner of the property has stated that he desires to allow temporary uses on the subject property until such time as a larger project that would meet the design standards is proposed. Temporary uses are allowed within the Zoning Code, but there are time limitations on those uses which would not fit the proposed coffee/espresso stand. Therefore, Staff recommends that if the Board approves the proposed CUP, that the permit expire after five (5) years from approval to be able to assess changing conditions in the Legacy Crossing District.

Other input:

The Idaho Transportation Department submitted comment in the attached email stating that the right-of-way use permit needs to be updated to reflect the proposed drive-through coffee/espresso stand as well as the existing taco food truck located on the property.

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 propose use will not be in conflict with the Comprehensive Plan.

RECOMMENDATION

Staff recommends approval for the Conditional Use Permit application for the Drive-through Coffee/Esspresso Stand located at 625 S Jackson Street with two conditions:

1. The Conditional Use Permit shall expire five (5) years from the date of approval in order to be able to assess any conditions in the area which have changed within that timeframe.
2. The applicant shall obtain the necessary approvals through Idaho Transportation Department and meet any requirements deemed necessary to mitigate impact to the transportation system in the area.

NOTICE OF PUBLIC HEARING

Proposal for Conditional Use Permit at 625 S Jackson Street
Permit Application LUP2018-20

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 for a Drive-Through Coffee/Espresso Stand located at 625 S. Jackson Street within the Urban Mixed Commercial (UMC) Zoning District per Moscow City Code 4-3-4.

HEARING DATE: Monday, July 30, 2018

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

MEETING TIME: 7:00pm

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.

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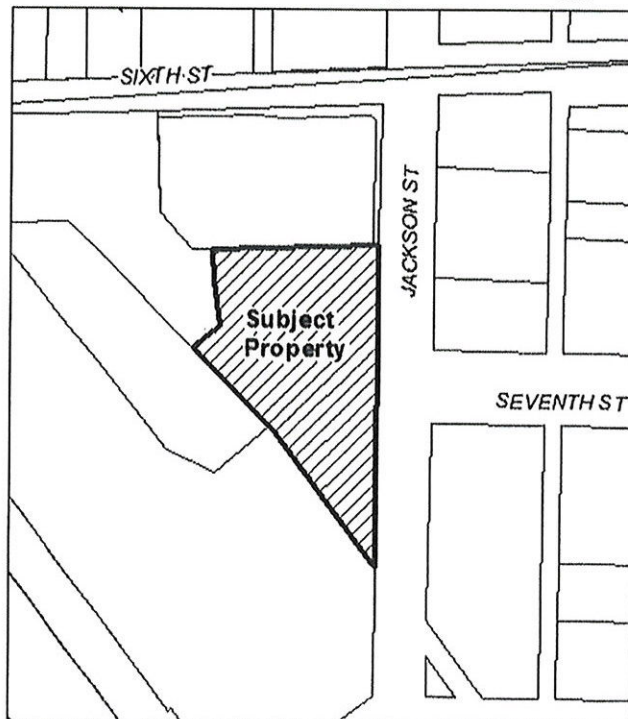
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<http://id-moscow.civicplus.com/593/Public-Hearing-Notices>

Laurie Hopkins,
Moscow City Clerk


Anne Peterson, Deputy City Clerk

Publish: Saturday, July 7, 2018





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

For City Use Only			
Date Received		7-3-18	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$410	
Receipt Number		LUP2018-0020	

APPLICATION FOR CONDITIONAL OR SPECIAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Know Box LLC Telephone: (208) 596-0887
Pat Greenfield 208 E 2nd St 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: Andrew Crapuchettes Telephone: _____
 (home address)

3. Location of Affected Property: 625 S. Jackson

Legal Description: N/A N/A N/A
 (subdivision) (block) (lot)

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:

Coffee drive through

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 4-3-4 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.

*Drive thru operating from 5am-5pm. Walk up window and drive up window.
1-2 employees working at a time. Equipment: espresso machine, grinder, blender,
microwave, refrigerator, ice machine.*

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.

See attached

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

Justification and compliance with criteria #1: _____

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: _____

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: _____

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: _____

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

Justification and compliance with criteria #5: _____

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

Justification and compliance with criteria #6: _____

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

Justification and compliance with criteria #7: _____

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 of the Conditional Use Permit 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.

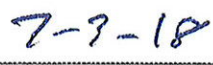
The following items must be submitted with this application before it will be processed:

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)


Applicant's Signature


Date


Owner's Signature


Date



CUP Application

7)

Criteria #1. Coffee and espresso stands are allowed with conditional use permits according to the land use table of Section 3-4 of the Moscow City Code.

Criteria #2. There are already established businesses in the area and the planned development of the lot will be in harmony with our drive-thru.

Criteria #3. The addition of a drive-thru to this area will not add any new or additional nuisances.

Criteria #4. The drive-thru will be more than adequately served by current streets, facilities, and services.

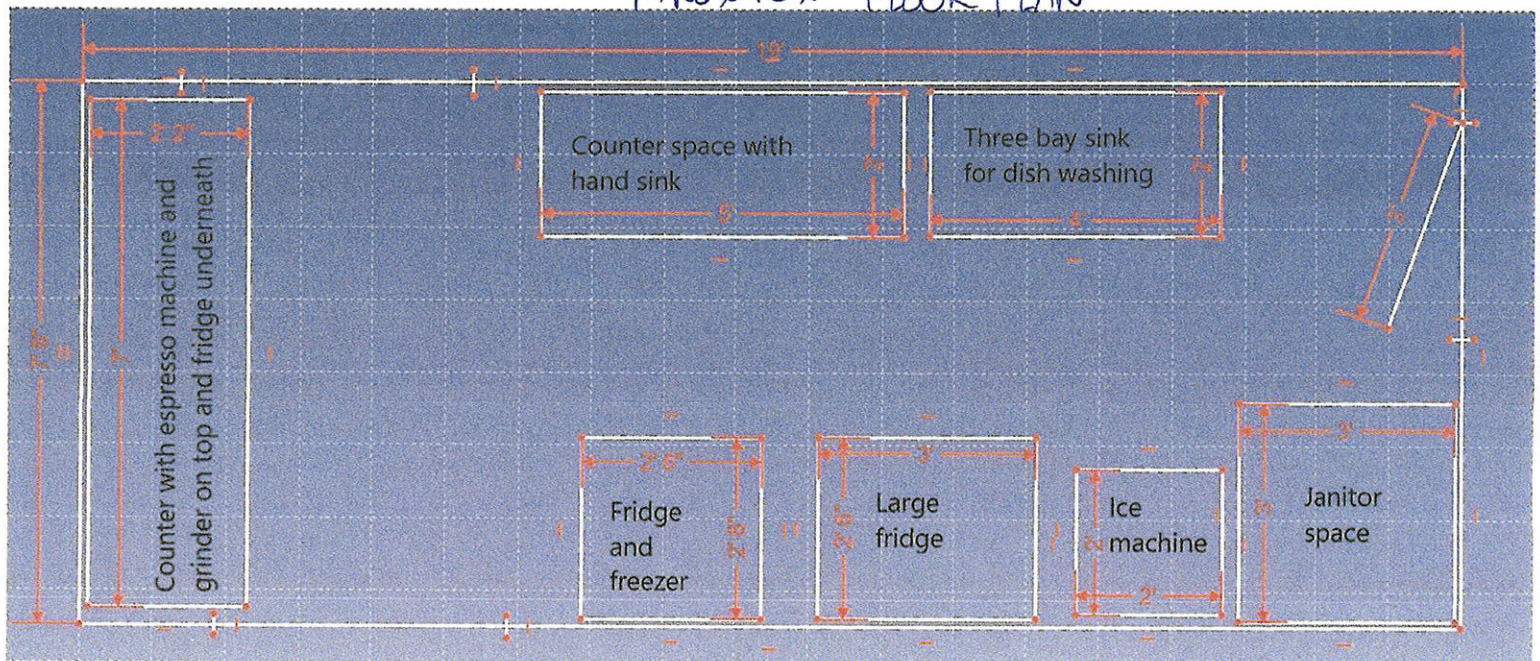
Criteria #5. The drive-thru will not add any hazards or create any public health or safety concerns.

Criteria #6. The proposed use will comply with all applicable development standards required of a drive thru (MCC Sec 3-5.D).

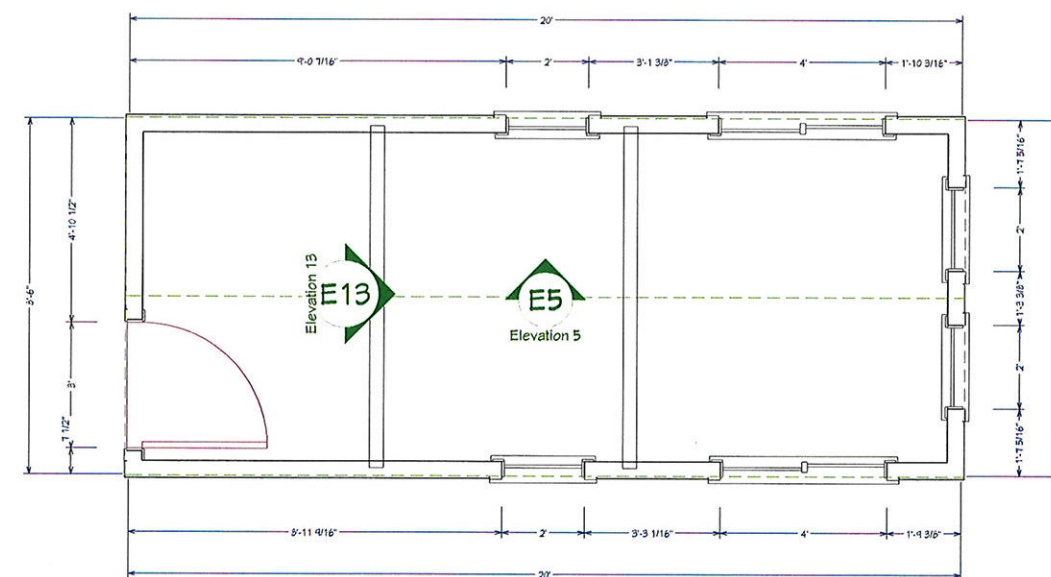
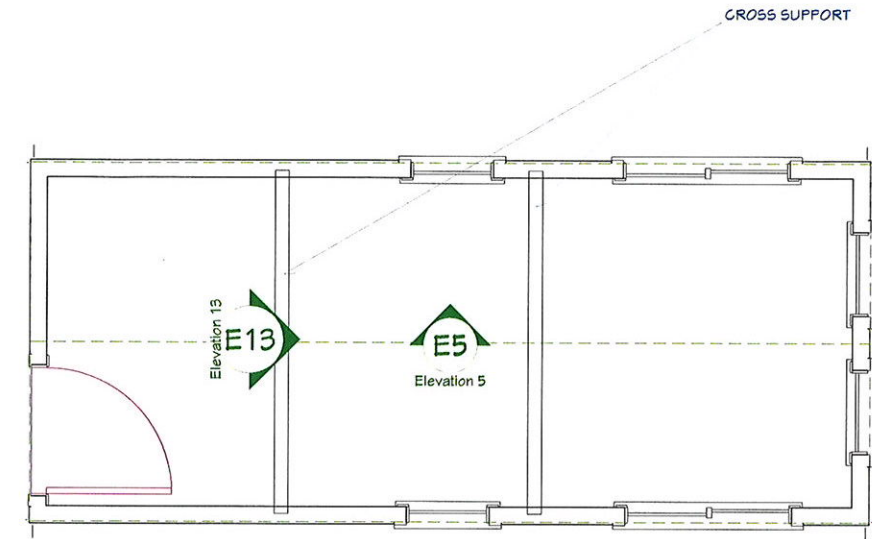
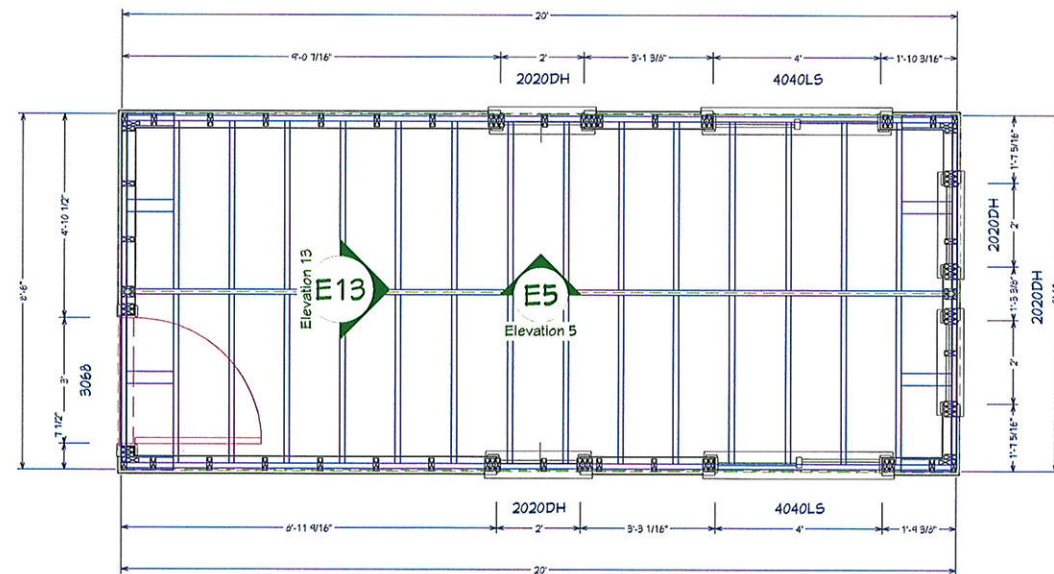
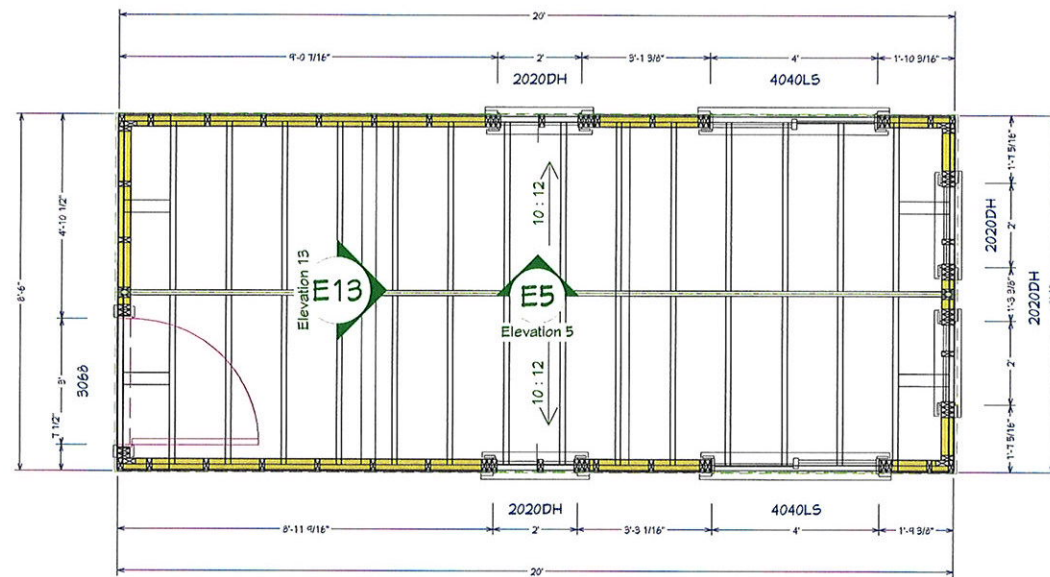
Criteria #7. The drive-thru will not conflict with the Comprehensive Plan and is in keeping with the Legacy Crossing development desired in this area.

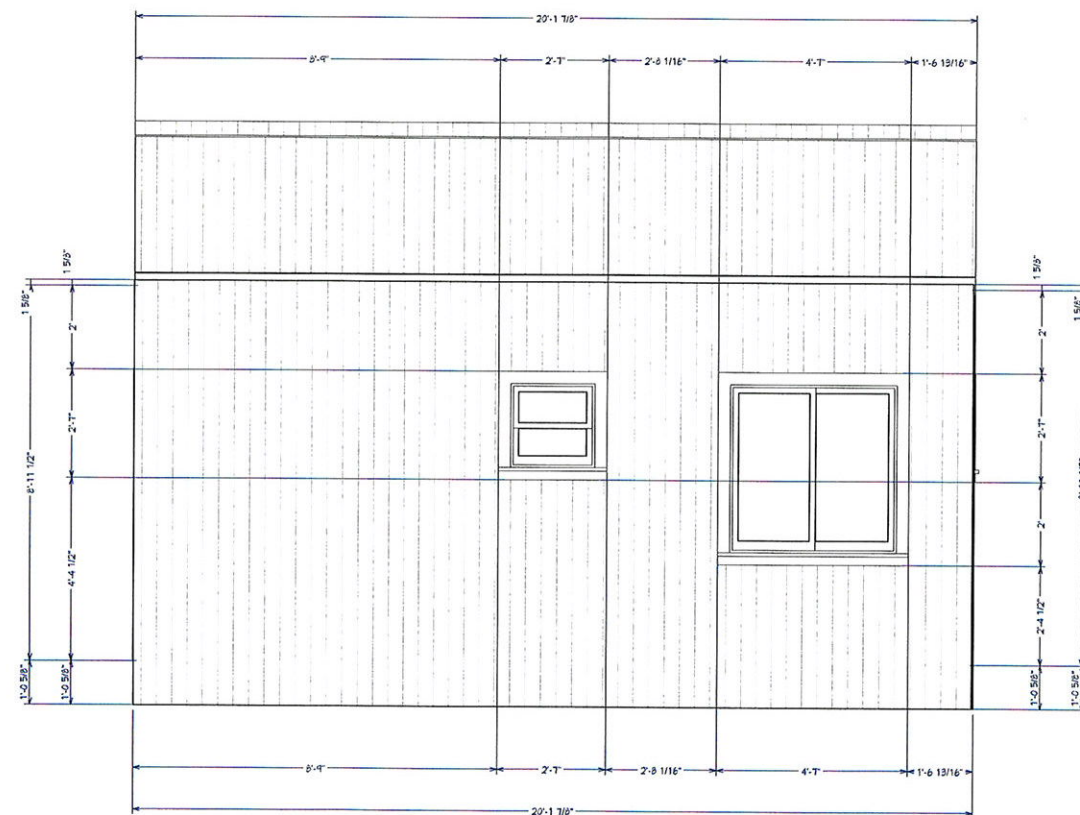
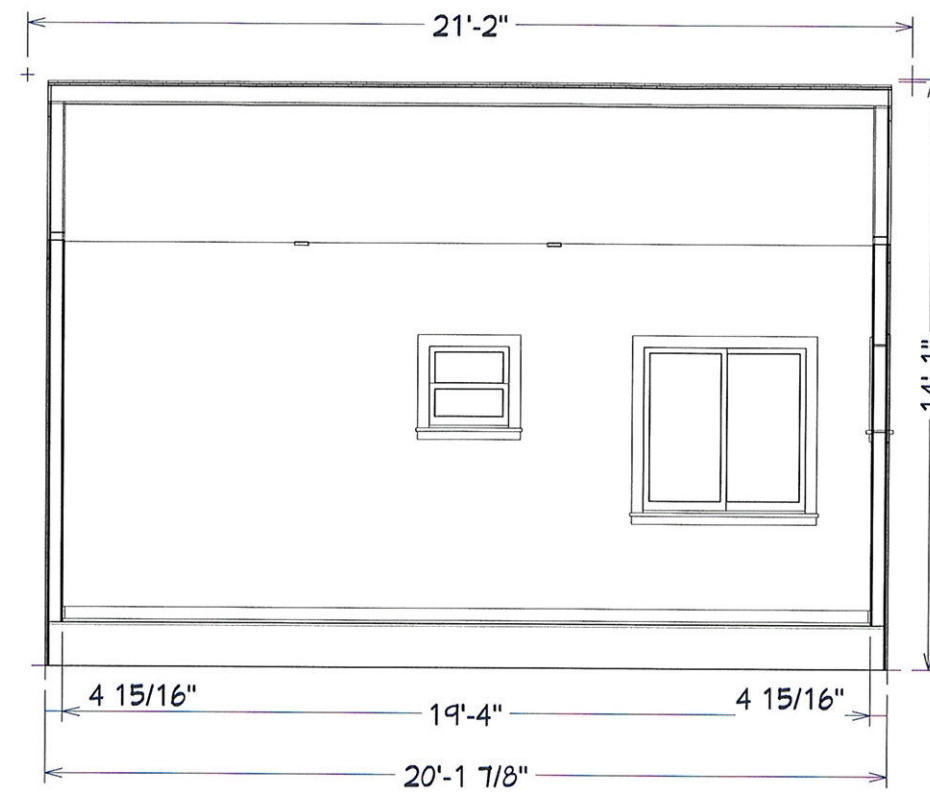
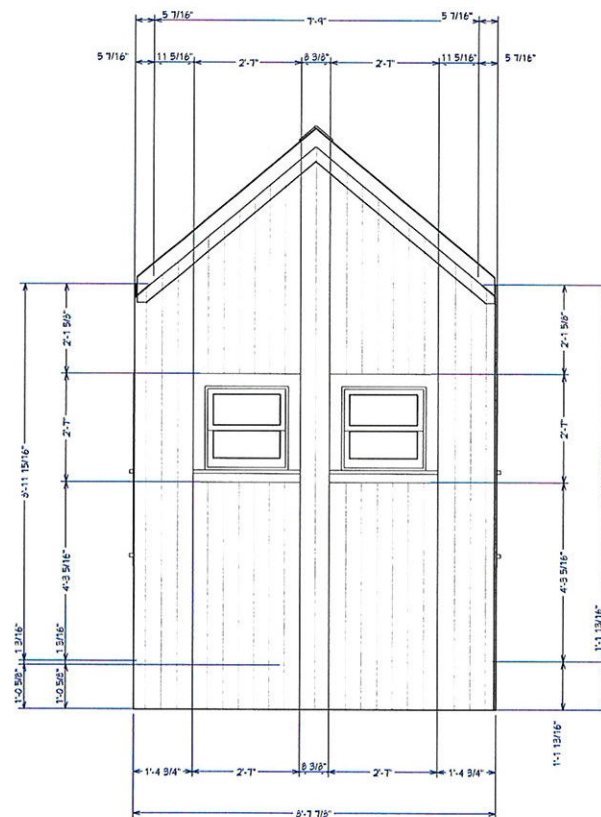
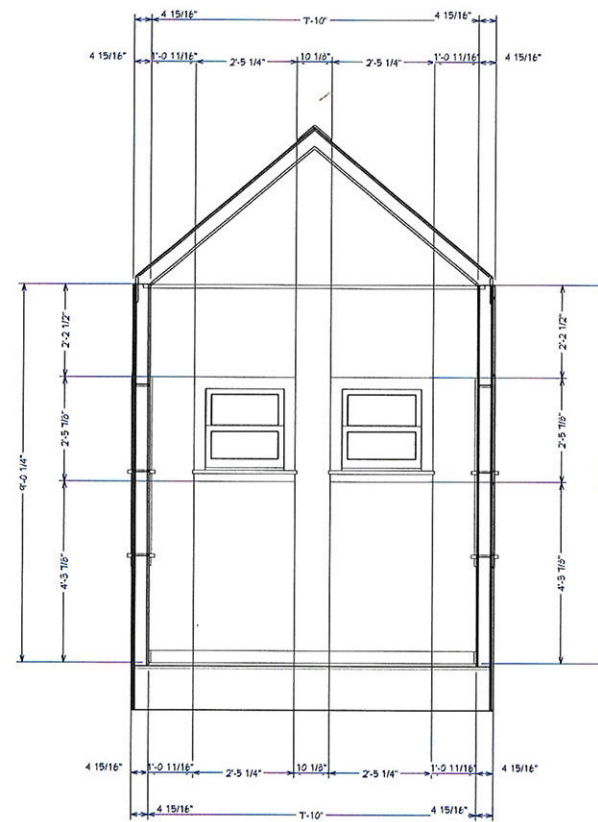
LUP2018-0020

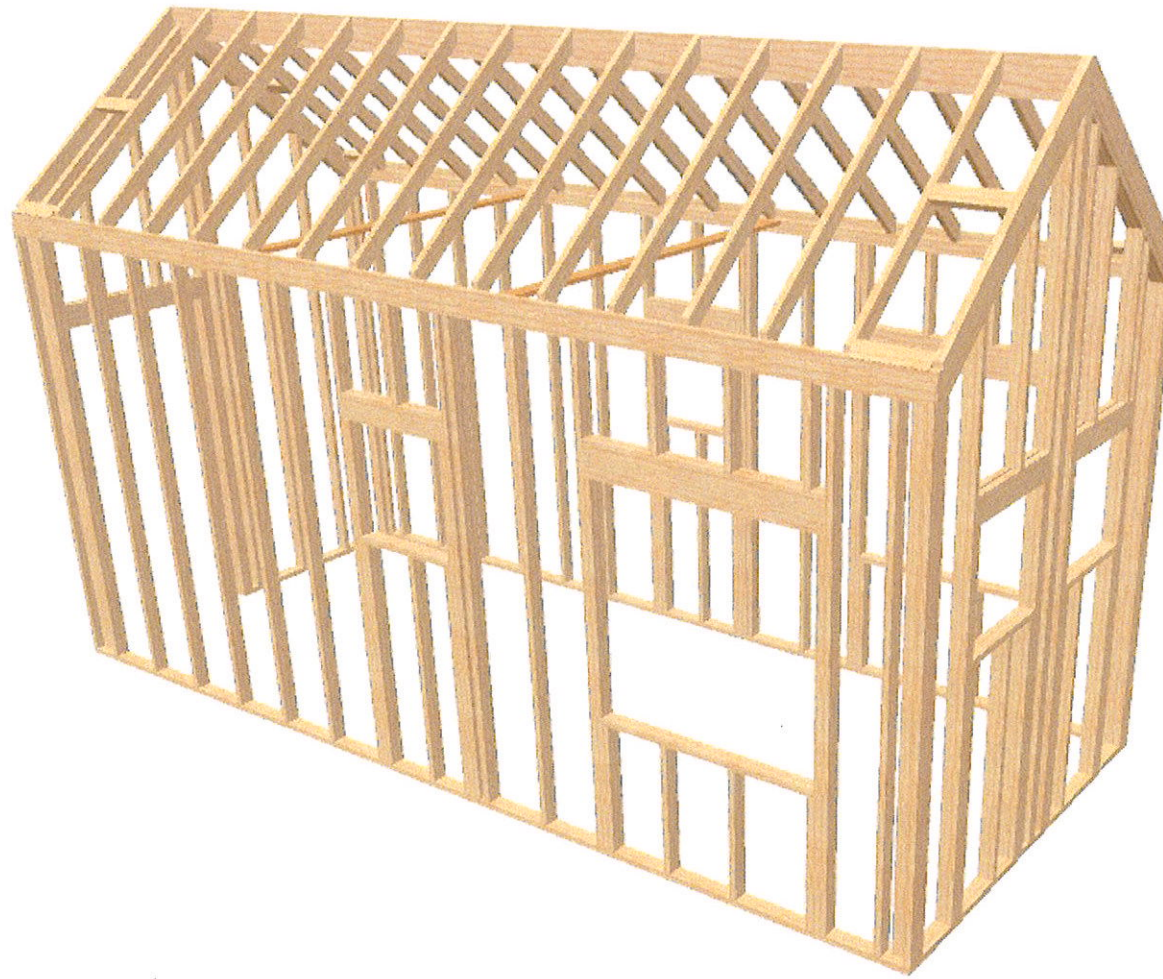
KNOX BOX FLOOR PLAN



Received 7-3-18







REVISION TABLE		REVISION TABLE	
NUMBER	DATE	REVISION	DESCRIPTION

DATE:

1/11/18

SCALE:

SHEET:

Jackson St.

Entrance



Three foot beautification barrier

Queue 12'x100'

Drive Thru

Exit

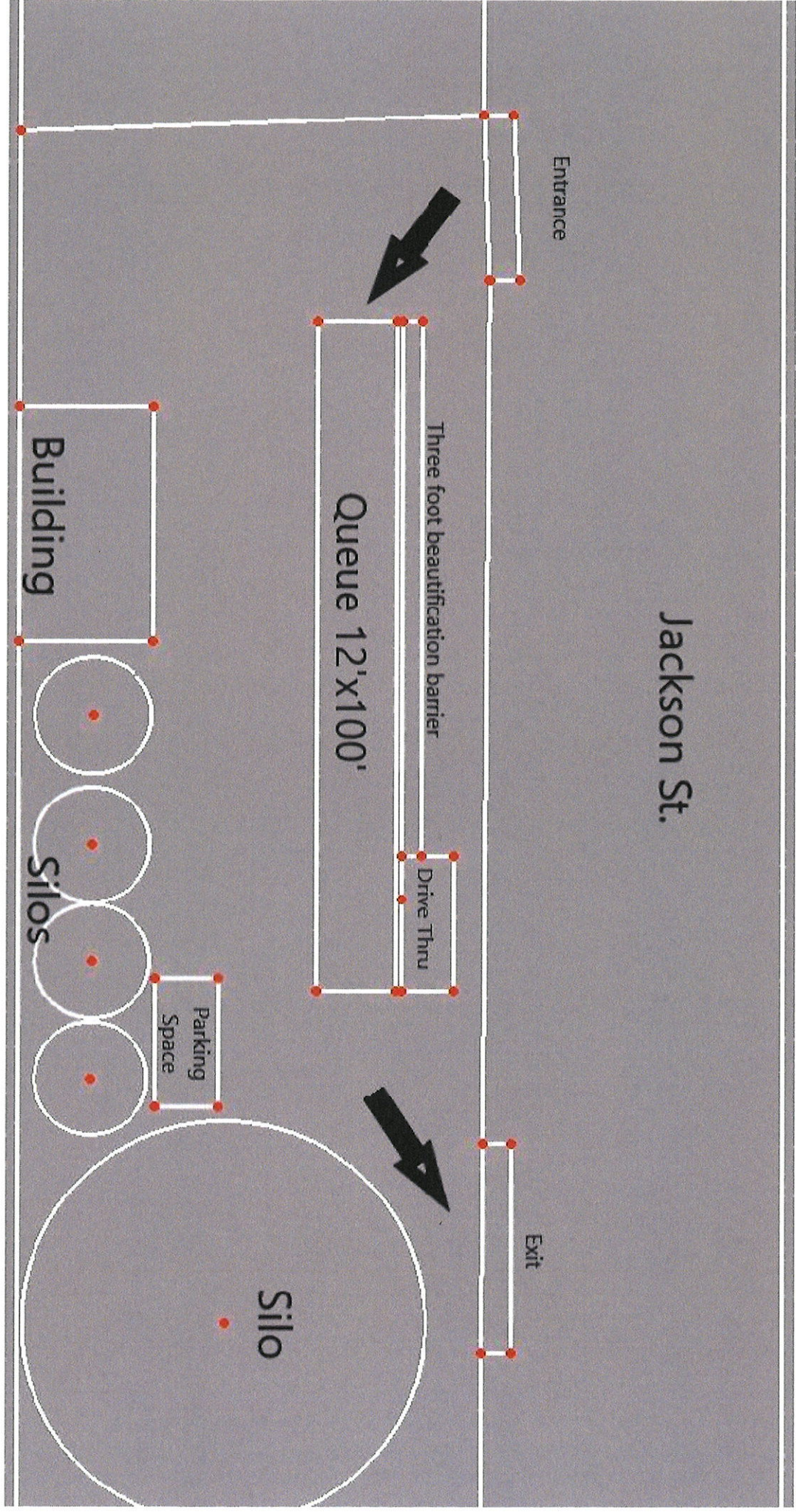


Building

Silos

Parking Space

Silo



From: Michael Ray
Sent: Wednesday, July 11, 2018 10:28 AM
To: Shane Niemela; Jared Hopkins
Cc: Anne Peterson; Leah Carlson
Subject: RE: [EXTERNAL] Conditional Use Permit application for your review

Great, thanks Shane. I also emailed him this morning and let him know that he needed to work with Bob to get the drive-through and taco truck use permit updated ASAP, so hopefully you'll see that soon.

Thanks,
Mike

From: Shane Niemela <Shane.Niemela@itd.idaho.gov>
Sent: Wednesday, July 11, 2018 10:14 AM
To: Michael Ray <mray@ci.moscow.id.us>; Jared Hopkins <Jared.Hopkins@itd.idaho.gov>
Cc: Anne Peterson <apeterson@ci.moscow.id.us>; Leah Carlson <lcarlson@ci.moscow.id.us>
Subject: RE: [EXTERNAL] Conditional Use Permit application for your review

Hi Mike,
That should help us get to the bottom of what is actually going on with the property. I spoke with the owner last week and asked him to work with the City of Moscow on a permit and plan.
Thank you,
Shane

From: Michael Ray [<mailto:mray@ci.moscow.id.us>]
Sent: Wednesday, July 11, 2018 9:41 AM
To: Shane Niemela
Cc: Anne Peterson; Leah Carlson
Subject: RE: [EXTERNAL] Conditional Use Permit application for your review

Hi Shane,
The application has been scheduled for a public hearing so we will continue with the hearing on July 30, but would be fine with placing a condition on the application requiring the applicant to receive approval through ITD for the new use.
Hopefully that will work for you.
Thanks,
Mike

Mike Ray, AICP
Planning Manager
Asst. CD Director
City of Moscow
221 E Second Street
Moscow, ID 83843
mray@ci.moscow.id.us
(208) 883-7008

From: Shane Niemela <Shane.Niemela@itd.idaho.gov>
Sent: Monday, July 9, 2018 7:07 AM

To: Anne Peterson <apeterson@ci.moscow.id.us>; Jared Hopkins <Jared.Hopkins@itd.idaho.gov>
Cc: Bob Buvel <bbuvel@ci.moscow.id.us>
Subject: RE: [EXTERNAL] Conditional Use Permit application for your review

Hi Anne,

The referenced property does not have access permits on file. The property owner will need to work with the City of Moscow to secure a right-of-way use permit for the new commercial use. In addition the entire use of the development will need to be discussed in the application as there is currently a food truck operating on the property which generates unknown traffic volumes.

ITD is also concerned about the proposed location of the coffee stand as there appears to be little storage area for vehicles and the chance of cars backing up into the highway is possible. At this time ITD requests that this CUP be put on hold until the property owner submits a permit application and development plan through the City of Moscow Engineering Department which includes the current and proposed use of the approach.

Thank you,
Shane

From: Anne Peterson [<mailto:apeterson@ci.moscow.id.us>]

Sent: Friday, July 06, 2018 1:20 PM

To: Greg Bailey; James Fry; Jared Hopkins; Jesse Flowers; Mia Vowels; NANCY BECKER (nbecker@phd2.idaho.gov); Shane Niemela

Subject: [EXTERNAL] Conditional Use Permit application for your review

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

The attached Conditional Use Permit application for a drive-through coffee stand at 625 S Jackson is sent for your information and review. Please reply with any comments by July 20. Thank you!

Anne Peterson

Admin Asst/Deputy City Clerk

E | apeterson@ci.moscow.id.us

P | 208-883-7035

F | 208-883-7033





RECEIVED

JUL 26 2018

City of Moscow

July 30, 2018

Moscow Zoning Board of Adjustment
PO Box 9203
Moscow ID 83843

Re: Proposed Drive-Through Coffee/Espresso Stand at 625 S. Jackson Street

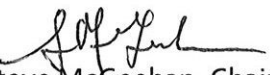
Dear Zoning Board of Adjustment:

The Moscow Urban Renewal Agency received the public hearing notice regarding the proposed drive-through coffee/espresso stand that is proposed to be located at 625 S. Jackson Street (Subject Property). The Subject Property is directly adjacent and to the south of the Agency's property located at the corner of Sixth and Jackson Streets. As the Agency understands the proposal, the driveway that is located across the common property boundary between the Subject Property and the Agency's property is proposed to be utilized for ingress to serve the proposed coffee stand. Approximately one-third of the driveway is located upon the Agency's property with the remainder located upon the Subject Property. While the Agency has no objection to the proposed coffee/espresso stand or the continued interim use of the shared driveway approach, the Agency did wish to bring the matter of the proposed ingress and property boundary to the attention of the applicant and the Board.

The Agency has recently published a request for proposals for the redevelopment of the Agency's property and depending upon the outcome of that process, there is the potential that a future owner/developer of the Agency property may desire that the current use of the Agency's property for access to the Subject Property to cease and the driveway may be modified to preclude access upon or across the Agency property. It is the Agency's understanding that should that occur, the Subject Property would retain adequate roadway frontage for continued access as approximately twenty feet (20') of the existing driveway would remain upon the Subject Property and therefore would not be dependent upon the continued utilization of the Agency's property for access.

It is the Agency's intent to work closely with the owner of the Subject Property through future development of the two properties to ensure continuity of future development and to minimize disruptions to both properties. On behalf of the Agency Board of Commissioners, I would like to take this opportunity to thank the Zoning Board of Adjustment members for your service to the City of Moscow.

Sincerely,


Steve McGeehan, Chair
Moscow Urban Renewal Agency

c: MURA Board

Moscow, ID 83843
P: 208-883-7011
F: 208-883-7033
www.moscowura.com