

BOARD *of* ADJUSTMENT



Joe Bazzoli
Commission Chair

~Agenda~

Leah Carlson
Staff Liaison

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**Tuesday
June 26, 2018**

5:30 PM

**Council Chambers
206 E 3rd Street**

Call to order

1. Approval of Minutes from June 20, 2018

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

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

1. A proposed Conditional Use Permit application for a large Child Care Facility located at 412 N. Monroe Street.

ACTION: Review the draft Relevant Criteria and Standards document and approve the document; or approve the document with corrections; or provide Staff further direction as deemed necessary.

3. Board Communications

4. 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 20, 2018

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

The meeting was called to order at 7:00 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Steve Bush, Marshall Comstock, Mark Monson, Laurene Sorensen (arrived at 7:17)

MEMBERS ABSENT: Annette Bieghler, Jerry Long

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

1. Approval of Minutes from December 18, 2017

RESULT:	ACCEPTED
MOVER:	Monson
SECONDER:	Bush
AYES:	Bazzoli, Bush, Monson
NAYS:	None
ABSTENTIONS:	Comstock

Roll call vote carried the motion.

2. Public Hearing: Proposal for Conditional Use Permit for a large Child Care Facility located at 412 N. Monroe Street – LUP2018-0014

Conditional Use Permit application for large Child Care Facility located at 412 N. Monroe Street. The applicant is proposing to relocate the existing large Child Care Facility across the street at 412 N. Howard Street (St. Rose's) to the St. Mary's School site at 412 N. Monroe Street.

Ray presented the application for the daycare to operate 7:00am-3:30pm Monday through Friday for approximately 28 children and 3-4 staff. He reviewed the history of CUPs and renewals for the St. Mary's School building which now operates under a permanent CUP approved in 2010 capping school enrollment at 185. Current enrollment is 77 students and 18 employees. Subject property is in the R-2 zone and primarily surrounded by single family dwellings; the neighborhood transitions to R-3 a block west. The proposal meets the new off-street parking requirements of four spaces per facility by identifying spaces on the east side of the school building. The proposed on-street loading spaces have been approved by the City Engineer on the east side of Monroe Street and the previous loading zone on the west side of Monroe will change to No Parking. The outdoor play area is already fenced and exceeds the size required for a large Child Care Facility. Since it is surrounded by City streets rather than adjacent yards, Staff recommended screening of the playground not be required in this instance. Staff recommended approval of the proposal with one condition that the applicant be required to improve the proposed four-space parking lot located in the southeast corner of the subject property to City of Moscow parking lot standards within five years of the approval of the Conditional Use Permit.

Comstock asked about ADA compliant parking spaces and whether the dumpster location would need to change in relation to the daycare entrance. Ray said the dumpster could be moved if needed and that the ADA parking requirements have already been met. Bazzoli asked Staff's reasoning for requiring parking lot improvement for the four spaces if not required by Code. Ray explained that while the school's parking lots aren't contiguous, altogether they function as an entire parking system so Staff felt the parking lot improvement requirements should apply to all portions. Comstock asked about parking availability on Lincoln Street and the backing-up space behind the angled parking in front of the school. Ray replied that parking is allowed on Lincoln and a few spaces are designated as bus loading only. He said the narrowness of existing parking on Monroe was a pre-existing situation.

Bazzoli opened the public hearing at 7:19pm.

Father Joe McDonald, 618 E First Street, is the pastor at St. Mary's Church and Superintendent of St. Mary's School. He said they are anxious to continue serving city residents with the preschool that has been operating for decades. Monson asked McDonald to confirm that the only logistical change was the daycare unloading will switch from the west side of the road to east side, which McDonald affirmed. Bush asked McDonald to elaborate on the historic high/low daycare enrollment. McDonald said they stated 28 in the application because that is how many they anticipate from last year's enrollment, and 28 is also about average enrollment. Monson asked if the recommended condition of improving the parking lot would create an undue hardship. McDonald said he didn't anticipate it being a problem to make those improvements within five years.

Keith Stormo, 904 E D Street, said he has lived across the street for 25 years and the school has been an excellent neighbor. The school does a good job of handling the traffic and watching children. He stated that he rarely saw the existing large parking lot fully utilized so, in his opinion, paving the extra four spaces was unnecessary.

Hearing no further testimony, the public hearing closed at 7:27 pm.

Comstock said the facility meets the daycare requirements, it was a good location and he didn't have problems approving the CUP. Regarding the recommended condition about paving, Comstock thought it perhaps wasn't necessary but the Board needs to treat all applicants the same and anyone else would be required to pave. Bazzoli said the school's track record stands for itself and the CUP complies with all seven criteria. He appreciated needing to treat all applicants the same but thought it unfortunate to create additional impervious surfaces. Bush agreed the request itself was a minor issue in his opinion but he was torn on whether to require the parking improvements. Comstock asked to what extent the four spaces would need to be improved, and Ray replied the applicant would need to pave, stripe and add about ten feet of curbing and landscaping. He explained one reason for requiring institutional parking areas to be paved was to minimize the nuisance from noise, dust and vibration of cars maneuvering on gravel, which can be a greater disturbance in a residential zone. Sorensen agreed the CUP proposal was simple, but wondered why additional parking spaces couldn't be deferred into the future since the school is currently operating so far below their maximum capacity.

Comstock moved approval the application with the condition as proposed by staff.

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

Motion carried by roll call vote.

Comstock moved to accept the relevant criteria as outlined within the application.

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

Motion carried by roll call vote.

Ray advised that Staff still need to draft the Findings of Fact, so Comstock moved to direct staff to prepare the Findings of Fact and Relevant Criteria and Standards document per tonight's discussion.

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

Motion carried by roll call vote.

The meeting to approve the RCS document will be Tuesday, June 26, at 5:30pm.

3. Board Communications

Ray introduced Leah Carlson who has replaced Ryan Cash as Planner 1. He also advised that another CUP is on the horizon which will necessitate a meeting in late July or early August.

Adjournment

The meeting adjourned at 7:39

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 that's 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 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 ____ DAY
OF JUNE, 2018.

Joe Bazzoli, Chair
Board of Adjustment