

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
July 30, 2018

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 7:02 PM

MEMBERS PRESENT: Joe Bazzoli Chair; Annette Bieghler, Steve Bush, Marshall Comstock, Mark Monson

MEMBERS ABSENT: Jerry Long, Laurene Sorensen

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

1. Approval of Minutes from June 26, 2018.

Monson moved approval of the minutes as presented by staff.

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

Motion carried by acclamation.

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

Carlson presented the application for a 1,500sf detached garage within the moderate density (R-2) zoning district, which is allowed with a Conditional Use Permit per a zoning code amendment passed in 2013. The garage is proposed to measure 30 feet wide, 50 feet deep and nearly 25 feet tall, and meets all setback requirements within the half-acre parcel. Subject property is located on a 70-foot cul-de-sac. Residential zoning is in the immediately surrounding area with a small area of Neighborhood Business slightly to the north. The property is located within the 100-year and 500-year floodplain, so structural mitigation elements will be required as part of the building permit. Staff recommended approval of the application with no conditions.

Bazzoli asked what percentage of the entire lot would be covered by buildings with the addition of this garage. Staff replied 35 percent is allowed *not counting* the dwelling structure.

Bazzoli opened the public hearing at 7:10 pm.

Rick Beebe, 808 Park Drive, said he is typically gone October-May and when he's home he needs an off-street parking place for his motorhome. He has spoken with all the neighbors and they have expressed no concern. They also plan to upgrade the exterior of the home to match more closely the proposed garage.

Hearing no further public testimony, the hearing closed at 7:15 pm.

Comstock said it was a straightforward application, the large lot can accommodate the structure and he was in favor of the motorhome being off the street. He noted a setback variance for a garage at the neighboring

house was approved in the 1980's. Bazzoli appreciated that the zoning code was changed to accommodate larger garages.

Comstock moved approval of the application with no conditions.

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

Motion carried by acclamation.

Comstock moved to direct staff to draft the relevant criteria and standards.

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

Motion carried by acclamation.

3. Public Hearing: Proposal for Conditional Use Permit for a Drive-Through Coffee/Esspresso Stand located at 625 S. Jackson Street – LUP2018-20

Ray presented the application for a drive-through coffee/esspresso stand within the Urban Mixed Commercial (UMC) zone, proposed to operate 5am to 5pm daily, with one to two employees. Applicant plans to use the existing ingress/egress approaches onto Jackson Street (national highway) so ITD will require the applicant to update the right-of-way use permit prior to opening. Ray described the queuing space requirements to prevent spill-out onto the highway, which the application satisfies. Applicant will also be required to meet landscaping requirements and provide portable restroom facilities. The Urban Mixed comp plan designation provides for infill development and adaptive re-use of downtown areas that provide pedestrian connection between UI and Downtown. Subject property is zoned Urban Mixed Commercial, with Central Business to the north and east, and some Industrial zone slightly southeast. The application conforms to the Drive-Through Facility Standards of the recently approved Use Table ordinance. Staff recommended approval 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 that 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.

Comstock asked if any paving upgrades would be required and Ray replied that given the anticipated temporary nature of the business, staff considered the existing pavement slabs to be sufficient. The landscape buffer will be required. Comstock also inquired about water, sewer, and about Health Department approval. Ray said most coffee stands are self-contained and the Health Department will have final say on all that. Bazzoli asked about the ITD approach permit. Ray clarified the approaches already exist so ITD just needs to review the situation for its impact to the highway system. Bazzoli inquired about business signage location and Ray said it would all need to be on private property and comply with the Zoning Code. Bieghler asked about visibility issues around signage and the landscaping barrier for people re-entering onto the highway. Ray said ITD would need to approve that it conforms to their clear-zone requirements.

Bazzoli asked if reassessing in five years was synonymous with termination, in the event “something better” comes along. Ray said this CUP approval wouldn't set a precedent for the coffee stand to have rights to continue beyond five years, but that would all be dictated by negotiations between the landowner and the lessee.

Public hearing opened at 7:33 pm.

Pat Greenfield, 208 East Second Street, said she had operated coffee stands at two previous Moscow locations and has been wanting to do it again but suitable locations kept getting sold off. The owner of the subject property actually approached her with the opportunity to get businesses operating on the parcel in the short term. Several board members discussed their concern about not wanting to create another queuing problem such as what occurs at Dutch Bros. Board members ultimately decided the subject property size and drive-through plan appear to alleviate potential traffic problems. Greenfield added that Dutch Bros. is on a two-lane curve of Highway 95 and the proposed stand will abut a three-lane straight-away.

Nils Peterson, 831 Travois Way, said his primary desire was for the grain elevators to be preserved and said a temporary coffee stand and food trucks would provide economic momentum on the site prior to full build-out of the property. He applauded staff's recommendation for a 5-year limit because it will provide the opportunity for incremental use.

Given no further testimony, the public hearing closed at 7:43 pm.

Bush said the presentation addressed all his questions and concerns and he supported the five-year limit. Bieghler said the permit requirements and ITD approvals were in place for good reasons. Monson and Comstock were both supportive of the application. Bazzoli agreed that attracting a permanent use of the site would be more likely with successful temporary entities operating there in the interim.

Monson moved approval of application with the two conditions as proposed by staff.

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

Motion carried by acclamation.

Monson moved to direct staff to prepare the relevant criteria and findings of fact.

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

Motion carried by acclamation.

4. Board Communications

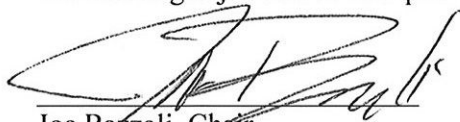
Board members agreed to schedule the RCS approval meeting for next Monday at 5:30. Ray also reported that another CUP submission is anticipated that would require a hearing in late August or early September.

5. Other Business

None

Adjournment

The meeting adjourned at 7:49 pm.


Joe Bazzoli, Chair

8/6/2018
Date