

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Meeting Minutes~
May 23, 2018

Mike Ray
Staff Liaison

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The meeting was called to order at 7:00 PM.

MEMBERS PRESENT: Wendy McClure, Chair; Joel Hamilton, Mike Nelsen, Nels Reese, Victoria Seever, Dennis Wilson

MEMBERS ABSENT: Scott Gropp, Kurt Obermayr, Robb Parish

ALSO IN ATTENDANCE: Mike Ray, Staff Liaison; Anne Zabala, Council Liaison; Anne Peterson, Deputy City Clerk

1. Approval of minutes from May 9, 2018

RESULT:	ACCEPTED BY ACCLAMATION
MOVER:	Seever
SECONDER:	Nelsen
ABSTENTION:	Hamilton

2. Correspondence

None.

3. Transportation Commission Meeting Report

No report. Next meeting scheduled for June 17th.

4. Public Comment

None.

5. Approval of Reasoned Statements of Relevant Criteria and Standards for Urban Berm Addition: LUP2018-0007

Zabala said she plans to begin a discussion with Council about “orphan” sidewalks as well as the land value for fee in lieu of parkland dedication. Ray stated the Engineering Department has an inventory of all streets without sidewalks and prioritizes those improvements as funding allows. There was no concern with the RCS document.

RESULT:	APPROVED BY ACCLAMATION
MOVER:	Seever
SECONDER:	Wilson

6. Indian Hills 9th Addition Final Plat

Ray reviewed the preliminary plat which was approved March 28, 2018, with the conditions that the developer extend water and sewer mains to the east plat boundary and that the approval was contingent on Council approval of the parkland exchange. The associated rezone was also approved on March 28. Council approved both items on April 16 with the conditions on the preliminary plat of extending water and sewer

mains to the east plat boundary and that Myrtle Street and associated underground utilities be completed prior to building permits on the commercial lots. Ray said the final plat had one minor change of a lot line next to Pape' Machinery. Staff recommended approval of the final plat.

RESULT:	APPROVED BY ACCLAMATION
MOVER:	Hamilton
SECONDER:	Nelsen

7. PUD Base Densities for Zoning Districts

Ray reviewed a draft ordinance revision incorporating the Commission's discussion points regarding base densities for PUDs in Residential Office and Neighborhood Business zones. There were no questions or concerns. Ray will provide the changes in ordinance format for review at the next meeting.

8. Rural Lot Access Requirements

Ray reviewed current code requirements and the proposed exceptions in the AF, FR and SR zoning districts to allow access via a permanent access easement of no less than 20 feet in width and flag pole and access easements may be greater than 150 feet in length as long as sufficient Fire Department access is provided. While this code revision would apply within the city limits, most of the lots this would relate to are adjacent to the city limits so the intention would be that the change would be included in the next ACI agreement with the County for areas likely to be annexed. The Fire Marshal will ultimately be responsible for determining whether Fire Department access is sufficient based upon the Fire Code. Staff will provide the changes in ordinance format for review at the next meeting.

9. Expiration of Certain Land Use Actions

Staff recommended changing the CUP term of approval as follows:

... "The term of approval of a Conditional Use Permit shall not exceed two (2) years from the date of the final decision unless otherwise approved by the Board of Adjustment. The approval shall expire if the holder of the permit has not completed one or more of the following actions prior to the expiration date:

1. Acquired construction permits and commenced placement of permanent footings and infrastructure; or
2. Commenced the use."

Staff also recommended the following addition for administrative approval for extensions:

... "The Zoning Administrator may grant one (1) two-year extension to an unexpired Conditional Use Permit upon written request of the applicant. Extensions of Conditional Use Permits shall also extend any associated zoning approvals such as variances. Prior to the expiration of the two-year approval term granted by the Zoning Administrator, the applicant may request an additional time extension from the Board of Adjustment which shall be considered as a regular agenda item. In determining whether to grant the extension request and the amount of time the extension shall be valid for, the Board shall take the following factors into consideration:

1. Whether there have been significant amendments to the Comprehensive Plan or Zoning Ordinance which will affect the conditional use permit; or
2. Whether there have been significant land use changes in the vicinity which would adversely impact the project or be adversely impacted by the project; or
3. Whether community facilities and services remain adequate to serve the project."

Hamilton thought two years seemed more reasonable than one year and supported the proposed revisions. Staff will provide the changes in ordinance format for review at the next meeting.

10. Shared Readings

Staff will look for information on subdivision planning, creative parking options and the 2008 Transportation Commission parking report. Nelsen will obtain Lewiston's recent parking report. Zabala said Council has discussed doing another parking analysis when the students are back in town.

The meeting adjourned at 8:00 p.m.


Wendy McClure, Chair

**BEFORE THE PLANNING AND ZONING COMMISSION
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 REQUEST FOR A PRELIMINARY SUBDIVISION PLAT OF A TWENTY-FOUR THOUSAND AND TWO-HUNDRED AND SEVENTY-FOUR SQUARE FOOT PARCEL OF LAND LOCATED AT 921 PUBLIC AVENUE, KNOWN AS THE URBAN BERM ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Subdivision Plat on March 30, 2018; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on May 9, 2018; and

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

THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The Planning and Zoning Commission considered the request pursuant to the City of Moscow 2009 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is a twenty-four thousand, two-hundred and seventy-four (24,274) square foot parcel of land generally located directly adjacent to Public Avenue.
3. The subject property is currently undeveloped and is surrounded entirely by other residential development.
4. Properties to the north of the subject property contain a mixture of large lot rural residential, single family residential, and duplex dwellings. To the west, south, and east of the property are lots which contain mainly duplex dwellings.
5. The subject property contains areas of steep sloping topography that beings to flatten out as the land continues to gain elevation to the southeast corner. There are no drainage ways or natural features that have been identified upon the subject property.
6. The portion of the subject property located directly to the east of Main Street is currently designated as Neighborhood Conservation (NC). NC designated areas,

“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.”

7. The subdivisions to the west, south, and east are currently designated as Neighborhood Conservation (NC). Properties to the north and northeast are designated as Auto-Urban Residential (AU-R).
8. The subject property is currently located within the Medium Density Residential (R-3) Zoning District. The properties to the northwest, west, south, and east are also located within the R-3 Zone, while properties to the north and northeast are located within the Low Density, Single Family Residential (R-1) Zoning District.
9. The R-3 Zone,
“provides for an increase over the density allowed by the R-2 zoning district by permitting different types of housing construction. It is appropriate where activity levels are moderate, terrain permits construction of somewhat larger structures, and where public systems and neighborhood facilities can accommodate a greater intensity of land use as guided by the Comprehensive Plan. Uses permitted within the R-3 Zone include single family, two family, twinhome, and townhouse dwellings.”
10. The minimum lot size for parcels within the R-3 Zone is 6,000 sf for single family dwellings, 7,000 sf for two family dwellings, 3,250 sf for twinhome dwellings, and 2,000 sf for townhouse dwellings. Townhouse lots within the R-3 Zone are allowed to be a minimum of 2,000 sf, but the total density of a townhouse development must not exceed 14.5 dwelling units per acre.
11. The minimum lot width for parcels within the R-3 Zone is 60 feet for single and two family dwellings, 30 feet for twinhome dwellings, and 20 feet for townhouse dwellings.
12. The applicant is proposing to subdivide the existing 24,274 sf parcel into eight (8) townhouse lots ranging from 2,700 sf to 3,668 sf in size. Also included in the preliminary plat is Tract A which contains the stormwater detention pond for the development.
13. All of the townhouse lots meet the minimum lot size of 2,000 sf, meet the minimum lot area of 20 feet, and also meet the requirement that townhouse developments must not exceed 14.5 dwelling units per acre in the R-3 Zone. The eight proposed townhouse lots have an average lot size of 3,034 sf and a total density of 14.35 dwelling units per acre.
14. As part of the subdivision, the developer is required to improve the portion of Public Avenue that is directly adjacent to the subject property. Public Avenue is designated as a collector street and the current street standard is a 35 foot of right-of-way on either side of the center line with an 8 foot utility easement adjacent to the right-of-way. The applicant has submitted a preliminary plat showing a 30 foot right-of-way on the south side of Public Ave with a 5 foot wide public utility easement adjacent to the right-of-way. Consequently, the applicant has requested a variance from City Council for the required additional 5 feet of right-of-way along the south side of Public Ave. In the event that the variance is not approved, the applicant has submitted an alternate preliminary plat showing the required 5 feet of additional right-of-way, which has caused the elimination of one lot because the townhouse development would exceed the 14.5 units per acre requirement. So, with the alternate plat there are 7 lots instead of the proposed 8 lots with the original preliminary plat design.
15. Public Works has provided a recommendation regarding the proposed street variance which is included in the attached memo from Bob Buvel, Staff Engineer. Public Works is recommending approval of the variance because of the difficult topography of the subject property directly adjacent to Public Avenue and the properties that surround the subject property being constructed to a 60 foot standard.

16. The Planning and Zoning Commission recommends approval of the proposed street variance based upon the circumstances cited by the Public Works Department.
17. Water services currently exist within Public Avenue. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012. Public Works has determined that the existing system has adequate potable and fire flows to serve the proposed subdivision.
18. It is anticipated that under commonly observed household water use within the City (114 gallons per day per occupant) that the proposed development could be reasonably anticipated to use approximately 0.74 million gallons of water per year (8 du x 2.25 occupants/du x 114 gallons/occupant x 365 days/year = 0.74 M gallons/year).
19. Sanitary sewer services currently existing within Public Avenue. Public Works has determined that the system has adequate capacity to convey the additional flow from the development. The subject property is considered developable in the Comprehensive Sewer System Plan dated September 2011.
20. The storm sewer for the subdivision is proposed to be conveyed to a new detention pond at the northwest corner of the development within Tract A. The proposed detention pond shall meet the current Moscow Stormwater Runoff Control Standards.
21. The Parks and Recreation Department has provided parkland dedication requirements within an attached memo from Dwight Curtis, Parks and Recreation Director. The developer is requesting a fee in lieu of parkland. The net developable land is 23,324 sf and the R-3 Zone requires a 7% parkland dedication requirement which results in a 1,632 sf dedication. At the current rate of \$13,500 per acre, the applicant would be required to pay a fee in lieu of \$499.50. Due to the small parcel size and minimal parkland required, Parks and Recreation staff is recommending that the City accept the fee in lieu of parkland in the amount of \$499.50. This issue was reviewed by the Parks and Recreation Commission on March 22, 2018, and recommended Council approve the fee in lieu of parkland. The Planning and Zoning Commission recommends that City Council accept the fee in lieu of parkland request.
22. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on March 1, 2018 to discuss the proposed preliminary plat.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **This plat is not contradictory to the Moscow Comprehensive Plan.** The proposed preliminary plat is consistent with the underlying Comprehensive Plan Land Use Designations of Neighborhood Conservation (NC).
2. **This plat is compatible with the Moscow Zoning Ordinance.** The proposed preliminary plat is consistent with and in conformance with the requirements and provisions of the Medium Density Residential (R-3) Zone, including lot area, dimensions and other relevant provisions.
3. **This plat is compatible with the Moscow Subdivision Ordinance.** The proposed preliminary plat is consistent and in conformance with the general requirements of the Moscow Subdivision Ordinance including, but not limited to, the provision of the logical and orderly extension of the City's street network, maximum block length, public utilities, and the provision of public parkland.

4. **This plat is considerate of the natural features of the subject land.** The proposed preliminary plat provides for development of the subject property, including the widening of Public Avenue in conformance and consideration of the natural contours of the subject property.
5. **This plat is not expected to place an undue burden on public services and infrastructure, and does not pose an apparent threat to the public health, safety or welfare.** The subject property has direct access to Public Avenue which is currently designated as collector street. Water and Sewer connections are readily available in the area and the property has been determined to be developable in the City's Comprehensive Water and Sewer System Plans.
6. **Other: None.**

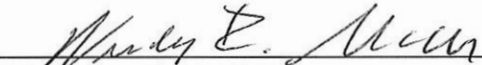
III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Planning and Zoning Commission of the City of Moscow recommends approval of the preliminary subdivision plat request for the twenty-four thousand, two-hundred and seventy-four (24,274) square foot parcel of land with the following condition:

1. The developer shall increase the 5 foot easement to an 8 foot easement adjacent to the Public Avenue right-of-way.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this

23rd day of May, 2018.



Wendy McClure, Chair
Planning and Zoning Commission