

BOARD *of* ADJUSTMENT



Joe Bazzoli
Board Chair
BOA@ci.moscow.id.us

Public Hearing
~ Agenda ~

Aimee Hennrich
Staff Liaison
208.883.7095

<https://www.ci.moscow.id.us/581/Agendas-and-Minutes>

Tuesday
August 3, 2021

7:00 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of May 25, 2021 Minutes (ACTION ITEM)

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

2. Public Hearing: Proposal for a Conditional Use Permit at 225 E Palouse River Drive – LUP2021-0030 (ACTION ITEM)

Conditional Use Permit application for a Large Child Care Facility (21 or more children) located at 225 E Palouse River Drive within the Motor Business Zoning District (MB) per MCC 4-3-4.

PROPOSED ACTIONS: Conduct the public hearing upon the proposed conditional use permit request and upon consideration of any testimony presented, recommend that the City of Moscow Board of Adjustment put forth a recommendation for approval to the Latah County Zoning Commission and direct Staff to prepare a reasoned statement of relevant criteria and standards; or recommend approval of with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or recommend denial the conditional use permit request and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

ADJOURN

NOTICE: Moscow City Council and 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
Board Chair
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Public Meeting
~ Minutes ~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Tuesday
May 25, 2021

5:30 PM

Council Chambers
206 E Third Street

Monson called the meeting to order at 5:42 PM

MEMBERS PRESENT: Mark Monson, Vice Chair; Annette Bieghler, Steve Bush, Laurene Sorensen
MEMBERS ABSENT: Joe Bazzoli, Marshall Comstock, Tim Thomson
STAFF: Jennifer Fleischman, Aimee Hennrich

REGULAR AGENDA

1. Approval of May 18, 2021 Minutes (ACTION ITEM)

Bush moved for approval of the minutes as edited, seconded by Bieghler. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

2. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

A Conditional Use Permit application for a Type 2 Accessory Home Occupation to conduct a Personal Care Service (hair salon) within the Agriculture/Forestry Zoning District (AF) per MCC 4-3-4.

Bush moved to approve the Relevant Criteria and Standards as edited, seconded by Sorensen. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The meeting adjourned at 5:44 PM

Joe Bazzoli, Chair

Date

CITY OF MOSCOW COMMUNITY PLANNING AND DESIGN STAFF REPORT

HEARING DATE: Tuesday, August 3, 2021

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2021-0030 – Conditional Use Permit application for a Large Child Care Facility (21 or more children) located at 225 W. Palouse River Drive.

Attachments: A. Public Hearing Notice
B. Conditional Use Permit Application
C. Site Plan & Floor Plan

Prepared by: Aimee Hennrich – Planner I

Proposal: The applicant, LeeAnne Noble, is requesting a Conditional Use Permit (CUP) to operate a large child care facility (defined as having 21 or more children) within the Motor Business (MB) Zoning District. According to Moscow City Code 4-3-4, large child care facilities require a CUP within the MB Zoning District. The facility would operate between 8:30 am and 4:30 pm, Monday through Friday and would serve 30-40 students with four teachers.

Background: Gold Mountain Community School has been a licensed and permitted child care facility, leasing its previous location at 214 N Main Street since August 2012. The applicant closed this facility in March of 2020 due to the COVID-19 pandemic. On June 29, 2021, the applicant filed for a Conditional Use Permit for a large child care facility to be located at 225 W. Palouse River Drive. The applicant is currently under contract to purchase the subject property.



Vicinity Map



Subject Property

Site and Area Land Use: The subject property is .52 acres in size and is located east of Highway 95 on Palouse River Drive. The most recent use of the facility was Circles of Caring, an adult day care facility. Northwest Management is directly to the east of the subject property. Palouse Rentals Self-Storage occupies the property directly south of the subject property. The Grove is located directly to the north of the subject property across Palouse River Drive. Auto Body Super Center is located directly to the west of the subject property.

Comprehensive Plan: Chapter 2, Future Land Use and Growth Plan, designates the subject property as Auto-Urban Commercial.

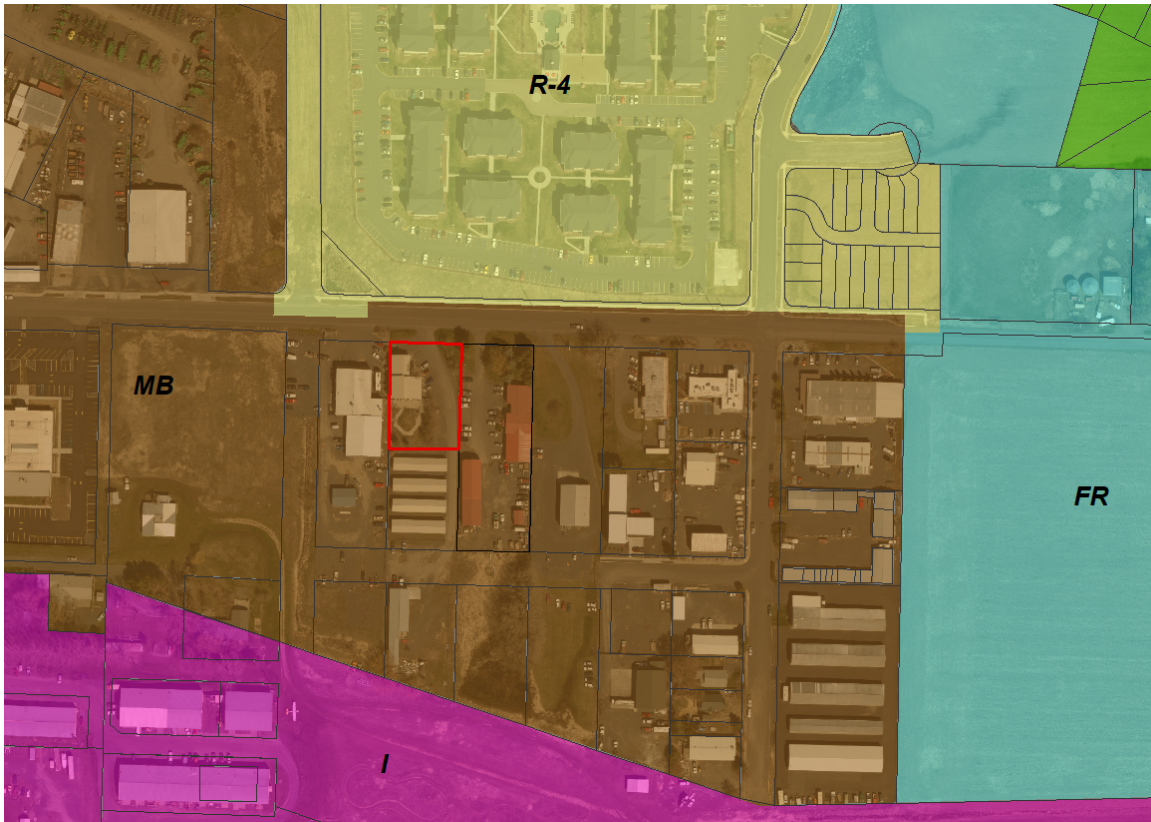
Chapter 3, Community Mobility, designates Palouse River Drive as a minor arterial road.

A goal of Chapter 6, Economic Development, is to, *“Provide for sustainable economic growth and employment opportunities where existing and new businesses can thrive, while preserving and enhancing the character of the community.”*

Zoning: The subject property is located within the Motor Business (MB) Zoning District. Properties to the east south, and west of the subject property are also located within the MB Zoning District. The Grove is located to the north of the subject property across Palouse River Drive and is within the Multiple Family Residential Zone (R-4). There is no minimum or maximum lot area or lot width requirements within the MB Zoning District.

The purpose of the MB Zoning District is to,

“provide for the location and grouping of compatible uses having similar operation as they involve enterprises which depend primarily on the transient motor vehicle-based trade. By concentrating such uses the City intends to increase public convenience when utilizing such services and with the regulation, to allow such activities to render the maximum service.”



Zoning Map

Streets and Access: The subject property has vehicular access via Palouse River Drive, which is minor arterial road. Palouse River Drive has an 80 foot right of way, with sidewalk, tree lawn, curb and gutter on the north side.

Outdoor Play Area Requirements: The applicant is proposing a screened outdoor play area at the rear of the subject property. Moscow City Code Title 9, Section 10-19.A.2.a states, in part: “The Day Care Facility shall provide open space for outdoor play. A minimum of one hundred (100) square feet per child is required. This area shall be adjacent to the Day Care Facility and shall provide a safe area that can be easily maintained and is accessible for use by children.” Therefore, the applicant proposes to utilize an outdoor play area of 6,000 square feet in the rear of the subject property.

Parking Requirements: Per Moscow City Code 4-6-2, large child care facilities require four (4) off-street parking spaces. There is a parking lot that currently exists on the subject property that contains 8 spaces. Therefore, there is sufficient parking that exists for the operation of the child care facility.

Loading/Unloading Area: Child care facilities shall provide off-street turn-out areas for student pick-up and drop-off, in addition to the required off-street parking found within Section 4-6-2. Loading space shall be provided in a manner that would not result in a safety

hazard to children being picked up or delivered. Large child care facilities require two (2) spaces. Such space may be provided in one of the following ways:

1. On-street, subject to the approval of the City Engineer, when the space is reserved or otherwise generally available, and which is located on the same side of the street as the Child Care Facility. On-street loading space shall be at least thirty feet (30') from any street intersection.
2. Off-street where the travel path from the loading space(s) to the Facility entrance does not cross vehicle maneuvering and travel areas.

The applicant is proposing to locate the two (2) loading zone spaces in front of the facility and plans to utilize the main entry.

Other Considerations: If the use permit is approved, the applicant will need to secure daycare licensing and pass the required building inspections for such a license at this location.

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

RECOMMENDATION

Staff recommends **approval** of the Conditional Use Permit application to operate a Large Child Care Facility at 225 Palouse River Drive with no conditions.

The Board shall direct staff to prepare Relevant Criteria and Standards to be reviewed at a following meeting.

NOTICE OF PUBLIC HEARING

Proposal for a Conditional Use Permit at 225 E Palouse River Drive.
Permit Application LUP2021-0030

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 proposal will be considered:

Conditional Use Permit application for a Large Child Care Facility (21 or more children) located at 225 E Palouse River Drive within the Motor Business Zoning District (MB) per MCC 4-3-4.

HEARING DATE: Tuesday, August 3, 2021

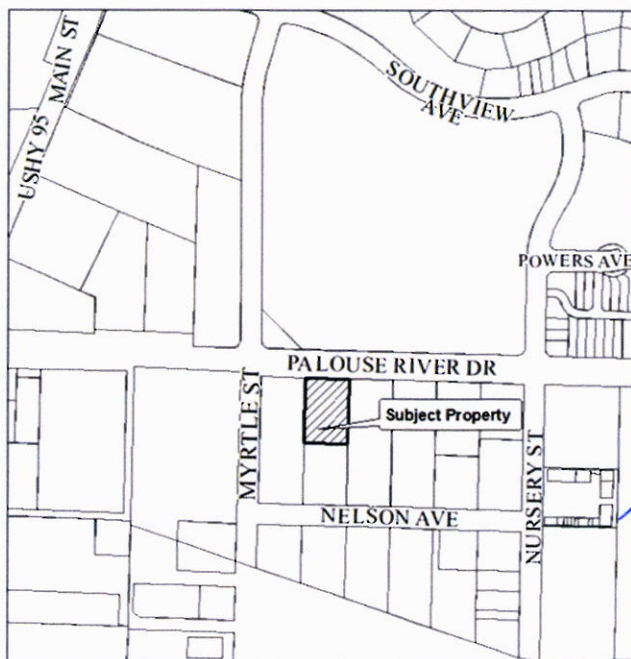
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00pm

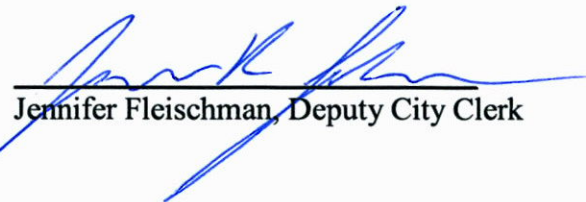
Note: Meeting start time is not necessarily indicative of the hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting. The file containing information on this matter is available for public review at the Community Planning & Design Department located in the Paul Mann Building, 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:

<https://www.ci.moscow.id.us/593/Public-Hearing-Notices>



Laurie Hopkins, Moscow City Clerk


Jennifer Fleischman, Deputy City Clerk

Publish: Saturday, July 17, 2021



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

For City Use Only

Date Received			
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$500	10/29/21
	Receipt Number	LUP2001-0030	

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Leanne Noble Telephone: 208-301-1608
621 Hathaway 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: John Ficca Telephone: 208-301-2671
(home address)

3. Location of Affected Property: 225 E. Palouse River Drive

Legal Description: Nelsons Addition to the City of Moscow, the North 185 feet of Lot 2,
(subdivision) (block) (lot) Block 1 of Nelson Addition

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:

a preschool & kindergarten

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.

School operates between 8:30 am + 4:30 pm with
AM class: 8:30 am - 11:30 am, PM class: 12:30 - 3:30
All day class: 8:30 am - 4:30 pm. Students will have access to
fenced outdoor yard during the hours of 8:30 am - 4:30 pm
30-40 students + 4 employees. Students age 3-7 years.

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 PERMITTED USE WITHIN THE ZONING DISTRICT.

Justification and compliance with criteria #1: This is zoned MB which
allows for conditional use for child daycare
services

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: Yes. The Palouse Prairie Charter School is across
the street and is in MB zoned area with other businesses and not in residential
area.

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: No - business operates solely within the
building and backyard play space. Will not produce nuisances to
surrounding properties/neighbors.

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: Yes - it was prior use as an
adult day care and has utilities, water, and a parking lot.

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

Justification and compliance with criteria #5: No - previous use as an adult daycare facility.

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

Justification and compliance with criteria #6: Yes. Privacy-screened playground that is fenced. It will not impact the traffic load on street and children will not cross vehicle maneuvering & travel areas. Avg. daily traffic (ADT) of 500 vehicles per day. 2 loading zones with adequate maneuvering for backing out. Will not change current infrastructure.

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

Justification and compliance with criteria #7: No - it fits in comprehensive plan.

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 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.

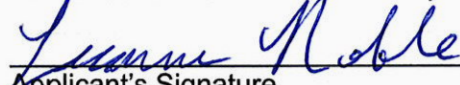
Application Submittal:

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)

I understand this information is a public record and may be posted to a public website.

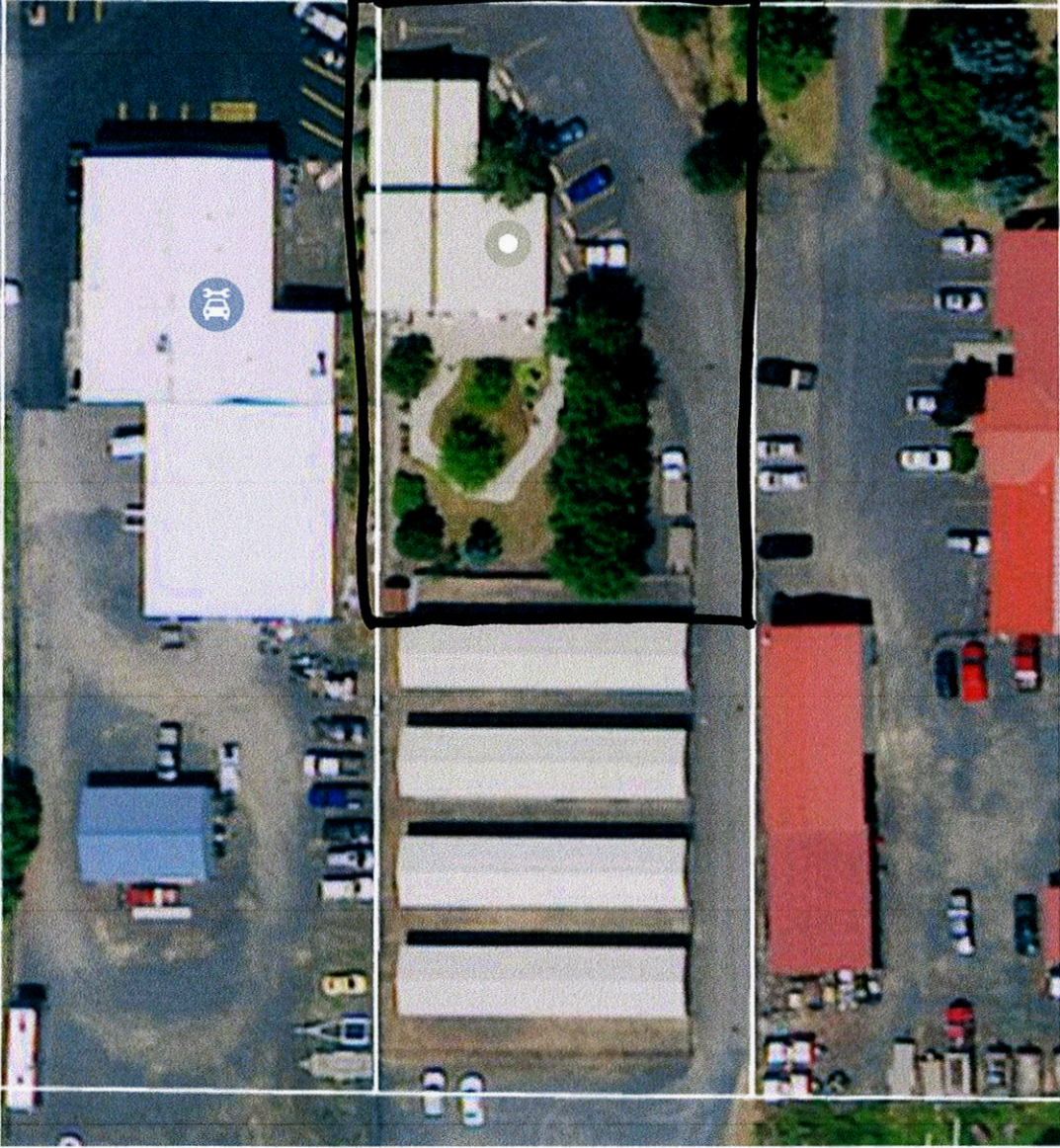

Applicant's Signature

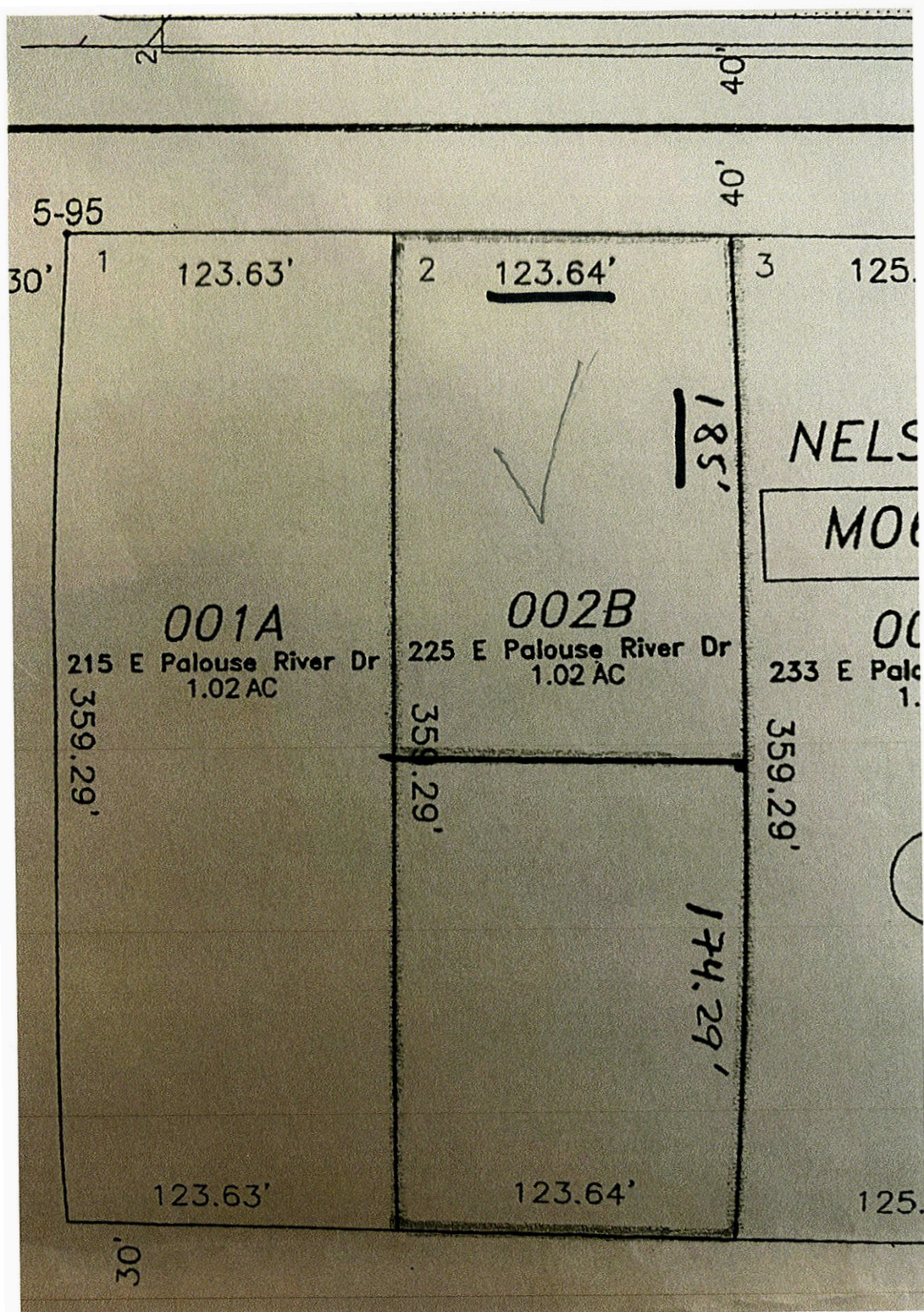
06-29-2021
Date

Owner's Signature

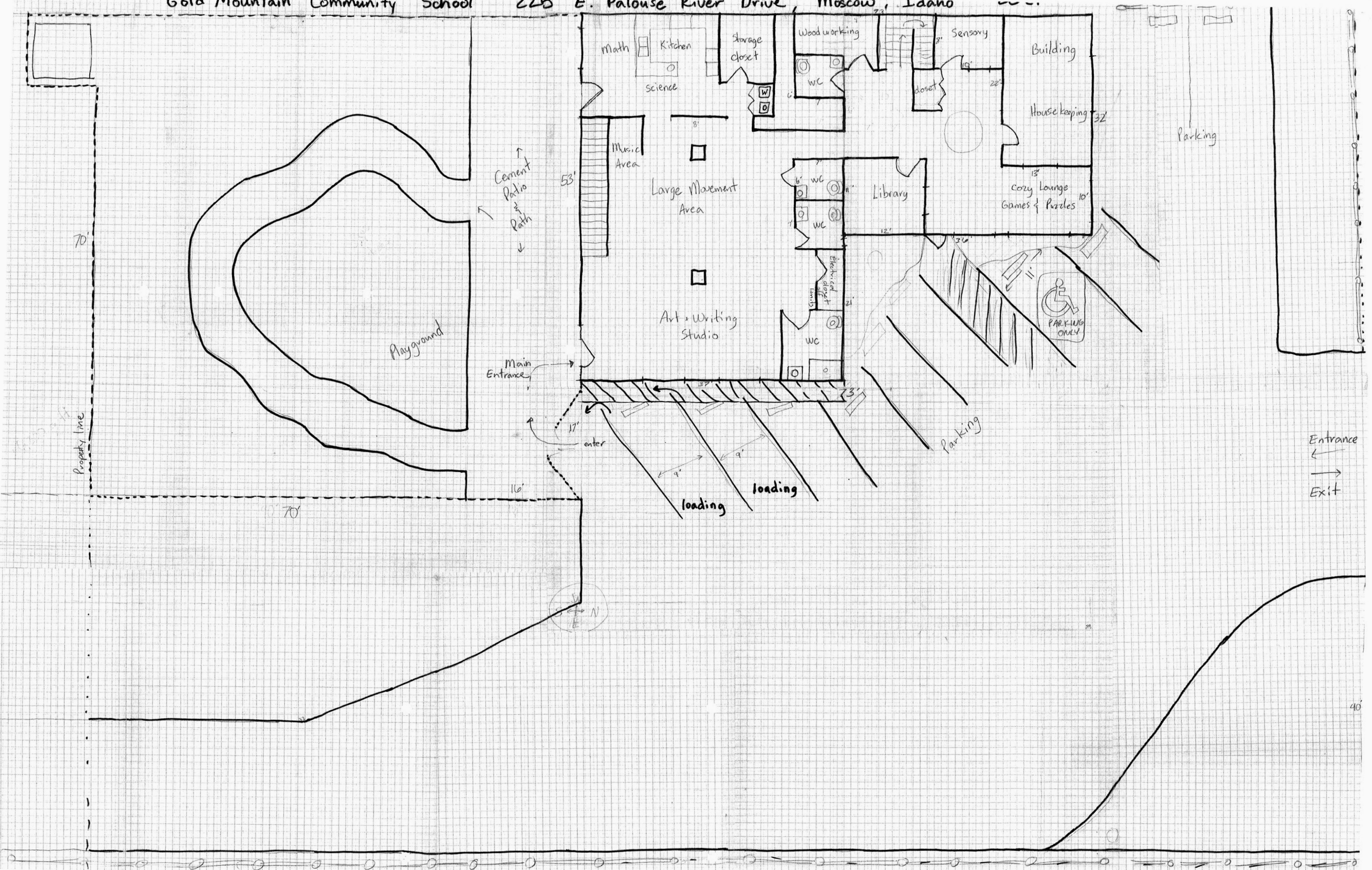
Date

E Palouse River Dr





Gold Mountain Community School 228 E. Palouse River Drive, Moscow, Idaho



Entrance
←
→
Exit