

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~

August 6, 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 5:35 PM

MEMBERS PRESENT: Joe Bazzoli Chair; Annette Bieghler, Steve Bush, Marshall Comstock, Mark Monson
MEMBERS ABSENT: Jerry Long, Laurene Sorensen
STAFF IN ATTENDANCE: Leah Carlson, Anne Peterson

1. Approval of Minutes from July 30, 2018.

Comstock moved approval of the minutes with a clarification on page 3.

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

Motion carried by acclamation.

2. Approval of Relevant Criteria and Standards for Property Located at 808 Park Drive – LUP2018-0019

Monson moved approval of the Relevant Criteria and Standards as presented.

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

Motion carried by acclamation.

3. Approval of Relevant Criteria and Standards for Property Located at 625 S. Jackson – LUP2018-0020

Monson moved approval of the Relevant Criteria and Standards as presented.

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

Motion carried by acclamation.

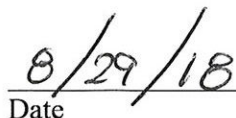
4. Board Communications

None.

Adjournment

The meeting adjourned at 5:40 pm.


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 DRIVE-
THROUGH COFFEE/ESPRESSO STAND LOCATED AT 625 S JACKSON STREET IN
THE CITY OF MOSCOW, IDAHO, WITHIN THE URBAN MIXED COMMERCIAL
(UMC) ZONING DISTRICT PER MCC 4-3-4.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on July 3, 2018; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on July 30, 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 a Drive-through Coffee/Espresso Stand located at 625 S Jackson Street. The Coffee/Espresso 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/Espresso Stand includes an espresso machine, grinder, blender, microwave, refrigerator, and ice machine.
3. 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.
4. 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.

5. The subject property is located within the Urban Mixed Commercial (UMC) Zoning District which requires a Conditional Use Permit (CUP) for Drive-through Coffee/Esspresso Stands per MCC 4-3-4.
6. Adjacent properties to the north, west, and south are all located within the UMC Zoning District and properties to the east are within the Central Business (CB) and Industrial (I) Zoning Districts.
7. 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.
8. Chapter 2 of the 2009 Comprehensive Plan, Community Character and Land Use, designates the subject property as Urban Mixed (UM).
9. 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."*
10. The Zoning Code has specific use standards for Drive-Through Facilities within MCC 4-3-5(D).
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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.
18. 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.
19. 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, the Board finds that the proposed CUP shall expire after five (5) years from the date of approval to be able to assess changing conditions in the Legacy Crossing District.

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 Drive-through Coffee/Esspresso Stands are conditionally permitted in the Urban Mixed Commercial (UMC) Zoning District per MCC 4-3-4.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed Drive-through Coffee/Esspresso Stand is consistent with the existing character of the uses within the surrounding neighborhood. The subject property and surrounding area contain a wide range of compatible commercial uses such as retail, eating and drinking, and hospitality establishments, professional and personal service uses, as well as residential 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):** The proposed use will not generate nuisances to the adjoining properties or the neighborhood through noise, dust, glare, vibrations, or odors. The proposed Coffee/Esspresso Stand will meet all Drive-through Facility standards that are required by the code for queuing, landscaping, and lane demarcation.

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 subject property is 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 the proposed coffee/espresso stand.
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. The proposed Coffee/Esspresso Stand will meet all Drive-through Facility standards that are required by the code for queuing, landscaping, and lane demarcation.
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 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.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 6 DAY
OF AUGUST, 2018.


Joe Bazzoli, Chair
Board of Adjustment

**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 1,500 S.F.
PRIVATE DETACHED GARAGE LOCATED AT 808 PARK DRIVE IN THE CITY OF
MOSCOW, IDAHO WITHIN THE MODERATE DENSITY, SINGLE FAMILY
RESIDENTIAL (R-2) ZONING DISTRICT PER MCC 4-2-4(E).**

WHEREAS, the applicant filed an application for a conditional use permit on June 22, 2018; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on July 30th, 2018; and

WHEREAS, during the public hearing and having considered the matter including all testimony presented, the Moscow Zoning Board of Adjustment approved the proposed Conditional Use Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board's review and approval; and

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

**THE 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 City of Moscow Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The applicant, Rick Beebe, submitted a Conditional Use Application for the property currently addressed as 808 Park Drive to build a detached, 1,500 sf garage roughly 30' wide by x 50' deep to be located 10' off of the southern property line, and 20' off of the western property line.
3. The subject property was subdivided in 1957 as part of the Eastgate Subdivision.
4. The subject property is just under a half acre (.49) in size, approximately 22,550 sf, and is located within the Park Drive cul-de-sac. At its widest, the irregular sized lot is 228 feet long and 153 feet deep.

5. The lot has approximately 75 feet of frontage on Park Drive. 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 is 70 feet in diameter.
6. According to the City's Comprehensive Plan, the subject property is designated 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.
7. Chapter 3 of the Comprehensive Plan, Community Mobility, identifies Park Drive as a local neighborhood street.
8. The subject property is located within the Moderate Density, Single Family Residential (R-2) Zoning District with adjacent properties to the east, south and west located in the R-2 Zone. Properties north of Seventh Street are located in the Medium Density Residential (R-3) Zoning District laying north of the subject property. While the majority of surrounding land uses are for residential purposes, other uses included community churches, a funeral chapel, a small community park, and large community playfields to the east.
9. The minimum lot size for the R-2 Zone is 7,000 sf in size and the minimum lot width is 60 feet.

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

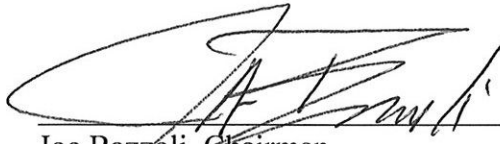
1. **The proposed use is a conditionally permitted use within the Zoning District:** Garages and workshops up to 1,500 sf in size are conditional uses within the Moderate Density, Single Family Residential (R-2) Zone. The Board determines that the application before the Board of Adjustment is for a detached, 1,500 sf garage which is a conditionally permitted use within the R-2 Zone.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The Board finds that architectural character and scale of the proposed structure will be in harmony with the area and consistent with the surrounding uses. The proposed garage will not cause nuisances nor detract from adjacent properties. The subject property is 22,550 sf in size, which is substantially larger than the minimum lot size of the R-2 Zone, which is 7,000 sf in size. Most lots within the Eastgate Subdivision have large lots. The proposed garage will be of a scale that is consistent with the dwellings constructed within the surrounding neighborhood.

3. **The proposed use, 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 Board finds that the proposed use is not anticipated to generate nuisances detrimental to the neighborhood.
4. **The location, design, and size of the proposed use is adequately served by existing streets, public facilities and services:** Specific consideration has been given to traffic, parking, safety and nuisance issues. Based on the assessment of the potential impacts, the Board finds that the proposed use is adequately served by existing streets, public and private parking, and infrastructure.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The Board finds that the proposed use will not endanger the public health or safety.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The Board finds that proposed use meets all applicable development standards for the City Code, including setbacks, building height, and size limitations.
7. **The proposed use will not be in conflict with the Comprehensive Plan:** The Board finds that the proposed use is consistent with the Comprehensive Plan as it relates to Chapter 2, Land Use and Community Character, designating 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.

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 1,500 sf private detached garage located at 808 Park Drive with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 6 DAY
OF AUGUST, 2018.



Joe Bazzoli, Chairman
Board of Adjustment