

BOARD of ADJUSTMENT



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

Public Meeting
~ Minutes ~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Monday
August 9, 2021

5:30 PM

Mayor's Conference Room
206 E Third Street

Monson called the meeting to order at 5:33 PM

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

REGULAR AGENDA

1. Approval of August 3, 2021 Minutes

Thomson moved for approval of the minutes as presented, seconded by Bush. Vote by Acclamation; Ayes: Unanimous (3). Nays: None. Abstentions: None. Motion carried.

2. Approval of Reasoned Statement of Relevant Criteria and Standards

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.

Bush moved to approve the Relevant Criteria and Standards as presented, seconded by Thomson. Vote by Acclamation; Ayes: Unanimous (3). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

Next Public Hearing scheduled for August 24, 2021.

The meeting adjourned at 5:35 PM


Joe Bazzoli, Chair

8/24/2021
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 225 E PALOUSE RIVER DRIVE IN THE CITY OF
MOSCOW, IDAHO, WITHIN THE MOTOR BUSINESS (MB) ZONING DISTRICT PER
MCC 4-3-4.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on June 29, 2021; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on August 3, 2021; 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 operate a Large Child Care Facility at 225 E. Palouse River Drive. The subject property is located within the Motor Business (MB) Zoning District which requires a Conditional Use Permit (CUP) for Large Child Care Facilities per MCC 4-3-4.
3. 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.
4. The facility would operate at the new location from 8:30 a.m. to 4:30 p.m. local time, Monday through Friday with four (4) teachers. Children would range in age from three (3) to seven (7) years old.
5. The subject property is 0.51 acres in size. The site was most recently occupied by "Circles of Caring" an adult day care facility.
6. 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.

7. 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).
8. There is no minimum or maximum lot area or lot width within the MB Zoning District.
9. 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.”*
10. Chapter 2 of the 2019 Comprehensive Plan, Community Character and Land Use, designates the subject property as Auto-Urban Commercial (AUC). Auto-Urban Commercial designated areas provide for commercial services and developments that are motor vehicle oriented or those which require large amounts of land. These areas should be located adjacent to existing commercial developments and along major arterials where the vehicle traffic can be accommodated. Developments within these designations should be required to provide significant landscaping which would be applied to enhance areas along the street edge, screening parking lots and buffering adjacent uses. Such areas are most appropriately zoned Motor Business (MB).
11. The property is located east of Highway 95 on Palouse River Drive and is accessed via Palouse River Drive.
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. Moscow City Code 4-3-5(C)(1) requires large child care facilities to have two (2) on site loading spaces. The spaces must be located on the same side of the street as the child care facility and must be at least thirty feet (30') from any street intersection.
15. The applicant is proposing to provide two loading spaces adjacent to the building and utilize the main entrance. This location is more than 30 feet from any street intersection and does not require backing movements by vehicles.
16. The facility will require a total of 4 parking spaces. There is a parking lot that currently exists on the subject property that contains 10 spaces. Therefore, there is sufficient parking that exists for the operation of the child care facility.
17. 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.
18. Moscow City Code Title 9, Section 10-19.A.2.g 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.”

19. The applicant proposes to utilize a temporary outdoor play area of 6,000 square feet in the rear of the subject property.

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:** Large Child Care Facilities are conditionally permitted in the Motor Business (MB) 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 large Child Care Facility is consistent with the existing activity levels in the surrounding area. The site was most recently occupied by “Circles of Caring” an adult day care facility.
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.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The property is located on East Palouse River Drive, and has one primary access point. The facility will be served by the existing public facilities.
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 since proper safety measures are being taken to ensure children’s safety. Loading zone spaces are being designated where the children will be dropped in parking spaces closest to the main entrance that do not require crossing of the vehicle maneuvering and travel areas.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The use meets all applicable development standards of the zoning code including but not limited to the outdoor play area, off-street parking, and loading zones requirements.
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 225 E Palouse River Drive with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 7 DAY
OF August, 2021.



Joe Bazzoli, Chair
Board of Adjustment