



Joe Bazzoli

~Agenda~

Leah Carlson

Commission Chair

Staff Liaison

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

Monday

5:30 PM

Council Chambers

August 6, 2018

206 E 3rd Street

1. Approval Of Previous Minutes
Approval of Minutes from July 30, 2018

Documents:

[MINBOA20180730.PDF](#)

2. Approval Of Relevant Criteria And Standards For Property Located At 808 Park Drive – LUP2018-0019

A proposed Conditional Use Permit application for a detached private garage not to exceed 1,500 sf located at 808 Park Drive.

ACTION: Review the draft Relevant Criteria and Standards document and approve the document; or approve the document with corrections; or provide Staff further direction as deemed necessary.

Documents:

[LUP2018-0019 - CUP 808 PARK DRIVE - 8-6-18.PDF](#)

3. Approval Of Relevant Criteria And Standards For Property Located At 625 S Jackson – LUP2018-0020

A proposed Conditional Use Permit application for a drive-through coffee/espresso stand located at 625 S. Jackson Street.

ACTION: Review the draft Relevant Criteria and Standards document and approve the document; or approve the document with corrections; or provide Staff further direction as deemed necessary.

Documents:

4. Board Communications
5. Other Business

NOTICE: Moscow City Council 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
Commission Chair

~Meeting Minutes~
July 30, 2018

Leah Carlson
Staff Liaison

boa@ci.moscow.id.us

208.883.7095

<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 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

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 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 ____ DAY OF _____, 2017.

Joe Bazzoli, Chairman
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 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 ____ DAY OF AUGUST, 2018.

Joe Bazzoli, Chair
Board of Adjustment