

BOARD *of* ADJUSTMENT



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

Public Meeting
~ Agenda ~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Monday
November 29, 2021

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of November 17, 2021 Minutes (ACTION ITEM)**

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

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

Amendment to an existing Conditional Use Permit for a school and church facility which was approved on August 2, 2016 and located at 1515 N. Mountain View Road within the Moderate Density, Single Family Residential (R-2) Zoning District per Moscow City Code 4-3-4. The applicant is amending the phasing plan that was approved as part of the original Conditional Use Permit application.

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

REPORTS

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



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Public Hearing
~ Minutes ~

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

Wednesday
November 17, 2021

7:00 PM

Council Chambers
206 E Third Street

Monson called the meeting to order at 7:00 PM

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

REGULAR AGENDA

1. Approval of October 26, 2021 Minutes (ACTION ITEM)

Thomson moved for approval of the minutes as presented, seconded by Bush. Vote by Acclamation; Ayes: Bieghler, Bush, Comstock, Thomson (4). Nays: None. Abstentions: Bazzoli (1). Motion carried.

2. Public Hearing: Proposed amendment to an existing Conditional Use Permit for a school and church facility which was approved on August 2, 2016 and located at 1515 N. Mountain View Road – LUP2021-0037 (ACTION ITEM)

Proposed amendment to an existing Conditional Use Permit for a school and church facility which was approved on August 2, 2016 and located at 1515 N. Mountain View Road within the Moderate Density, Single Family Residential (R-2) Zoning District per Moscow City Code 4-3-4. The applicant is proposing to amend the phasing plan that was approved as part of the original Conditional Use Permit application.

Hennrich presented the Conditional Use Permit (CUP) amendment application as described above, covering the history of the previously approved CUP and Variance and the seven (7) conditions of that approval. Staff recommended approval of the CUP phasing plan amendment with one (1) additional condition that the CUP reflect the updated Zoning Code requirement of an expiration date of 2 years from approval, including the opportunity for a 1-year extension.

Mountain View Road from Slonaker Drive to the proposed roundabout is not in City Limits and the developer would need to coordinate improvements with the Latah County Highway District. There was some discussion about how the improvements to Mountain View Road was originally made a condition of approval. The sidewalk on the north side of Mountain View, from Slonaker Drive to the Logos property, would be improved as an extension of the roadway with no curbing for pedestrian access. The roadway improvements would include an additional 4-feet of expansion from a 24-foot road to a 28-foot width. There was some conversation about easement procurements and the impact on engineering for the necessary improvements.

The pedestrian bridge would be located on City of Moscow property, on the southeast side of Mountain View Park. Continued discussion about the bridge, addressing the possibility of making it a multi-modal bridge. The proposed phasing amendment was requested in part because of funding issues for the school's construction, as well as implementing a change to add the Fellowship Hall to the site.

A temporary Certificate of Occupancy (CO) could only be issued for a Phase II building with the Building Safety Division's approval and a security for public improvements not yet complete in other phases. Requirements for a temporary CO include pedestrian and vehicle access improvements, as well as sufficient safety measures in place for any proposed use. There was some discussion regarding public improvement requirements and the proposed timeline of completion. F Street is anticipated to continue south and connect as private property development occurs.

The Public Hearing opened at 7:26 PM

Scott Becker (applicant), Moscow, explained the Applicant's decisions regarding the phasing amendment request, as well as the current status of the public improvements. The roundabout is essentially ready to be built pending better weather conditions. Fellowship Hall construction would begin at the same time as the public improvements. The Fellowship Hall would be used as a gathering place for both church and chapel until Phase III was completed.

George Canney, Moscow, requested more information about the fire hydrant and standpipe between the new road and Paradise Creek. Made a comment about the future F Street extension and impact of traffic on other connecting roads.

Scott Becker (applicant), Moscow, talked about the temporary fire hydrant and detention ponds that will help prevent flooding. The standpipe is temporary and is not indicative of future elevation or grading changes to the road.

The Public Hearing closed at 7:34 PM

There was some continued discussion regarding the condition to improve Mountain View Road outside of Moscow City Limits. Plans are required to meet current standards regardless of what jurisdiction the road is in. The proposed phasing amendment was well received by the Board and support was expressed.

Comstock moved for approval of the Conditional Use Permit amendment to phasing at 1515 Mountain View Road and directed Staff to draft the Relevant Criteria and Standards with the same conditions as originally approved, along with the additional expiry date condition as recommended by Staff. Motion seconded by Bush. Vote by Acclamation; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

REPORTS

The Board discussed City Councils' approval of the Appeal for the Wireless Communication Facility at 1400 E Seventh Street.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

Next Board of Adjustment meeting is scheduled for Monday, November 29th, 2021.

The meeting adjourned at 7:44 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 FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT FOR A SCHOOL AND CHURCH LOCATED AT 1515 N MOUNTAIN VIEW ROAD WITHIN THE MODERATE DENSITY RESIDENTIAL (R-2) ZONING DISTRICT PER MOSCOW CITY CODE 4-3-4.

WHEREAS, the applicant filed application for an amendment to the existing Conditional Use Permit on September 9, 2021; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on November 17, 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, and Moscow City Code.
2. Logos School filed an application on June 6, 2016 for a Conditional Use Permit (CUP) for a school and church on a 30-acre property located at 1515 N. Mountain View Road.
3. This matter came before the Moscow Board of Adjustment hearing on June 28, 2016 and was approved with seven conditions:
 1. *The water system shall be extended to the site in a loop configuration to provide adequate fire flow, redundancy, and protection against poor water quality;*
 2. *The sewer system shall be extended to the site;*
 3. *The development shall install the public streets as indicated in the adopted Multi-modal Transportation Plan and the proposed road to the development shall be constructed to minor arterial street standards;*
 4. *The proposed road shall be aligned so that a feasible connection to the 'F' Street extension, adjacent to the bridge, can be completed in the future;*
 5. *The developer shall widen Mountain View Road from Slonaker Drive to the proposed intersection to a minimum width of 28 feet (edge of asphalt to edge of asphalt), and work with city staff to identify a pedestrian corridor along the east/west connection from Slonaker Drive to the subject property;*

- a) *Phase I – includes public street improvements necessary to support the demand as a result of the development. This includes construction of Logos Street and the installation of public improvements and utilities, as described in Phase I of the original phasing plan. This work has begun.*
 - b) *Phase II – includes construction of the Fellowship Building and parking areas to accommodate its use. The Fellowship Hall will contain an assembly space, commercial kitchen, and restrooms. The Fellowship Building will be built while Phase I is being completed.*
 - c) *Phase III – includes adding a school building, a regulation sized gymnasium to the east side of the school building, constructing a church, administration building, chapel, the pedestrian bridge on the southwest corner of the property, and additional parking areas to accommodate the added uses and special event parking. The order of these components will be based upon funding.*
11. Phase I and II are proposed to be constructed concurrently. In order for permits to be issued for Phase II, a security must be deposited with the City for the public improvements included in Phase I which are yet to be constructed.
 12. According to MCC 4-6-2, the parking requirement for churches is one (1) space per 4 seats or 100 inches of bench seating, plus one (1) per 100 square feet for open assembly. The off-street parking requirement for kindergarten, elementary and junior high schools is two (2) space per classroom plus one (1) space for every eight (8) seats in largest assembly area. For high schools the requirement is five (5) space per classroom plus one (1) space for every eight (8) seats in largest assembly area.
 13. The total of required parking for use of the Fellowship Hall proposed in Phase II is 248 parking stalls.
 14. The applicants proposed phasing site plan shows 121 parking stalls provided for Phase I and an additional 177 stalls at Phase II. With Phases I and II to be constructed concurrently, at total of 298 spaces will be available upon completion of the first two phases. This is an adequate number of parking stalls to serve the Fellowship Hall and the Track and Field. As Phase III is constructed, the additional buildings will generate a need for additional parking stalls. The proposed site plan shows 196 additional stalls associated with Phase III. In total, 494 spaces are to be shared between the entire campus at completion.
 15. The development requires extension of a public street that connects Mountain View Road (a minor arterial) to the subject property. Mountain View Road will be required to be widened from twenty-four (24) feet in width to twenty-eight (28) feet in width from Slonaker Drive to the proposed roundabout intersection at the northwest corner of the subject property in order to mitigate impacts generated by the increased traffic demand as a result of the development.
 16. As originally approved, the construction of a public street is required from Mountain View Road to the southern property line, including a bridge across Paradise Creek at the southwest corner of the property, which will provide the required street extension for future public right-of-way connections to 'F' Street (via a future vehicular bridge over Paradise Creek) and eventually further south to connect to 'D' Street per the 2009 Thoroughfare Plan.

17. The new street will be designed to meet minor arterial street standards as adopted by the City. The new street will include a south-bound left turn lane for easy access onto the subject property and for improved service and safety to the public using this roadway.
18. The development will have two dedicated one-way vehicular travel lanes that circle around the school, with one designated as an entry only off of the newly constructed public street and one designated as an exit only. This model is intended to relieve congestion on the public street and will route traffic all the way around the school, providing the ability for cars to queue up on the site during peak drop-off and pick-up times.
19. In order to accommodate pedestrian access to the site via 'F' Street, the development includes construction of a pedestrian bridge across Paradise Creek from the existing pathway that runs adjacent to the very southwest corner of the subject property.
20. A new sanitary sewer main is proposed to be extended from the existing main at the end of 'D' Street and a new water main will be extended from the existing main at the end of 'F' Street. The water system shall be extended up to the site in a loop configuration to provide adequate fire flow, redundancy, and protection against poor water quality.

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. **Is the proposed use a conditionally permitted use within the Zoning District?** Schools and churches are conditionally permitted uses within the R-2 Zone (Moscow City Code 4-3-4).
2. **Is the proposed use in harmony with the neighborhood and surrounding land uses?** The proposed use will be in harmony with the neighborhood and surrounding land uses. The proposed large open spaces, play areas, sports fields and parking will be congruent with the public park to the west and agricultural fields to the north, east, and south. The phasing amendment does not change the nature of what is approved, only the timing of the buildings being constructed.
3. **Will the proposed use as approved, or as approved with conditions, 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, as approved with conditions, will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood. The amendment to the phasing plan will not change the nature of the approved Conditional Use Permit.
4. **Will the location, design, and size of the proposed use be adequately served by existing streets, public facilities and services?** The location, design, and size of the proposed use will be adequately served with the proposed public street improvements and connections to City services for water and sewer. The widening of Mountain View Road from Slonaker Drive to the roundabout intersection will mitigate impacts of the development and maintain the level of service for the current minor arterial classification. The inclusion of a pedestrian route along

Mountain View Road will serve pedestrians and bicyclists in the area. The construction of a new minor arterial street in accordance with the 2019 Thoroughfare Plan, and construction of a new pedestrian bridge allowing pedestrian access via 'F' Street to the subject property will allow for the proposed use to be adequately served by public streets and facilities. The change to the phasing plan does not create an additional demand for streets, public facilities and services. The site will be adequately served by the approved Conditional Use Permit requirements.

5. **Will the proposed use endanger the public health or safety if located where proposed?**
The private school campus and church, as approved, will not endanger the public health or safety if located where proposed. The site improvements provide for accessibility, connectivity and improved safety by providing additional routes for emergency vehicles, wider roadways for safer trips in this area, and a new improved intersection where Mountain View Road will meet the subject property. The change to the phasing plan does not change the what is approved only the sequence of the buildings being constructed.
6. **Does the proposed use meet all applicable development standards of the Zoning Code?**
With approval of the Variance application for exceedance of the building height for the school/gymnasium building accompanying this CUP application, the proposed use meets or exceeds all applicable development standards of the Zoning Code including parking, setbacks and open space.
7. **Will the proposed use be in conflict with the Comprehensive Plan?** The proposed use is not in conflict with the Comprehensive Plan. Education, culture, and the arts are a critical part of Moscow's quality of place. They are also a significant part of the local economy in their own right.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria and Standards, the City of Moscow Board of Adjustment approves the amendment to the phasing plan for the Conditional Use Permit for a school and church located at 1515 N Mountain View Road, with one condition:

1. In accordance with M.C.C. 4-8-4(H) and M.C.C. 4-8-4(I), the term of approval of the Conditional Use Permit shall not exceed two (2) years from the date of the final decision with the ability to apply for an additional two (2) year extension prior to expiration.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF NOVEMBER, 2021.

Mark Monson, Vice-Chair
Board of Adjustment