



Joe Bazzoli

~Agenda~

Leah Carlson

Commission Chair

Staff Liaison

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

Tuesday

Mayor's Conference Room

5:30 PM

October 11, 2018

206 E 3rd Street

1. Approval Of Minutes From October 2, 2018

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

Documents:

[MINBOA20181002.PDF](#)

2. Approval Of Reasoned Statements Of Relevant Criteria And Standards For Property Located At 212 Rodeo Drive -- LUP2018-0028

Conditional Use Permit application for a gymnastics facility located at 212 Rodeo Drive. The applicant is proposing to develop a gymnastics facility serving pre-school aged children located at 212 Rodeo 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:

[LUP2018-0028 - 212 RODEO DRIVE - 10-2-18.PDF](#)

3. Board Communications
4. 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~
October 2, 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 7:00 PM

MEMBERS PRESENT: Mark Monson, Vice Chair; Annette Bieghler, Steve Bush, Tim Thomson

MEMBERS ABSENT: Joe Bazzoli, Marshall Comstock, Laurene Sorensen

STAFF IN ATTENDANCE: Leah Carlson, Mike Ray, Anne Peterson

1. New Member

Monson welcomed new member Tim Thomson.

2. Approval of Minutes from September 4, 2018.

Bieghler moved approval of the minutes as presented by staff.

RESULT:	ACCEPTED
MOVER:	Bieghler
SECONDER:	Bush
ABSENTIONS:	Thomson

Motion carried by acclamation.

3. Public Hearing: Proposal for Conditional Use Permit for a gymnastics facility located at 212 Rodeo Drive – LUP2018-0028

Conditional Use Permit application for a gymnastics facility located at 212 Rodeo Drive. The applicant is proposing to develop a gymnastics facility serving preschool aged children located at 212 Rodeo Drive.

Carlson presented the application described above. Applicant plans to provide gymnastics lessons and birthday parties primarily for preschool aged children, operating Monday-Saturday 9am-noon and 4-7pm for a maximum of 50 students. Carlson explained gymnastics instruction is a conditionally permitted use in the Motor Business zoning district, and the Comprehensive Plan designates the subject area as Auto-Urban Commercial. A 2014 Transportation Impact Study, based on uses with higher service impact than what this proposed use would create, indicated the intersection of Highway 95 and Rodeo Drive did not warrant a signalized intersection, therefore the existing street infrastructure will accommodate the proposed gymnastics facility. Staff recommended approval with no conditions.

Monson opened the public hearing at 7:04 pm.

Shelley Bennett, 2279 Moser, represented the applicant and landlord. She explained the gym opened in August without being aware of the need for a Conditional Use Permit, and apologized for that misunderstanding.

Lynn Kindlespire, 918 Indian Hills, said Palouse Empire Gymnastics opened for business in 1990; she and her husband purchased it in 2010. Kindlespire said she called the State and City to ask about licenses

or permits required. She was referred to the City website to review the land use table and she assumed her business fell under the “health club/gymnasium” category and therefore didn’t need any permits.

Monson asked if things have been running ok and if they’d had any complaints. Kindlespire said everything was great, they’ve had no complaints, their customers love the plentiful off-street parking, and they’ve made friends with neighbors on both sides. Bush asked where they were previously and Kindlespire explained this is a second location. The main facility is at 810 N Almon #B and the new facility resolves their overcrowding issues. Having two locations makes it less congested and provides a better teaching environment. Bush asked the operating hours and Kindlespire replied the Almon Street facility is open 3:30-8:30pm. The Rodeo Drive location has morning and afternoon classes but is closed between noon and 4pm.

Hearing no further public testimony, the hearing closed at 7:11 pm.

Bieghler had no objections. Bush thought it was a good use of the facility and apparently it is working well. Thomson agreed it appeared to be good location and he commented it was good to see a business able to expand.

Bush moved approval of the application with no conditions and directed staff to draft the relevant criteria and standards.

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

Motion carried by acclamation.

4. Board Communications

5. Other Business

The RCS approval meeting was scheduled for Thursday, October 11, at 5:30pm in the Mayor’s Conference Room.

Adjournment

The meeting adjourned at 7:17 pm.

Mark Monson, Vice 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 GYMNASTICS
FACILITY LOCATED AT 212 RODEO DRIVE IN THE CITY OF MOSCOW, IDAHO,
WITHIN THE MOTOR BUSINESS ZONING DISTRICT PER MCC 4-3-4.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on August 31, 2018;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on October 2, 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 change of use to a 4,360 square foot tenant space into a Gymnastics Facility located at 212 Rodeo Drive.
3. The facility will primarily cater to pre-school aged children. Services provided include gymnastics lessons and birthday parties.
4. The facility will serve a maximum of 50 students per day and will employ 15 part-time employees.
5. The facility will operate Monday through Saturday between the hours of 9 am to noon and 4:00 pm to 7:30 pm.
6. The site shares a tenant space with three other businesses: DaVita Dialysis, Alliance Family Services, and Edward Jones.
7. The existing roads and traffic infrastructure would sufficiently support the proposed change of use. A 2014 Traffic Impact Study confirmed that the presence of new business in the area would not significantly impact the intersection of Highway 95 and Rodeo Drive such that a signalized traffic light would be required.

8. The subject property is located in Motor Business Zoning District, which requires a Conditional Use Permit (CUP) for Gymnastics Facilities per MCC 4-3-3.
9. Adjacent properties to the east are located within the Medium Density Residential (R-3) Zoning District, adjacent properties to the north are located within the Moderate Density Residential (R-2) Zoning District, and adjacent properties to the west and south are located in the Motor Business (MB) Zoning District.
10. Surrounding land uses are primarily auto-related and commercial to the south and west, and primarily residential to the north and east.
11. Chapter 2, Community Character and Land Use, designates the subject property's future land use as Auto-Urban Commercial.
12. According to the Comprehensive Plan, Auto-Urban Commercial Designated Areas, *"provide for commercial series 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. Development within these designations should be required to provide significant landscaping which would be applied to enhancing area along the street edge, screening parking lots, and buffering adjacent uses."*
13. Gymnastics Facilities are defined as establishments primarily engaged in offering instruction in athletic activities to groups and individuals.
14. Upon review of the submitted materials, it is the Board's determination that the proposal meets all of the required setbacks and height, and locations of the proposed buildings conform to the proper zoning requirements.

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:** Gymnastics Facilities are conditionally permitted in the Motor Business 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 Gymnastics Facility is consistent with the existing character of the uses within the surrounding neighborhood. The change of use will not impact the exterior of the building and will serve the surrounding neighborhoods.
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 Gymnastics facility is not expected to generate a significant amount of additional traffic to the neighborhood.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** Primary access to the Gymnastics Facility is via Rodeo

Drive, which is a collector street with nearby access to Highway 95, a National Highway. The existing streets and public facilities will sufficiently serve the proposed facility. A 2014 Traffic Impact Study examined the impact of new development on the intersection of Highway 95 and Rodeo Drive and found no signalized light to be necessary. Because the proposed change of use is significantly less intense than the development proposed in the study, the intersection will sufficiently provide for the traffic impacts of the proposed Gymnastics Facility.

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 existing facility conforms to the overall height, setback, and lighting requirements in the zoning code.
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 Gymnastics Facility at 212 Rodeo Drive with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____ 2018.

Mark Monson, Vice Chair
Board of Adjustment