



Joe Bazzoli

~Agenda~

Leah Carlson

Commission Chair

Staff Liaison

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

Tuesday

Council Chambers

7:00 PM

January 15, 2019

206 E 3rd Street

1. Approval Of Previous Minutes

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

Documents:

[BOA MINUTES.PDF](#)

2. Election Of Officers

ACTION: Nominate and elect a Chair and Vice Chair for 2019.

3. Public Hearing: Proposal For Conditional Use Permit For An Educational Institution To Use An Existing Parking Lot At 421 S Jackson Street– LUP2018-0038

Conditional Use Permit application for an educational institution to use an existing parking lot for student and employee parking within the Central Business Zoning District MCC 3-4.

ACTION: Conduct the public hearing for the proposed Variance and upon consideration of any testimony presented, approve the Variance without conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or approve the Variance with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the Variance and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

Documents:

[PACKET.PDF](#)

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~
December 10, 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 5:33 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Annette Bieghler, Steve Bush, Marshall Comstock, Mark Monson

MEMBERS ABSENT: Laurene Sorenson, Tim Thomson

STAFF IN ATTENDANCE: Mike Ray, Anne Peterson

1. Approval of Minutes from December 4, 2018.

Monson moved approval of the minutes as presented.

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

Motion carried by acclamation.

2. Approval of Relevant Criteria and Standards for Property Located at 951 S Meadow – LUP2018-0033

Comstock moved approval of the Relevant Criteria and Standards with one spelling correction.

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

Motion carried by acclamation.

3. Board Communications

There was brief discussion about the appeal process for the cell tower CUP denial which will be heard by City Council on January 7, 2019. Bazzoli suggested that prior to the Board needing to address the Ice Rink CUP issue again, that the City convene a meeting of all pertinent parties to get everyone on the same page so the Board isn't left in such an awkward decision-making position.

Adjournment

The meeting adjourned at 5:51.

Joe Bazzoli, Chair

Date

NOTICE OF PUBLIC HEARING

Proposal for Conditional Use Permit 421 S. Jackson
Permit Application LUP2018-0038

A public hearing at which you may be present and speak will be conducted before the Board of Adjustment of the City of Moscow at which time the following proposals will be considered:

1. Conditional Use Permit application for an educational institution to use an existing parking lot for student and employee parking within the Central Business Zoning District MCC 3-4.

HEARING DATE: Tuesday, January 15, 2019

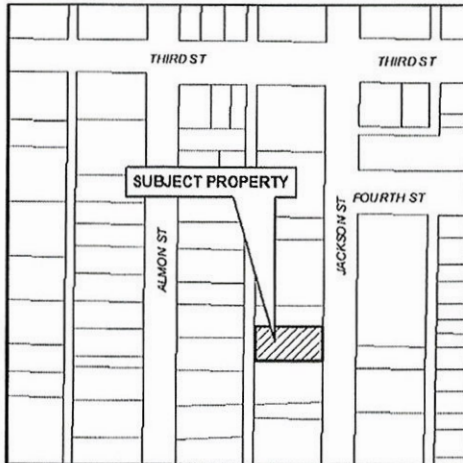
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00pm

Note: Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting.

The file containing information on this matter is available for public review at the Community Development Department located in the Paul Mann Building at 221 East Second Street, Moscow, Idaho. Call 883-7035 to get a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Minor amounts of written materials (less than two (2) pages) may be submitted to the hearing body at any time prior to the close of comments, as determined by the hearing body. More in-depth written materials require at least five (5) calendar days for review prior to the hearing. You may obtain further information about the public hearing process and procedures on the City's Website at: <http://id-moscow.civicplus.com/593/Public-Hearing-Notices>



Laurie Hopkins,
Moscow City Clerk


Anne Peterson, Deputy City Clerk

Publish: Saturday, December 29, 2018

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

HEARING DATE: Tuesday, January 15th, 2019

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: Conditional Use Permit application for an educational institution to use an existing parking lot for student and employee parking located at 421 S. Jackson Street within the Central Business (CB) Zoning District per MCC 3-4.

Attachments: A. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, December 29th, 2018

B. Conditional Use Permit Application

C. Site Plans

D. Relevant Criteria and Standards Worksheet

Prepared by: Leah Carlson

STAFF REVIEW

Proposal: The applicant, New Saint Andrews (NSA) College, is proposing to utilize an existing parking lot located at 421 S. Jackson Street for dedicated student and employee parking to satisfy a portion of their off-street parking obligation. Colleges are listed as a Conditional Use within the Central Business (CB) Zoning District, therefore a parking lot dedicated to off-street parking for a college requires a conditional use permit per MCC 3-4.

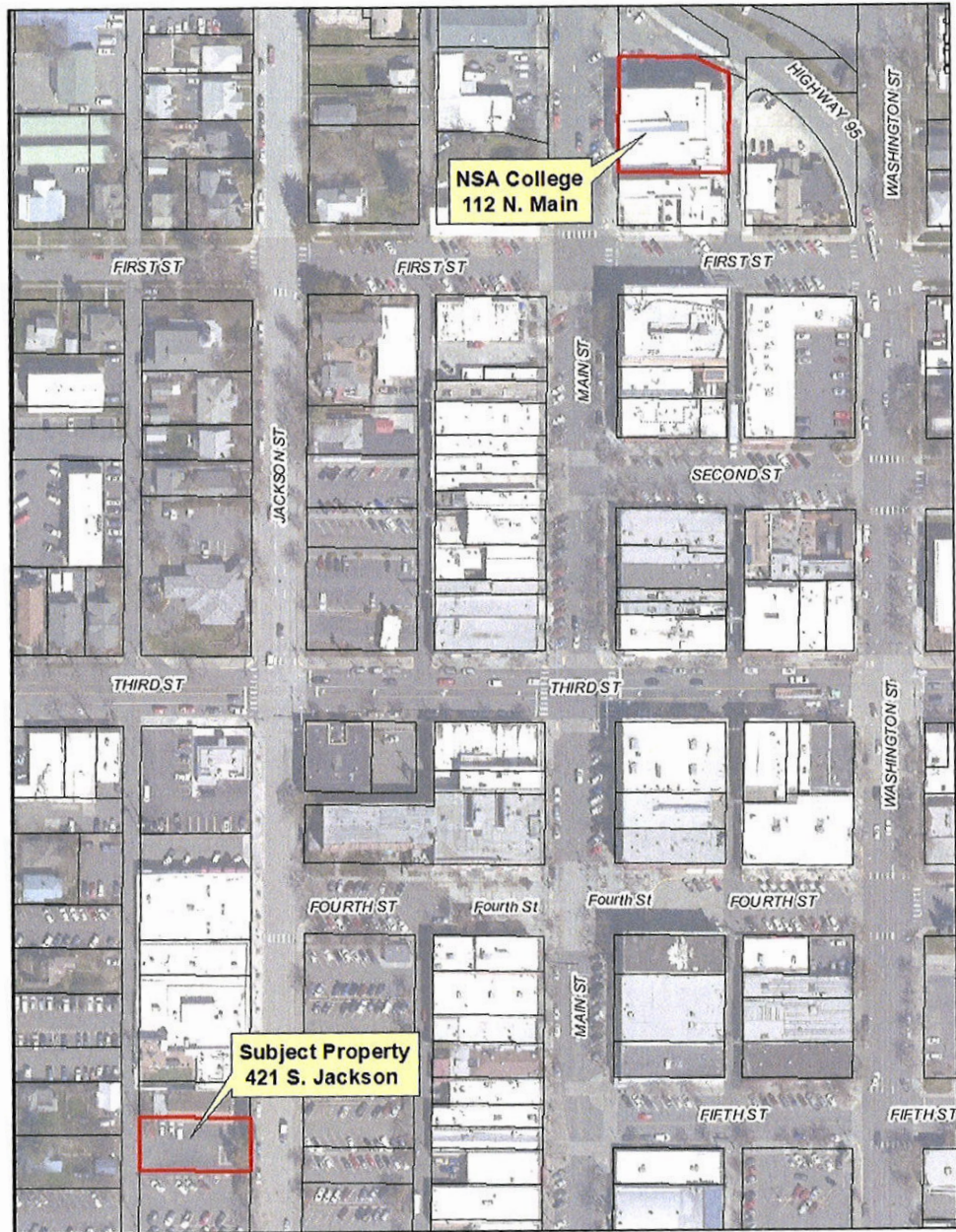
Background: A conditional use permit for NSA College was originally approved on May 27, 2008, for their location adjacent to Friendship Square at 403 and 405 South Main Street. The CUP was conditioned upon the requirement that 42 parking spaces be dedicated to NSA staff and students somewhere in the City, either inside or outside of the CB Zone. On August 2, 2013, the Board of Adjustment approved a CUP to convert an existing parking lot located at 505 S. Jackson Street for dedicated student and employee parking. This parking lot served to provide

required parking for NSA's campus located at 403 and 405 S. Main Street. This lot is located adjacent to the subject property to the south.

NSA then obtained another CUP on July 18, 2017 to convert a former dance club/bar located at 112 N Main Street into NSA classrooms and music hall. The CUP was approved with two conditions:

1. The applicant be required to provide 47 off-street parking spaces within approximately one-quarter (1/4) mile of the subject property
2. The applicant be allowed to phase in the off-street parking requirement by providing 50% of the required parking mitigation upon occupancy of the building.

NSA is now requesting a CUP to utilize an existing parking lot at 421 S Jackson Street to satisfy the off-street parking requirement of their location at 112 N Main Street. In order to be allowed to occupy the building, NSA must provide 24 parking spaces within ¼ mile of the property, per the conditions imposed on the 112 N Main Street location. The proposed lot at 421 S Jackson Street is 0.21 miles from 112 N Main Street and is proposed to contain a total of 10 standard size spaces, 14 compact spaces, and 1 ADA van-accessible space. Submitted plans also show a three-foot (3') wide landscape buffer on the north and west sides of the parking lot along with an eight foot (8') wide buffer on the east side of the lot abutting S. Jackson Street. As part of this project, the applicant plans to bring the parking lot into compliance with City of Moscow Parking Lot Standards, which include paving, curbing, striping, and landscaping.



Aerial



Aerial



Zoning Aerial

Zoning: The subject property is located within the Central Business (CB) Zoning District. Colleges require a CUP within the CB Zoning District.

Comprehensive Plan: Chapter 2, Land Use and Community Character, designates the subject property as Urban Mixed. Urban Mixed designated areas are intended to provide for the infill development and adaptive re-use of areas that surround downtown. An objective for Moscow's downtown is to guide the expansion and intensification of downtown development while considering the needs for parking and desire to maintain the existing historic character.

Chapter 3, Community Mobility, identifies Jackson Street as a national highway and 6th Street as a collector street.

Site and Area Land Use: The subject property is a 7,500 square foot parcel located on the west side of Jackson Street. The property is currently being used as an unregulated parking lot; there are no structures on the lot. The lot is partially paved but has gravel surface in the center where a building was previously located.

Adjacent properties to the north, east, and south are also located within the CB Zoning District. Canyon Creek Church occupies the lot directly to the north of the subject property. To the south, the parking lot is currently being used as a regulated lot for NSA College to provide required parking for the campus located at 403-405 S. Main Street. The City owned and managed Jackson Street public parking lot exists to the east. Adjacent properties to the west are located in the Residential Office (RO) Zone, and are occupied by residential dwellings. The subject property and surrounding lots are flat, with little to no elevation changes.

Streets and Access: The parking lot has a two-way travel aisle with ingress and egress access from the alleyway between S. Jackson Street and S. Almon Street. There is no access to the parking lot from Jackson Street being proposed.

RELEVANT CRITERIA AND STANDARDS

1. The proposed use (is/is not) a conditionally permitted use within the Zoning District.
2. The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses.
3. The proposed use as approved, or as approved with conditions, (will/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).
4. The location, design, and size of the proposed use (will/will not) be adequately served by existing streets, public facilities and services.
5. The proposed use (will/will not) endanger the public health or safety if located where proposed?
6. Proposed use (meets/does not meet) all applicable development standards of the Zoning Code.
7. The propose use (will/will not) be in conflict with the Comprehensive Plan.

RECOMMENDATION

Staff recommends **approval** for the application for a Conditional Use Permit at 421 S Jackson Street with the following conditions:

1. The applicant shall bring the subject property into compliance with City of Moscow Parking Lot Standards which include paving, curbing, striping, and landscaping.

2. Signage shall be posted stating that lot is reserved for NSA parking only.

Board shall direct staff to prepare Relevant Standards and Criteria to be reviewed at an upcoming meeting.



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**
Ph: 208-883-7035
Fax: 208-883-7033
apeterson@ci.moscow.id.us

For City Use Only			
Date Received			
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$475	
Receipt Number			

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: New Saint Andrews College, Inc. Telephone: 208.882.1566
405 South Main Street, Moscow, ID 83843
 (home address)

Relationship to affected property (please check one):

Owner ☒ Purchaser ☐ Lessee ☐ Other ☐ (explain below)

2. Owner of Affected Property (if other than applicant)

Name: _____ Telephone: _____
 (home address)

3. Location of Affected Property: 421 South Jackson Street, Moscow, ID 83843

Legal Description: Lleuallen's Second Addition 2 16, 17 & 18
 (subdivision) (block) (lot)

If described by Metes and Bounds, please attach deed on a separate sheet.

4. Proposal: The applicant proposes the following use and/or construction for the above-described property: See Exhibit A

The proposed activities and use shall be shown on an attached site plan drawn to a standard engineer's or architect's scale. The site plan shall show, label and dimension all property lines and easements, existing and proposed buildings, parking lot and driveway(s), fencing and landscaping. A site topography map shall be provided when appropriate.

5. Authorization: Section 3-4 of the Moscow Zoning Ordinance authorizes the proposed use, subject to a Conditional Use Permit.

6. **Operating Characteristics:** Detail the operating characteristics of the proposed use. In other words, provide specific information which describes and defines how the proposed use will be conducted and what will be involved in the day to day operations of the proposed use. Applicable information may include hours of operation, number of people (employees, customers, students, etc.) involved, traffic and/or delivery information, services provided, equipment or machinery which may be involved, or any other information which helps describe and define the proposed use and impacts which it may have.

See Exhibit A

7. *Before the Moscow Board of Adjustment may issue a Conditional Use Permit, the Board must first make findings of compliance with the following seven relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.*

Criteria #1. THE PROPOSED USE IS A CONDITIONALLY PERMITTED USE WITHIN THE ZONING DISTRICT.

Justification and compliance with criteria #1: _____

See Exhibit A

Criteria #2. THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES.

Justification and compliance with criteria #2: _____

See Exhibit A

Criteria #3. THE PROPOSED USE AS APPROVED, OR AS APPROVED WITH CONDITIONS, WILL NOT GENERATE NUISANCES THAT WOULD BE INJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD (INCLUDING BUT NOT LIMITED TO NOISE, DUST, GLARE, VIBRATIONS, ODORS AND THE LIKE).

Justification and compliance with criteria #3: _____

See Exhibit A

Criteria #4. THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

Justification and compliance with criteria #4: _____

See Exhibit A

Criteria #5. THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED.

Justification and compliance with criteria #5: _____

See Exhibit A

Criteria #6. THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE.

Justification and compliance with criteria #6: _____

See Exhibit A

Criteria #7. THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE COMPREHENSIVE PLAN.

Justification and compliance with criteria #7: _____

See Exhibit A

CONDITIONS OF APPROVAL

The Board of Adjustment may impose conditions including, but not limited to, those (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for onsite or offsite public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

COMPLIANCE

1. In the event of failure to comply with the plans proof by the Board of Adjustment, or with any conditions imposed upon the Conditional Use Permit, the permit shall be immediately revoked and shall be automatically null and void.
2. Where plans are submitted and approved as part of the application for a Conditional Use Permit, modifications of the original plans may be required by the Board as a condition of approval.
3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be submitted to and determined by City staff to be in substantial conformance with the plans approved by the Board. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board for an additional public hearing as an amendment to the Conditional Use Permit application.

REVOCATIONS

If a Building Permit and/or Certificate of Occupancy pertaining to the Conditional Use Permit is not obtained for the subject property within one year from the date of the Board of Adjustment's final decision, the Conditional Use Permit shall be immediately revoked and shall be automatically null and void. If the use and/or occupancy for which the Conditional Use Permit is approved ceases for a period of twelve consecutive months, unless otherwise provided for in the Conditional Use Permit, then the Conditional Use Permit shall be immediately revoked and shall be automatically null and void.

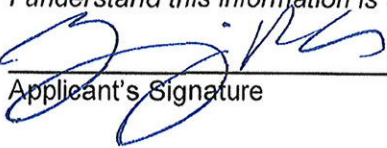
Application Submittal:

This application must be completed and submitted with the below described items to the Moscow Community Development Director at least twenty-one days prior to the hearing at which the application is to be considered by the Board or the application will not be processed.

The following items must be submitted with this application before it will be processed:

1. Application Fee
2. Site Plan, drawn to scale
3. Floor Plans, drawn to scale
4. Elevation Drawings, drawn to scale (for new construction only)

I understand this information is a public record and may be posted to a public website.


Applicant's Signature

12/18/18
Date

Owner's Signature

Date

Exhibit "A"

Application for Conditional and Special Use Permit New Saint Andrews College, Inc.

GENERAL INFORMATION

1. Applicant:
New Saint Andrews College, Inc.
405 South Main Street
Moscow, Idaho 83843
2. Owner of Affected Property:
New Saint Andrews College, Inc.
405 South Main Street
Moscow, Idaho 83843
3. Location of Affected Property: 421 South Jackson Street, Moscow, Idaho 83843
Legal Description: Lieuellen's Second Addition, Block 2, Lots 16,17 & 18
4. Proposal:
New Saint Andrews College, Inc. ("NSA") proposes to convert the current parking lot located at the referenced property from a Parking Lot ((NAICS 2012 Code Number 812930) to parking dedicated to generally support the Education Services of NSA, comprising 10 standard parking spaces, 14 compact spaces and 1 van accessible space. NSA has two locations in the Central Business District with off-street parking requirements, and the proposed change in use is intended to meet a portion of that off-street parking requirement.
5. Authorization:
Section 3-4, of the Moscow Zoning Ordinance, Land Use Table, authorizes the proposed use, subject to a Conditional Use Permit.
6. Operating Characteristics:
The current parking lot does not have a curb cut on Jackson Street/US95, but is entered from the alleyway running between Third and Sixth Streets, which is accessed either by entering the alleyway at Third or Sixth Streets, or through the contiguous parking lot owned by NSA.

In keeping with the operations of the parking lots currently subject to a Conditional Use Permit, during regular operating hours (Monday-Friday, 8 am – 5 pm), the parking lot will be reserved exclusively to NSA students and employees, and open to the public outside of those hours.

The signage on the lot will be amended to set forth these terms of use.

7. *Before the Moscow Board of Adjustment may issue a Conditional Use Permit, the Board must first make findings of compliance with the following seven relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.*

Criteria #1. THE PROPOSED USE IS A CONDITIONALLY PERMITTED USE WITHIN THE ZONING DISTRICT.

Educational Services is an allowed Conditional Use within Central Business District pursuant to MCC 4-3-4, Land Use Table, Non-Residential Uses, Public and Institutional Uses. This parking is ancillary and supporting of that permitted Conditional Use.

Criteria #2. THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES.

Exhibit "A"

Application for Conditional and Special Use Permit New Saint Andrews College, Inc.

The proposed use is a continuation of a prior function for this parcel. The land directly East of the subject property is the City of Moscow Jackson Street parking lot. The land directly South of the subject parcel is a parking lot utilized by Applicant under a Conditional Use Permit. The land Southwest of the subject property is a pay-for-use parking lot. The land immediately west of the property is a rent house. The land immediately north of the subject property is owned and occupied by Canyon Creek church, which unofficially uses the subject property as its 'parking lot' for Sunday worship services.

Given these property uses in the immediate area of the subject property, the character of the proposed use will be in harmony with, and in one case, supportive of the neighborhood and surrounding land uses.

Criteria #3. THE PROPOSED USE AS APPROVED, OR AS APPROVED WITH CONDITIONS, WILL NOT GENERATE NUISANCES THAT WOULD BE INJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD (INCLUDING BUT NOT LIMITED TO NOISE, DUST, GLARE, VIBRATIONS, ODORS AND THE LIKE).

This is an effective repurposing of an existing function of the property. The parking activity on the subject property has not and will not generate nuisances that would be injurious or detrimental to adjoining properties (most of which are either parking lots or a building with limited utilization during the week).

Criteria #4. THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

This is an effective continuation of a use that has been in place for several years. There has been no inadequacy of service to this parking lot by existing streets, public facilities or services, and there is no reason to believe that will change.

Criteria #5. THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED.

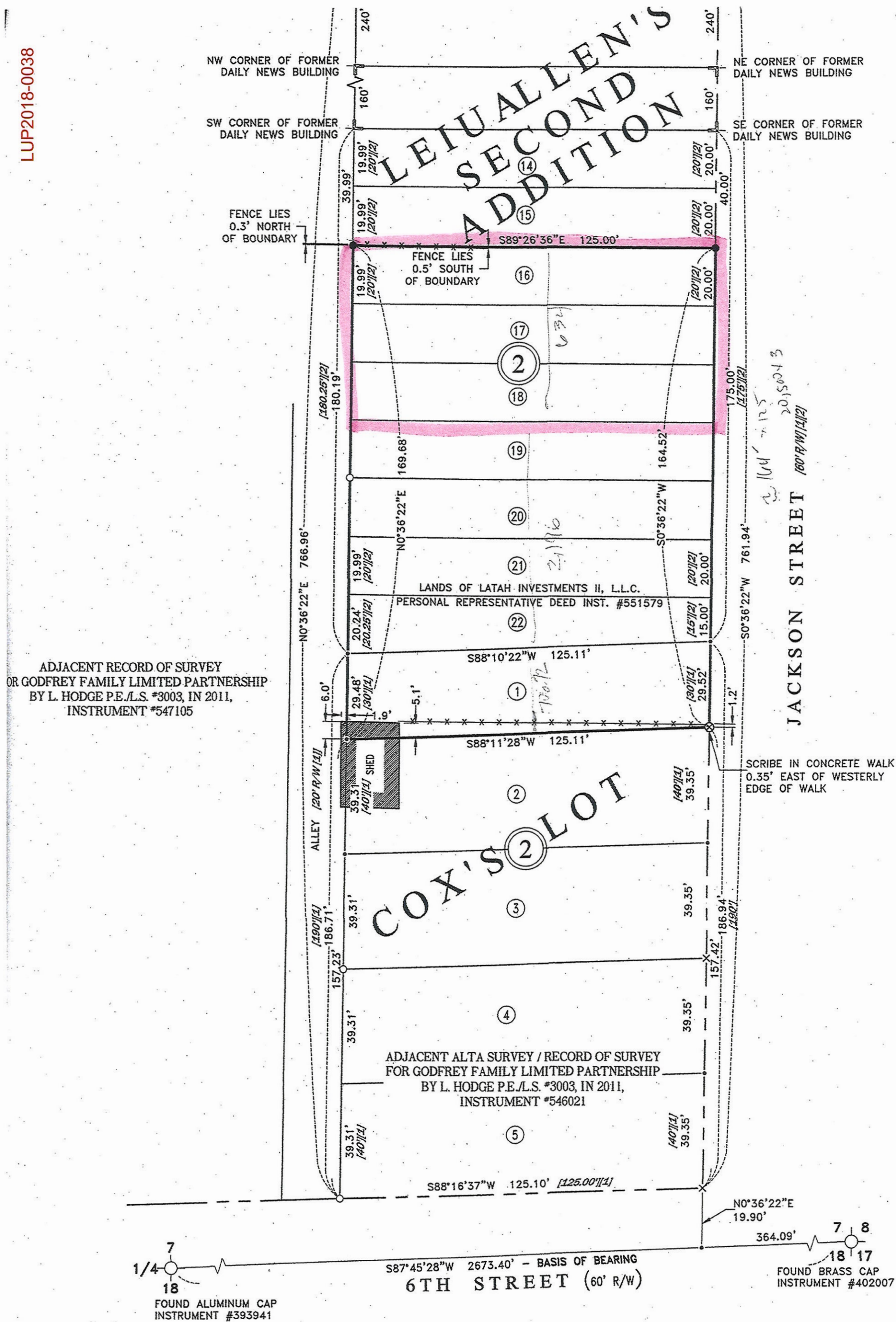
This is an effective continuation of a function that has been in place for several years. It has historically caused no endangerment to public health or safety, and there is no reason that should change. Data provided by the city indicates that there have been no accidents with proximate causation from the use of the subject property and adjoining parcels used for parking.

Criteria #6. THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE.

The proposed use complies with all applicable development standards of the Moscow Zoning Code considered in the context of all parking provided by NSA in the Central Business District.

Criteria #7. THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE COMPREHENSIVE PLAN.

The current Comprehensive Plan and proposed draft thereof both recognize education as a contributing factor in the City's economic development. In the approval process for the conditional use of the property at 112 North Main Street for Educational Services, that use was recognized as being in concert with the Comprehensive Plan. By extension, the use of the subject property in support of Educational Services would also be in concert with the Comprehensive Plan.



Anne Peterson

From: Jesse Flowers
Sent: Thursday, December 20, 2018 4:11 PM
To: Anne Peterson
Subject: RE: Conditional Use Application 421 S Jackson

No comments from Information Systems

Jesse

From: Anne Peterson <apeterson@ci.moscow.id.us>
Sent: Thursday, December 20, 2018 11:02 AM
To: Greg Bailey <gbailey@msd281.org>; James Fry <jfry@ci.moscow.id.us>; Jared Hopkins <jared.hopkins@itd.idaho.gov>; Jesse Flowers <jflowers@ci.moscow.id.us>; Mia Vowels <mvowels@ci.moscow.id.us>; NANCY BECKER (nbecker@phd2.idaho.gov) <nbecker@phd2.idaho.gov>; Shane Niemela <Shane.Niemela@itd.idaho.gov>
Subject: Conditional Use Application 421 S Jackson

The attached Conditional Use Permit application is sent for your information and review. If you have any comments, please forward them by January 5, 2019. FYI, a CUP is required because the applicant wishes to make a parking lot located within the Central Business District closed to the public during certain days and times.

Thank you, and Happy Holidays!

Anne Peterson
Admin Asst/Deputy City Clerk
E | apeterson@ci.moscow.id.us
P | 208-883-7035
F | 208-883-7033



Anne Peterson

From: Jared Hopkins <Jared.Hopkins@itd.idaho.gov>
Sent: Thursday, December 20, 2018 12:40 PM
To: Anne Peterson
Cc: Shane Niemela
Subject: RE: [EXTERNAL] Conditional Use Application 421 S Jackson

Thanks Anne-

No new access will be allowed from US-95 South

Jared

From: Anne Peterson <apeterson@ci.moscow.id.us>
Sent: Thursday, December 20, 2018 11:02 AM
To: Greg Bailey <gbailey@msd281.org>; James Fry <jfry@ci.moscow.id.us>; Jared Hopkins <Jared.Hopkins@itd.idaho.gov>; Jesse Flowers <jflowers@ci.moscow.id.us>; Mia Vowels <mvowels@ci.moscow.id.us>; NANCY BECKER (nbecker@phd2.idaho.gov) <nbecker@phd2.idaho.gov>; Shane Niemela <Shane.Niemela@itd.idaho.gov>
Subject: [EXTERNAL] Conditional Use Application 421 S Jackson

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

The attached Conditional Use Permit application is sent for your information and review. If you have any comments, please forward them by January 5, 2019. FYI, a CUP is required because the applicant wishes to make a parking lot located within the Central Business District closed to the public during certain days and times.

Thank you, and Happy Holidays!

Anne Peterson
Admin Asst/Deputy City Clerk
E | apeterson@ci.moscow.id.us
P | 208-883-7035
F | 208-883-7033



Anne Peterson

From: Dwight Curtis
Sent: Tuesday, December 18, 2018 2:10 PM
To: Anne Peterson
Subject: 421 S Jackson CUP

Hi Anne,

I have no issues or comments on the 421 S Jackson CUP

Dwight

Dwight Curtis, PhD, CPRP
Parks and Recreation Director
P.O. Box 9203
Moscow, ID 83843
208-883-7087
dcurtis@ci.moscow.id.us