

# BOARD of ADJUSTMENT



Joe Bazzoli  
Board Chair  
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**Public Hearing**  
~ Minutes ~

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

**Thursday**  
**July 13, 2023**

**7:00 PM**

**Council Chambers**  
**206 E Third Street**

**Bazzoli called the meeting to order at 6:59 PM**

MEMBERS PRESENT: Joe Bazzoli, Chair; Steve Bush, Marshall Comstock, Jerry Schutz, Tim Thomson  
MEMBERS ABSENT: Tim Kinkeade  
STAFF: Jennifer Fleischman, Aimee Hennrich

## **REGULAR AGENDA**

### **1. Approval of July 5, 2023 Minutes (ACTION ITEM)**

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

### **2. Public Comment**

*Time limit 15 minutes. Members of the Public may speak to the Board regarding matters NOT on the Agenda nor currently pending before the Board of Adjustment. Please state your name and resident city for the record and limit your remarks to three (3) minutes.*

None.

### **3. Public Hearing: Proposed Amendment to an existing Conditional Use Permit for a K-8 Elementary School to include a Phasing Plan to Expand the Campus located at 406 Powers Avenue (ACTION ITEM)**

*Proposed Amendment to an existing Conditional Use Permit for the expansion of an existing School (Palouse Prairie Charter School) located at 406 Powers Avenue within the Motor Business Zone (MB) per Moscow City Code 4-3-4.*

Hennrich presented the Conditional Use Permit (CUP) amendment request as described above, and recommended approval with the condition that the applicant add a "Type-A" Landscape Buffer on the north and east sides of the property. The proposed additions would remain under the required 35' height maximum. There are a couple fences currently built along the north and east property lines, built by the adjacent residential owners. There is also an existing fence along the east side of the property, owned by the school but temporarily down for construction access. Hennrich described what a "Type-A" Landscape Buffer would consist of. The listed operating hours of the school are the standard hours, but does not restrict after school or extracurricular activities.

The Public Hearing opened at 7:12 PM

Sara Beggs (applicant), Princeton, talked about why the school wants to add to the current building and how it would positively affect the students currently attending the school. The applicants are prepared to look into adding a landscape buffer, if it is required by the Board. The school has not received any

complaints from the residential neighbors. The expansion of the school building would provide for the ability to expand the student body to full capacity, approximately 220 students.

Nils Peterson, Moscow, speaking on behalf of the Moscow Affordable Housing Trust, talked about parking and traffic in the area. He did not think that a landscape buffer would be the best option for the school, as it would take away viable grounds from the playground area.

The Board and Peterson discussed the previous decision made during the original CUP application. There are required setbacks on the north and the east sides of the property that could not be used to build anything on. There is currently a path heading south from Southview Ave towards the school and onto the property, which students use for walking to and from school. The landscape buffer would not impede on that pathway. If an arterial street separates two different zones, it can impact the type of landscape buffer needed, but that would not apply in this situation. If the applicant built a fence on the north and east sides of the property, it would not change the nature of the required buffer, because the "Type-A" Landscape Buffer is the smallest category.

The Public Hearing closed at 7:35 PM

Comstock moved to approve the CUP amendment for the expansion of the charter school with the single condition as recommended by Staff, and directed Staff to prepare the Relevant Criteria and Standards. The motion was seconded by Thomson. The Board continued discussing the landscape buffer. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

## **REPORTS**

## **ANNOUNCEMENTS**

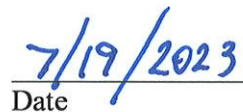
## **UPCOMING EVENTS/MEETINGS**

*The next Board of Adjustment meeting is scheduled for 5:30 PM on July 19, 2023.*

Another hearing meeting has been scheduled for August 3rd, 2023 at 7:00 PM.

**The meeting adjourned at 7:40 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 AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT  
APPLICATION FOR A K-8 ELEMENTARY SCHOOL LOCATED AT 406 POWERS  
AVENUE IN THE CITY OF MOSCOW, IDAHO, WITHIN THE FARM, RANCH, AND  
OUTDOOR RECREATION (FR) ZONING DISTRICT PER MCC 4-3-4.**

WHEREAS, the applicant filed an amendment to an existing Conditional Use Permit on June 20, 2023; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on July 13, 2023; 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 an amendment to an existing Conditional Use Permit to include a phasing plan to expand the campus located at 406 Powers Ave. The expansion includes an addition to the multipurpose room on the east, classrooms to the west side with an additional outdoor covered area and a new main entry canopy addition.
3. The subject property is located in Farm, Ranch and Outdoor Recreation Zoning District (FR) which requires a Conditional Use Permit (CUP) for Educational Services per MCC 4-3-4.
4. In November of 2017, Palouse Prairie Charter School, applied for a Conditional Use Permit (CUP) for a school located on the subject property. The applicant proposed to develop a K-8 public charter school. The proposal included roughly 14,400 square feet, which included an attached multi-purpose room and a detached modular classroom with future plans to expand the multi-purpose room. The proposal included an attached multi-purpose room, nine (9) classrooms, an administration area and a temporary 1,792 square foot detached modular classroom.

5. The school anticipated expanding to the west by adding three additional classrooms and increasing the building footprint.
6. Palouse Prairie Charter School hours were proposed as 8:00 am to 3:30 pm Monday through Friday for up to 220 students, with 15 teachers and staff. The school operates on a traditional August through June school schedule.
7. On December 11, 2017 the matter came before the Board of Adjustment. At that time staff recommended approval with two conditions:
  1. *The applicant shall dedicate the property and provide construction of a 96-foot diameter cul-de-sac to City standards at the current terminus of Powers Avenue prior to any building permits being issued upon the subject property.*
  2. *The applicant shall install a "Type-A" landscape buffer along property lines adjacent to current FR Zoned property to the north, east and southeast of the subject property.*
8. After conducting the public hearing and due deliberation, the Board voted to approve the application with one condition:
  1. *The applicant shall dedicate property for, and construct, a 96-foot diameter cul-de-sac to City standards at the current terminus of Powers Avenue prior to any building permits being issued upon the subject property.*
9. Construction of the school was completed in 2019 and the associated condition of the original Conditional Use Permit has been satisfied.
10. The applicant proposes the Phasing Plan to expand the campus as follows:

*Phase I: Expand the existing multi-purpose room 24' to the east and increase the square footage by 1,800. Included in the expansion would be the addition of a mezzanine and a remodel of the existing space.*

*Phase II: Classroom expansion to increase the building footprint by roughly 3,600 square feet on the west side with the addition of an outdoor covered area and a main entry canopy addition.*
9. The subject property is a 3.26-acre parcel with 380 feet of frontage along Nursery St and located at the terminus of Powers Ave.
11. Existing land uses include multi-family housing to the west and single-family homes to the north along Southview Ave and east on Sunny Court. To the south is an undeveloped farm field and land owned by Moscow Affordable Housing Trust
12. Adjacent zoning districts include the Moderate Density Single Family Residential (R-2) Zoning District to the north to the east, Multi-Family Residential (R-4) Zoning District and Farm Ranch and Outdoor Recreation (FR) Zoning District to the south, and Multi-Family Residential (R-4) Zoning District to the west.
13. Vehicular access to the subject property is via Powers Avenue which is a 96-foot diameter cul-de-sac, with sidewalk, curb and gutter. This was required as a condition of the original Conditional Use Permit.

14. The subject property also has 380 feet of frontage along Nursery St, which is currently developed as a 32-foot wide public street with curb, gutter, tree lawn and five-foot sidewalks on both sides of the street. Additionally, there is a pedestrian path on the north east side extending from Southview Avenue to the subject property.
15. Permitted uses in the FR Zone are required to provide off-street parking per City Code. At the time of the previous application schools were required to provide one space per staff member, which in this case would be 15 spaces.
16. Since that time, parking requirements have been updated within the zoning code. Current parking standards require that Educational Services provide two (2) spaces per classroom for elementary and middle schools and five (5) spaces per classroom for high schools. The proposed Phasing Plan would increase the required parking spaces by 6 (six) spaces to meet current city standards, bringing to total required parking total to 21 parking spaces.
17. The existing site includes 23 off-street parking spaces, and a drop-off lane for queuing of at least two vehicles. The two loading zone spaces available on the site reduce vehicular restrictions and the site includes an inner one-way travel lane for exiting vehicular traffic. The one-way lane also doubles as a primary fire lane for fire trucks.
18. If the subject property were located within the R-1, R-2, R-3, and R-4 Zones, all principal uses other than dwellings are required to provide a Type A landscape buffer along any property line abutting any property classified as zoning district SR, R-1, R-2, or R-3.
19. A Type A landscape buffer is used to screen between two differing zone densities, utilizing a combination of shrubs and trees both evergreen and deciduous to create a visual and auditory buffer.
20. While the (FR) zone does not require this provision, since the original approval of the Conditional Use Permit, the remainder of the undeveloped property to the north and east has since been rezoned to R-2 and platted into a subdivision.
21. 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:** Educational Services are conditionally permitted in the Farm, Ranch, and Outdoor Recreation (FR) Zoning Districts per MCC 4-3-4.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The school was constructed in 2019 and is consistent with the existing character of the uses within the surrounding neighborhood. The proposal will not increase the number of students or the hours of operation.

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 expansion will not generate nuisances to the adjoining properties or the neighborhood through noise, dust, glare, vibrations, or odors. The Board finds that a Type A Landscape buffer shall be installed on the north and east property lines adjacent to the R-2 zoned property to mitigate the impact of a school on adjacent residential properties.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The school will continue vehicular access to the subject property is via Powers Avenue which is a 96-foot diameter cul-de-sac, with sidewalk, curb and gutter. All public facilities and services are existing and sufficient for the proposed expansion.
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 school's building expansion will conform to the overall height and setback requirements in the zoning code. The existing parking provides more than the required parking as specified by the code for the size and use.
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 amendment to the existing Conditional Use Permit for a K-8 School at 406 Powers Avenue with one condition:

1. The applicant shall install a "Type-A" landscape buffer along property lines adjacent to current R-2 Zoned property to the north and east of the subject property.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 19 DAY OF JULY 2023.



Joe Bazzoli, Chair  
Board of Adjustment