

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>

Wednesday
January 17, 2024

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of January 8, 2024 Minutes (ACTION ITEM)**

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

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.

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

Conditional Use Permit application to allow the continued operation of a Drive-Through Coffee/Esspresso Stand located at 625 S. Jackson Street within the Urban Mixed Commercial (UMC) Zoning District per Moscow City Code 4-3-4.

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: It is the policy of the City of Moscow that all City-sponsored public meetings and events are accessible to all people. If you need assistance in participating in this meeting or event due to a disability under the ADA, please contact the City's ADA Coordinator by phone at (208) 883-7600, TDD (208) 883-7019, or by email at adacoordinator@ci.moscow.id.us at least 48 hours prior to the scheduled meeting or event to request an accommodation. The City of Moscow is committed to ensuring that all reasonable accommodation requests are fulfilled.

BOARD of ADJUSTMENT



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Public Hearing
~ Minutes ~

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

Monday
January 8, 2024

7:00 PM

Council Chambers
206 E Third Street

Bazzoli called the meeting to order at 7:01 PM

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

REGULAR AGENDA

1. Approval of August 16, 2023 Minutes (ACTION ITEM)

Schutz moved for approval of the minutes as written, seconded by Thomson. Roll Call Vote; Ayes: Comstock, Schutz, Thomson (3) Nays: None. Abstentions: Bazzoli, Bush, Dickinson, Kinkeade (4). Motion carried.

2. Election of Officers for 2024 (ACTION ITEM)

The Board will need to nominate officers for 2024.

Discussed as Agenda Item No. 3.

Bush nominated Joe Bazzoli for Chair and Schutz seconded. Roll Call Vote; Ayes: Unanimous (7). Nays: None. Abstentions: None. Motion carried.

Bush nominated Marshall Comstock for Vice Chair and Schutz seconded. Roll Call Vote; Ayes: Unanimous (7). Nays: None. Abstentions: None. Motion carried.

3. Public Hearing: Conditional Use Permit Application to Extend the Previous CUP for a Drive-Through Coffee/Esspresso Stand Located at 625 S Jackson St (ACTION ITEM)

Conditional Use Permit application to allow the continued operation of a Drive-Through Coffee/Esspresso Stand located at 625 S. Jackson Street within the Urban Mixed Commercial (UMC) Zoning District per Moscow City Code 4-3-4.

Discussed as Agenda Item No. 2.

Hennrich presented the Conditional Use Permit (CUP) request as described above, and recommended approval with two conditions: that the CUP will expire in five years and that the applicant meet all Drive-Through Facility standards. Staff provided clarification regarding the recommended expiration date and the purpose for reviewing conditional use permits in the Legacy Crossing District. The second condition from the previous CUP was met in full and is no longer a recommended condition. The landscape buffer would be required to be in-ground planted vegetation. There have been no traffic complaints that have been submitted to the Planning Division for that property. This would be considered a continuation of the previous CUP, but also a new CUP because of the updated conditions.

The Public Hearing opened at 7:14 PM

Chris Krueger (applicant), Moscow, talked about his involvement with KnoxBox and offered to answer any questions that the Board may have. KnoxBox is not affiliated with Silos & Social, but is a subsidiary of Bucer's. The original landscape buffer was planted before the coffee stand opened in 2021 but has died out since then. If the land owner was to contribute to the landscaping, that would not be against City Code. There was a conversation regarding what types of plants and vegetation could be used in the landscape buffer. Staff explained provided more information regarding the requirements for delineation of the queue lanes.

The Public Hearing closed at 7:22 PM

Comstock moved to approve the CUP application for the continued operation of the coffee stand with the two conditions as recommended by Staff, and directed Staff to prepare the Relevant Criteria and Standards. The motion was seconded by Schutz. Roll Call Vote; Ayes: Unanimous (7). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

The new Board member, Ivy Dickinson, was welcomed and all the Board members made introductions.

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on January 17, 2024.

The meeting adjourned at 7:30 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 THE
CONTINUED USE OF 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 November 20, 2023; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on January 8, 2024; 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 to continue the use of a Drive-through Coffee/Espresso Stand located at 625 S Jackson Street. The Coffee/Espresso Stand operates daily from 5am to 5pm with 1 to 2 employees working at a time. The circulation on-site includes 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 contained with the Coffee/Espresso Stand includes an espresso machine, grinder, blender, microwave, refrigerator, and ice machine.
3. On June 26, 2018, the applicant applied for a Conditional Use Permit for a Drive-through Coffee/Espresso Stand located at 625 S Jackson Street. On July 30, 2018, the Board of Adjustment approved the application with the following 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.
4. Construction was complete and a certificate of occupancy was issued on August 17, 2021.
5. 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.
6. There are a number of grain silos and associated buildings which still remain on the property. Silos and Social is a coffee shop/restaurant that occupies the main floor of one of the silo buildings. 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.
7. 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.
8. 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.
9. 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.
10. Chapter 2 of the 2009 Comprehensive Plan, Community Character and Land Use, designates the subject property as Urban Mixed (UM).
11. 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.”*
12. The Zoning Code has specific use standards for Drive-Through Facilities within MCC 4-3-5(D).

13. 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.
14. 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 queuing spaces.
15. The minimum drive-through lane inside turning radius shall be twenty feet. The applicant's circulation on the site meets the turning radius requirements of the code.
16. Drive-through lanes shall be clearly demarcated with striping or curbing. The applicant will be required to delineate the drive-through lanes with striping. This was complete upon issuance of the original Certificate of Occupancy. However, it appears as though the parking lot has been resurfaced and the delineation no longer exists. The applicant will be required to restripe the drive thru lane.
17. 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.
18. 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 planted the required landscaping at the time the Certificate of Occupancy was issued. It appears the plantings have since died. The applicant will be required to replant the required number of plantings.
19. 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.
20. 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.
21. 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 has worked with Idaho Transportation Department to update the right-of-way use permit for the property.
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 the continued use of a Conditional Use Permit for a Drive-through Coffee/Espresso 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 meet all Drive-Through Facility standards including delineation of the drive-through lane and landscape buffer between the drive-through lane and public street right-of-way.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF JANUARY 2024.

Joe Bazzoli, Chair
Board of Adjustment