

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
June 26, 2024

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of June 18, 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 for the expansion of an existing Public Service Facility located at 650 North Van Buren Street within the Medium Density Residential (R-3) Zoning District, per Moscow City Code 4-3-4.

PROPOSED ACTIONS: Review the draft Relevant Criteria and Standards documents and approve the documents; or approve the documents 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 ~

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

Tuesday
June 18, 2024

7:00 PM

Council Chambers
206 E Third Street

Bazzoli called the meeting to order at 7:00 PM

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

REGULAR AGENDA

1. Approval of June 11, 2024 Minutes (ACTION ITEM)

Discussed as Agenda Item No. 3.

Schutz moved for approval of the minutes as written, seconded by Comstock. Roll Call Vote; Ayes: Bazzoli, Comstock, Dickinson, Schutz (4) Nays: None. Abstentions: Kinkeade, Thomson (2). 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.

Discussed as Agenda Item No. 1.

None.

3. Approval of Written Decision (ACTION ITEM)

Appeal for a Zoning Administrator Determination regarding the proposed use of a building located at 414 South Main Street within the Central Business (CB) Zoning District, per Moscow City Code (MCC) 4-3-4.

Discussed as Agenda Item No. 4.

There was a discussion about the draft Written Decision's reference to Ordinance 2019-07.

Schutz moved to approve the Written Decision for the Appeal of the Zoning Administrator Decision 2024-02, as written. The motion was seconded by Comstock. Roll Call Vote; Ayes: Bazzoli, Comstock, Dickinson, Schutz (4). Nays: None. Abstentions: Kinkeade, Thomson (2). Motion carried.

The Board talked briefly about the Appeal, the Ordinance, and the limitation on information that can be brought before the Board during an appeal procedure.

4. Public Hearing: Conditional Use Permit for 650 N Van Buren St. Permit Application LUP2024-0018 (ACTION ITEM)

A Conditional Use Permit application for the expansion of an existing Public Service Facility located at 650 North Van Buren Street within the Medium Density Residential (R-3) Zoning District per Moscow City Code (MCC) 4-3-4. The existing City Shop Facility is proposed to be expanded to include a new shop building, materials storage shed, and miscellaneous site improvements.

Discussed as Agenda Item No. 2.

Hennrich presented the Conditional Use Permit (CUP) request as described above, and recommended approval with one condition to provide a Type “A” Landscape Buffer adjacent to R-2 zoned properties along the western property line. Hog Creek would not be in conflict with the new building, as it is further south of the original building that is being remodeled. Part of the property will be paved, including a small public parking area. The gas pumps will stay where they are, and no new activities are being proposed with the CUP, including no new activities, new equipment, nor additional staff.

The proposed plans are a conditionally permitted use for the zone. Street and frontage improvements are not required and the proposed approaches are sufficient for the property. The current building is legally nonconforming with the current setbacks, but the proposed plans will not affect that. The proposed landscape buffer would be along the west side of the property. The highest point of the proposed new building would be 32-feet tall, and well within the maximum height for that zone.

The Public Hearing opened at 7:13 PM

Julie Bell, Moscow, was concerned about the quality of Van Buren Street and Morton Street; that portions of the street are not paved well and have gravel shoulders. In particular, she was worried that traffic would increase with the updated offices and repair facilities, and exacerbate the problems already experienced by residents. She mentioned that she has not seen a traffic study for the current use of the City Shop. In addition, Bell talked about the stress on Hog Creek causing overflow and drainage problems as it exits the City property, especially during construction of the new facility. She iterated that she does not object to the project, but has concerns.

Clint Payton, Moscow, talked about the recommended condition for a landscape buffer and how that was not on the plans. Hennrich described what the Type “A” landscape buffer requirements are. Payton neither supported nor was against the proposed CUP, but was worried about a potential increase in property use and traffic, as well as the effect on Hog Creek. Payton does not have a problem with the current level of noise, but has concerns that the noise level will increase with the new building being situated closer to the western property line. He recommended that a sound barrier be installed in addition to the landscape buffer.

Jeri Rainer, Moscow, asked why the property access has been primarily on the south side and only sometimes from the east side.

Cody Riddle (applicant), addressed some of the concerns about the Van Buren Street and Polk Street access with the City plans to minimize heavy equipment traffic on the south side and instead have that be primarily public access and parking for private vehicles. He confirmed that the use of the existing building would mainly be storage and a lot of the current activities would be moved into the new building. The new building will be insulated and more sound dampening than the old building. Stormwater runoff will be mitigated according to City development standards. The east side approach will be shifted slightly north to allow more space for heavy equipment ingress and egress. The landscape buffer would be required to be installed and maintained by the City, if the Board chose to set it as a condition. As with all City projects, an arts installation would be included somewhere in the project, but that has not been finalized yet.

The Public Hearing closed at 7:30 PM

The Public Hearing opened at 7:31 PM

Clint Payton, Moscow, requested if the City could offer free tree vouchers to the neighboring properties in addition to the landscape buffer.

The Public Hearing closed at 7:32 PM

There was a discussion about the tree vouchers and that they might not be used nor any guarantee that the trees would be maintained if provided for private property owners. The Board had a conversation about the east gate moving further to the north. The Board agreed that the City Shop needs more storage and space to work on vehicles out of the weather. They reiterated that the same activities are proposed, and that the plans are not to accommodate new staff or equipment. Staff confirmed that they do not plan to combine maintenance yard operations with Latah County. The Board would like the City to continue to pursue daylighting Hog Creek.

Comstock moved for approval of the CUP to expand the existing City Shop Facilities, with no conditions, and directed Staff to prepare the draft Relevant Criteria and Standards document. The motion was seconded by Schutz.

Comstock amended the motion to add the landscape buffer condition, seconded by Schutz. Roll Call Vote; Ayes: Comstock, Kinkeade, Schutz, Thomson (4). Nays: Bazzoli (1). Abstentions: Dickinson (1). Motion carried.

REPORTS

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UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on June 26, 2024.

The meeting adjourned at 7:50 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 EXPANSION
OF AN EXISTING PUBLIC SERVICE FACILITY “CITY SHOP” AT 650 N VAN BUREN
STREET IN THE CITY OF MOSCOW, IDAHO WITHIN THE MEDIUM DENSITY,
RESIDENTIAL (R-3) ZONE, PER MCC 4-3-4.**

WHEREAS, the applicant filed an application for a conditional use permit on May 1, 2024; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on June 18, 2024; and

WHEREAS, during the public hearing and having considered the matter including all testimony presented, the Moscow Zoning Board of Adjustment approved the proposed Conditional Use Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board’s review and approval; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents:

**THE 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 City of Moscow Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The applicant, the City of Moscow, proposes to expanded the existing City Shop Facility. The proposal includes a new shop building, materials storage shed, and miscellaneous site improvements located at 650 N Van Buren Street.
3. The new fully enclosed single-story shop building is proposed to be approximately 19,000 square feet which will include new repair bays for the City’s fleet, Parks and Facilities Division, and will include office space for each division. The storage shed is proposed to contain dry materials and is approximately 4,000 square feet in size.
4. The subject property is an eight (8) acre area, owned by the City of Moscow. This currently includes the existing City shop, outdoor storage of vehicles and equipment, materials for

landscaping and street maintenance, fuel pumps, as well as one of the City's well houses for water distribution to the surrounding area.

5. The existing shop building will remain, be repaired and resided, and will continue to provide indoor storage space for the Streets and Stormwater Divisions. The activities historically conducted on the site will not change or increase in intensity.
6. The subject property is located within the Medium Density, Residential (R-3) Zoning District, where public service and utility facilities are listed as a conditionally permitted use.
7. Adjacent properties to the east and south are also located within the R-3 Zone. Properties to the north and west are within the Park View Addition Subdivision was platted in 2001 and are located within the Moderate Density, Single Family Residential (R-2) Zone.
8. Use of the property as a Public Service Facility date back to the 1960's. Many Conditional Use Permits and Special Use Permits have been approved over the years, the most recent SUP was approved in 2012.
9. For all uses other than dwellings in residential zoning designation, a type A landscape buffer is required. A Type A buffer is ten feet in width and contains two canopy trees, four understory trees, and six shrubs for every 100 linear feet.
10. The property is accessed by Polk Street to the east and Van Buren Street to the south. Polk Street is identified in the Comprehensive Plan as a collector and Van Buren is identified as a local neighborhood street.
11. Public testimony was heard by three individuals, all neutral to the proposal, but expressed concerns about deteriorating road conditions on Van Buren and noise concerns.

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:** According to Moscow City Code, Public Service Facilities are a permitted within the Medium Density Residential (R-3) Zoning District with a conditional use permit.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The Board finds that the proposed use will be in harmony with the neighborhood and surrounding land uses. The use of this property as a Public Service Facility date back to the 1960S. The proposal does not introduce a new use, only improve the quality the site and provide additional space where activities can be conducted indoors.

3. **The proposed use, 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 Board finds that the proposed new buildings and the repair of the existing building will not negatively impact the adjacent properties or the surrounding area. The buildings will be located significantly lower in elevation than the surrounding properties. Additionally, a Type-A landscape buffer will be installed along the western property line.
4. **The location, design, and size of the proposed use is adequately served by existing streets, public facilities, and services:** The location, design and size will be adequately served by existing streets, public facilities and services. The addition of the two new buildings will not require additional public services that are not already at the site.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The Board finds that the proposed new buildings will not endanger the public health or safety. This will allow City staff to continue to provide critical services to the community.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The Board finds that the proposed use meets all applicable development standards of the City 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 the expansion of a Public Service Facility located at 650 N Van Buren Street one condition:

1. The applicant shall install a “Type-A” landscape buffer adjacent to current R-2 Zoned property along the western property line of the subject property.

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

Joe Bazzoli, Chair
Board of Adjustment