

FINDINGS OF FACT AND CONCLUSIONS OF LAW
ROYAL BRITISH MOTORCARS CONDITIONAL USE PERMIT
FILE NO. CU-22-04

The above-entitled Conditional Use Permit application came before the Star City Council for their action on July 5, 2022, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law;

Procedural History:

A. Project Summary:

The Applicant requested approval of a Conditional Use Permit (CU-22-04) for a proposed 9,050 square foot automotive repair and maintenance facility to be located on 2 existing commercial lots. The property is located at 11220 & 11230 W. Hercules Drive in Star, Idaho. The property is currently zoned Commercial (C-1). The subject property is generally located on the west side of N. Star Road, north of W. Hercules Drive. Ada County Parcel Numbers R1341270020 & R1341270010.

B. Application Submittal:

A neighborhood meeting was held on May 14, 2022 in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The land use application was deemed complete on May 20, 2022.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on June 15, 2022. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on May 20, 2022 & June 13, 2022. Notice was sent to agencies having jurisdiction in the City of Star on May 20, 2022. The property was posted in accordance with the Star Unified Development Code on June 10, 2022 & June 24, 2022.

D. History of Previous Actions:

- On March 18, 2002, the City Council tabled the application for annexation to May 20, 2002.
- On May 20, 2002, the City Council approved an annexation and zoning for Celestial Village, including zoning of R-2, R-4 and C-1. This was filed as Ordinance 67.

- On September 16, 2002, the Council tabled an application for Celestial Village Phase 1 Preliminary Plat.
- On November 18, 2002, the City Council approved the preliminary plat (PP-02-01) for Celestial Village Phase 1.
- On June 21, 2022, the City Council tabled a Conditional Use Permit (CU-22-04) for Royal British Motors to July 5, 2022, to allow proper timing for public notification.

LAND USE:

CONDITIONAL USE PERMIT:

The applicant is requesting approval of a Conditional Use Permit for a dual phased project for an automotive repair shop. **Phase 1** will consist of a 4,000 square foot steel building to be used as the repair shop and a 750 square foot attached office space and a 375 square foot wash bay. The applicant is proposing, as **Phase 2**, a future 3000 square foot shop with a 625 square foot parts room and an 875 square foot working space with multiple bays. **The Unified Development Code Section 8-4B-3 requires this type of use to have 1 parking space for every 225 square feet of gross floor area. Phase 1 will require 21 parking spaces and Phase 2 will require 20 spaces. The Applicant has indicated 9 total parking spaces which includes one ADA. The applicant will need to revise the site plan to indicate where the additional parking can be located on-site. It appears that the site is large enough to accommodate and meet the intent of the Code. Parking spaces need to be 9 feet wide, and each stall shall be 20 feet in depth. The site plan does not clearly call out these measurements. Two-way drive aisles also need to be 25 feet wide; the site plan appears to call out 24 feet, one additional foot will need to be accommodated in order to satisfy the UDC. The site plan also indicates that the parking lot construction will consist of "hard-pack gravel". Section 8-4B-2B of the UDC requires that all off-street parking areas, including driveways and parking lots be improved with asphalt, concrete, pavers or bricks. The revised site plan shall also show compliance with this requirement.**

The applicant is proposing a wash bay, which will require the appropriate sand and grease trap(s) per the Star Sewer and Water District.

Access will be taken from Hercules Drive and not Star Road. The applicant has not asked for any setback waivers and the site plan is compliant with the required Commercial Use setbacks.

As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. This would be required for Star Road. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. **Additional landscaping along the Star Road frontage, including shrubs and grass are not indicated on the site plan. A complete landscape plan meeting the requirements set forth in the UDC shall be submitted to staff for review and approval prior to issuance of a building permit.**

The applicant is proposing the use of vinyl siding on the office portion of the building. This proposed material is not in compliance with the architectural overlay requirements.

The applicant is proposing building lights that are downward facing and in alignment with the preferred City style. There are no parking lot lights shown on the site plan. Applicant should work with staff on the parking lot lighting plan.

The applicant has indicated an existing trash enclosure on the site plan suggesting that it will be shared with the existing commercial building to the south (Westside Pizza). Staff prefers that the applicant have their own trash enclosure and not share with the neighboring business as depicted as proposed. If a trash enclosure is to be shared, a signed agreement with the adjacent use shall be provided to the City showing a shared use and maintenance agreement between the two owners.

The applicant's renderings are not in color and do not call out specific materials or color scheme so there is not the ability to compare the buildings against the architectural design guidelines. Staff will require color renderings that call out the building materials to be used to be submitted for review and compliance prior to issuance of a building permit.

All signage, including building and monuments will need separate approval from Staff.

E. *Agencies Responding:*

DEQ	June 03, 2022
Star Sewer and Water	June 27, 2022
City Engineer	June 27, 2022

F. *Letters/Emails from the Public:*

Kenneth Peterson via letter.
David and Lisa Fontana via letter

G. *Comprehensive Plan and Unified Development Code Provisions and Conformance:*

Comprehensive Plan

8.2.3 Land Use Map Designations:

Commercial

Suitable primarily for the development of a wide range of commercial activities including offices, retail, and service establishments. Rezoning to this designation should not be allowed unless adequate ingress/egress to major transportation corridors are assured.

Light industrial uses may be considered at the discretion of the City Council without amending this plan.

Central Business District

The Central Business District is planned to be a vibrant downtown center for the community. Uses encouraged are commercial, retail, civic, private offices, and entertainment. High density housing is encouraged on the upper floors of mixed-use buildings and at the fringes of the land use designation. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility.

8.3 Goal:

Encourage the development of a diverse community that provides a mix of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible, an assortment of amenities within walking distance of residential development.

8.4 Objectives:

- Implement the Land Use Map and associated policies as the official guide for development.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.
- Encourage commercial development that is consistent with a family friendly feel, not overburdening the community with big box and franchise uses and discourage the development of strip commercial areas.

8.5.5 Policies Related Mostly to The Central Business District Planning Areas:

- The CBD zoning district should allow for a mix of commercial, office, institutional, and civic type uses with specific provisions for residential use in appropriate locations with compatible densities.
- The city should develop a street improvement plan for the CBD identifying drainage and street improvements with a functional grid system and use public private partnerships to assure the system is built and that "ad hoc" development of parcels within the CBD do not block good planning.
- The city should develop a downtown grid system, in part, planning for the easterly extension of Tempe Lane and easterly extension of West First Street to help provide better downtown access and parking facilities.

- The east west public road from the Heron River Development, south of the LDS Church on Main Street, should be extended to Star Road.
- Implement, review, and update the 2011 Star Downtown Revitalization Plan for development strategies within the plan intended to stimulate development within the CBD.
- As recommended in the 2011 Star Downtown Revitalization Plan, the city should create an Urban Renewal District to stimulate development within the CBD.
- The city should encourage assemblage of the smaller properties where appropriate.

8.5.6 Policies Related Mostly to the Commercial Planning Areas:

- Assist in the provision of coordinated, efficient, and cost-effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Star's role as the urban core while protecting existing property rights. B. Encourage commercial facilities to locate on transportation corridors. C. Locate neighborhood services within walking distance to residential development. D. Discourage the development of strip commercial areas. E. Maintain and develop convenient access and opportunities for shopping and employment activities. F. Commercial areas of five acres or less should be encouraged in residential land use designations with appropriate zoning to allow for commercial services for residential neighborhoods and to limit trip lengths. Such commercial areas should be submitted for approvals with a Conditional Use Permit or Development Agreement to assure that conditions are placed on the use to provide for compatibility with existing or planned residential uses. These areas should be oriented with the front on a collector or arterial street.
- 8.5.9 Additional Land Use Component Policies:
- Encourage flexibility in site design and innovative land uses.
 - Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
 - Support well-planned, pedestrian-friendly developments.
 - Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.

Unified Development Code

8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED:

The following zoning districts are hereby established for the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:

C-1 NEIGHBORHOOD BUSINESS DISTRICT: To provide for the establishment of convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood while establishing development standards that prevent adverse effects on residential uses adjoining a C-1 district. Such districts are typically appropriate for small shopping clusters or integrated shopping centers located within residential neighborhoods, where compatible.

8-3A-3: USES WITHIN ZONING DISTRICTS

The following table lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

ZONING DISTRICT USES	CBD	C-1
Automotive mechanical/electrical repair and maintenance	C	C

8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front (1)	Rear	Interior Side	Street Side
CBD	35'	0'	0'	0'	0'
C-1	35'	20'	5'	0'	20'

Notes:

1. Interior side yard setbacks for lots with 50' or less of lot width shall be allowed 5' interior side yard setbacks for one and two-story structures.
 2. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
- All setbacks in the MU zone shall be a minimum 15' when adjacent to a residential use or zone.

8-1B-4: CONDITIONAL USES:

A. Purpose: The purpose of this section is to establish procedures that allow for a particular use on a particular property subject to specific terms and conditions of approval.

B. Applicability: The provisions of this section apply to all uses identified as conditional use in [chapter 3](#), "District Regulations", of this title, and as otherwise required by specific development standards in [chapter 5](#), "Specific Use Standards", of this title.

C. Process:

1. The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a conditional use.
2. An application and appropriate application fees, in accord with article A, "General Provisions", of this chapter, shall be submitted to the administrator on forms provided by the planning department.
3. The administrator may require additional information concerning the social, economic, fiscal or environmental effects of the proposed conditional use, prior to the scheduling of a public hearing.

D. Standards: In approving any conditional use, the city council may prescribe appropriate conditions, bonds and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.
2. Control the sequence and timing of the use.
3. Control the duration of the use.
4. Assure that the use and the property in which the use is located is maintained properly.
5. Designate the exact location and nature of the use and the property development.
6. Require the provision for on site or off-site public facilities or services.
7. Require more restrictive standards than those generally required in this title.
8. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, that provides services within the city.

8-1B-4E. FINDINGS: The council shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.
5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.
6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

Findings for Conditional Use Permits (UDC §8-6B-6):

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
The Council finds nothing in the record indicating that the site of the proposed use would not be large enough to accommodate the proposed use or meet all of the dimensional and development regulations in the district in which the use would be located.
2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.
The Council finds that the proposed use request is harmonious with the Star Comprehensive Plan and is in accord with the requirements of this Title. The proposed development meets the intent or purpose.
3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.
The Council finds that operation of the proposed use would be compatible with the other uses in the general area.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

The Council finds that the proposed use, with imposed conditions of approval, would not adversely affect other property in the vicinity.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

The Council finds that the proposed use be adequately served by essential public facilities and services.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

The Council finds that the proposed use would not create excessive additional costs for public facilities and would not be detrimental to the economic welfare of the community. The City has not received notice from any agency having jurisdiction stating that this application will create excessive additional costs for the public facilities and services as the development will pay for all changes in services.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The Council finds that the proposed use would involve activities that would not be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

The Council finds that the proposed use would not result in the destruction, loss or damage of natural, scenic or historic feature of major importance since none are apparent on this site.

Public Hearing of the Council:

- a. A public hearing on the application was held before the City Council on July 5, 2022, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

- b. Oral testimony in favor of the application was presented to the City Council by:
Elizabeth Flower

- c. Additional Oral testimony to the application was presented to the Council by:
Michael Keyes

- d. Oral testimony uncommitted to the application was presented to the Council by:
Bodie Hansen

e. Written testimony in favor of or opposing the application was presented to the City Council by:

None received

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed conditional use permit application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in discussions on the request.

Council finds that, with added conditions of approval, the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

Council added to the Conditional Use Permit the following conditions of approval to their decision to approve the application to include the following:

- **Parking requirements have been waived by Council for this specific applicant to include a reduction in the number of spaces provided.**
- **The Council has approved the use of an alternative material type for the parking and driveway area to include decorative gravel as stated in the hearing by the applicant. Additional dust control shall be required. The ADA space and access shall be paved. Fire District review and approval of all access points is required.**
- **Council has tentatively approved the use of vinyl siding elements pending additional review and approval by Staff through the Certificate of Zoning Compliance application.**

Conditions of Approval:

1. **The applicant shall submit a Certificate of Zoning Compliance application for review and approval by staff prior to issuance of a building permit. The application shall address all Staff concerns related to parking counts, parking and driveway construction, landscaping, materials and colors of structures and lighting.**
2. **This approval is for the specific use and applicant. A change in ownership and continued use of the property as an auto repair facility will require a new Conditional Use Permit approval from Council.**
3. **Loading and unloading areas for vehicles shall be limited to on-site and shall not be allowed on Star Road or Hercules Drive.**
4. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
5. **Prior to issuance of a building permit, the applicant shall submit a revised materials list showing colors and materials requested by Staff to complete the review for compliance with the Architectural Design Guidelines.**

6. Streetlights/Parking Lot lights shall comply with the Star City Code. Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant shall work with Staff on parking lot lighting and submit a plan and design before issuing building permits.**
7. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
8. A form signed by the Star Sewer & Water District shall be submitted to the City prior to issuance of building permit stating that all conditions of the District have been met, including annexation into the District **and approval of the required sand and grease trap.**
9. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through occupancy that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of any construction.**
10. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy or the unit.
11. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
12. The applicant shall obtain a sign permit prior to any signage being placed on the site or building.
13. A Certificate of Zoning Compliance will be required prior to the start of construction.
14. Any additional Condition of Approval as required by Staff and City Council.
15. Any Conditions of Approval as required by Star Fire Protection District.

The Council voted unanimously to approve the Conditional Use Permit on July 5, 2022.

Dated this _____ day of _____, 2022.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk