

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho

Tuesday, February 06, 2024 at 7:00 PM

1. CALL TO ORDER

Mayor Chadwick welcomed everyone to the meeting at 7:01 pm and led the Pledge of Allegiance.

2. INVOCATION – Council Member Kevan Wheelock offered the invocation.**3. ROLL CALL**

Elected Officials: Mayor Trevor A Chadwick; Council Members David Hershey, Kevan Wheelock, Jennifer Salmonsens and Kevin Nielsen.

Staff: City Attorney Chris Yorgason; City Clerk – Treasurer Jacob Qualls, City Planner & Zoning Administrator Shawn Nickel, Assistant Planner and Code Enforcement Official Ryan Field, City Engineer Ryan Morgan, Assistant City Engineer Tim Clark, Star Police Chief Zach Hessing, Deputy Fire Chief Victor Islas and Public Information Officer Dana Partridge.

4. PRESENTATIONS

None were offered.

5. CONSENT AGENDA (ACTION ITEM)

A. **Findings of Fact / Conclusion of Law** – Milled Olive (**FILE: CUP-23-06**)

B. **Claims Approval**

- Council Member Salmonsens moved to approve the Consent Agenda; Council Member Nielsen seconded the motion. **ROLL CALL VOTE:** Hershey – aye for Item B and abstention for Item A because absent when Milled Olive was presented at Council, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.

6. PUBLIC HEARINGS with ACTION ITEMS:

A. **PUBLIC HEARING - Keely CUP (FILE: RZ-23-04; DA-23-06; CU-23-07)** The Applicant is requesting approval of a Rezone (R-1 to CBD), a Development Agreement and Conditional Use Permit for two, 4700 square foot Live/Work units. The property is located at 856 S. Star Road, Star, Idaho and consists of .909 acres. **PREVIOUSLY TABLED (ACTION ITEM)**

Item heard out of order at 7:12 p.m.

Mayor Chadwick explained the Public Hearing rules and asked City Council Members if they had any ex parte contact to report. Hearing none, Chadwick opened the Public Hearing at 7:14 p.m.

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City Planner Nickel provided a brief summary overview of the project from his Staff Report. Nickel noted the topic at hand was a rezoning from R-1 to Central Business District (CBD), with a Development Agreement and Conditional Use Permit for the property located at 856 S. Star Road in Star for four residential apartment units above four commercial units. Nickel said all requirements had been met for the application, all appropriate agencies and transmittal notices including site posting had been completed in compliance with the Unified Development Code. He said the application has been reviewed by Staff for compliance with the City's Comprehensive Plan and Zoning Ordinance. Nickel called the City Council's attention to a late exhibit, a letter (on file) from the City Engineer. Nickel said Staff recommended approval of the application, with conditions of approval.

Applicant Presentation:

Clint Keely, 518 S Star Road, Star said he was asking to rezone a property from current R-1 to Central Business (CB). Mr. Keely said he was looking at a new entrance on the north side of the property, with two retail units. He stated one building will be for Keely Electric to use for warehousing and office space and the other will be for lease. He said the two units above the leased commercial space would be apartments also for lease.

Mayor Chadwick asked Keely to speak to the current building to the left (West). Keely explained there was a residential house in that spot, and it would continue to be used as a residence. He said ACHD is asking for the existing driveway to be decommissioned and for the properties to use a shared driveway.

Council Member Salmonsens asked to verify the square footage of each unit. Discussion clarified that it was 2350 square feet on each level, so the individual units would each be approximately 1100 square feet.

Council Member Nielsen asked Clint Keely to speak about the points on the late exhibit document received from the City Engineer. Keely said the landscaping plan may have been overlooked and does not include the required trees in front of the property at a ratio of one for every thirty-five feet. However, he said there were existing trees to the south of the project. For the Special Flood Hazard Area, Keely said his team would be complying with the code and making sure the buildings are above the base flood level. He said he had a letter from the surveyor for the base flood elevation, and he will be submitting it.

Keely said the base flood elevation drawings have been changed and the drafter incorrectly shifted the buildings; he referred Council to review the property orientation in different exhibits. He noted a twenty-foot easement through the north side which will serve as a utility easement. He said for sewer and water, the City has requested a water main be brought over to the east of the property from the west side of Star Road. Currently, the sewer is on the east side and the east border will come up through and serve the two buildings and the existing house.

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Council Member Nielsen said he was curious about landscape design. Nickel replied the project will come back through the Design Review Process and said this could be a condition of approval.

Council Member Salmonsén asked if Mr. Keely owned the other house, and if he lived there. Keely said he owned it, but rented it out, noting that he lived about five or six houses north of the property. Salmonsén expressed concern for the people currently living in the existing house about potential traffic and having a business next door. Keely explained the future plan is to take out the house as the property is developed. He noted the current tenants are traveling nurses and are short term renters.

Salmonsén asked Keely about proposed uses for the property. He said he was not asking for anything outside the current Central Business District Code. He said he was going to sign a twenty-year agreement with the City of Star and Star Sewer & Water to not have a restaurant in the space in order to avoid the presence of grease traps on the property. He said he anticipated personal services like a salon, or other contractors.

Council Member Wheelock said he thought the project looked nice but expressed concern over trash removal for the four future businesses. Keely explained the site would have a dumpster area at the south of the property between the two buildings, so it would be a single pickup point for Republic Services.

Public testimony:

Heidi Prigge, 208 S Main, Star, said she understood the commercial aspect, but requested the lighting be turned down by 10:00 p.m. She said she hoped that the back of the elevation would look as good as the front as shown, because neighbors will see it and it is still a primarily residential area.

Susan Avis, 210 S. Main, Star, said she reiterated what the previous speaker said. She said as Star continues to grow and commercial impacts residential neighborhoods, she hopes the City will be sensitive to excessive night light and help neighbors by requiring landscaping.

Micki Openshaw, 1750 N. Brandon Road, Star said she was in attendance to represent her eight-eight-year-old mother. Referencing the site plan, Openshaw said it looks like the proposed development backs up onto her mom's property. She expressed concern about the potential for light pollution due to automobiles parking with their headlights aimed at the house.

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Applicant Rebuttal

Keely said lighting will comply with City of Star lighting regulations. He said with respect to the access for the easement for parking, they do have to have a certain amount of light for safety. He explained the lights are designed to display down, not outward and so an observer would only see the fixture. Keely said he does not anticipate the lighting being intrusive. He said the building height was approximately thirty-two feet above the finished ground.

Keely said landscaping will meet at least the minimum standard, with a grass lawn, trees and shrubs. For concerns about creating a buffer behind the building, Keely said no, there would be varied trees with some open space. He said the rear had a residential setback of fifteen feet, and the building footprint is fifty feet. Keely thanked Micki Openshaw for her feedback on parking space lights and said he would probably plan to build a wall sufficiently high enough that the headlamps would not transmit light all the way through to the east.

Mayor Chadwick discussed the planting buffer, noting he would probably want to see some trees planted on the back side.

Council Member Wheelock asked if Keely would be willing to make it a six-foot fence on the rear of the property. Nickel advised Council to keep in mind this is a conditional use permit, so if there are some uses that they find undesirable, they can condition with respect to those specific uses.

Council Member Salmonsens mentioned she would like to have the applicant be able to keep as many City-allowed uses available but take anything off that involves a grease trap. Nickel replied all conditions would need to be permitted.

Council Member Nielsen said his thought on this discussion is it appears to be a rezone for the entire property, but regarding the use of the buildings, if Council were to place a conditional use specifically on those buildings on the front side of the property it would be more logical. He said the consideration is what is zoned today, and the development agreement could be conditioned.

Nielsen said before closing on the topic, he wanted to call attention to the issues of the trees, fence, a six-foot wall on the east side, and enhanced landscaping. He said he wanted to get this all listed out now, because it is where people live as well as work. He expressed concern over the present arrangement, because a small family wouldn't have a yard to play in. Council Members raised issues of timing, hours of operation, and concerns with limiting hours. Council President Hershey said he does not want to place restrictions on topics which might be already covered elsewhere in the City code.

Mayor Chadwick closed the public hearing at 7:53 p.m.

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Council deliberation:

Council Member Nielsen said he was supportive of the application. For the adjacent properties, he noted there are only a few things the Council can account for. He said downward facing lighting and the dark sky ordinance is an opportunity for people to perform their own mitigation. Nielsen said he found the application was in compliance with the Comprehensive Plan, Commercial Business District, and the Zoning Ordinance.

- Council Member Nielsen moved to approve the Keely conditional use permit (FILE: RZ-23-04; DA-23-06; CU-23-07) with the conditions stated including a six-foot fence and intrusive noise mitigation; Council President Hershey seconded the motion. **ROLL CALL VOTE:** Hershey – aye, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.

- B. **PUBLIC HEARING - Frontier Credit Union (File # CU-23-09):** The Applicant is requesting approval of a Conditional Use Permit for a Drive-Thru for a financial institution. The property is located at 11368 & 11352 W. State Street in Star, Ada County, Idaho. **(ACTION ITEM)**

Mayor Chadwick explained the Public Hearing rules. He asked Council Members if there had been any ex parte communication and, hearing none, opened the Public Hearing at 7:56 p.m.

City Planner Nickel summarized the project from his staff report, noting the property is located at 11368 & 11352 W. State Street in Star and comprises 0.72 of an acre, zoned as Central Business District (CBD). He said the Conditional Use Permit was for the drive-through component of a financial institution. Nickel stated that all requirements have been met and Staff recommended approval with conditions.

Applicant Testimony / Presentation

Henry Prendergast, 251 West Pleasanton, Boise, said he was the representative for Frontier Credit Union. Prendergast utilized a slide presentation to depict the request. He said Frontier Credit Union is located in Idaho Falls and is moving into the Treasure Valley. This would be the second branch in the Treasure Valley. He noted it is a smaller credit union with a focus on building smaller branches and connecting the community. He said it would be planned as a full-service branch with a drive through. It would have fifteen stalls and shared access through Jacksons off the State Street access. Prendergast said there is not enough room for the drive-through canopy and adjusted the lot line consolidation to one parcel.

He said the applicant team is still working with the Civil Engineering team on stormwater drainage, noting they are adding permeable pavers and performing mitigation efforts. He noted the three-thousand-foot floor plan had exterior windows to allow for a lot of light. Prendergast said it was a signature building for Frontier Credit Union, with a great location and a lot of traffic and visibility. Renderings were of a Mountain Modern design, which is identified in Star's Comprehensive Plan.

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Council Member Salmonsens inquired about the travel flow. Prendergast explained the drive through would be on the west, and the stoplight is directed to State Street with shared access through Jackson's at Union Street. Vehicles would exit toward the west on Union Street. Salmonsens asked about the stacking of the car queue. Prendergast said it is four cars per drive-up window. There would be two manual tubes for teller access, and one as a dedicated ATM.

Prendergast noted they would pave into the alley for ACHD, and the double drive aisle would be able to get around that other car with enough space.

Council Member Salmonsens asked about hours of operation for the drive through. Prendergast said the ATM would be accessible at any time, noting the bank itself would have typical banking hours and would likely close at 6:00 p.m. at the latest.

Council Member Wheelock referenced page nine of the staff report and said the elevation rendering shows a plateau. Prendergast said the idea is to have it above grade and have a retention wall. He said the plan is to raise the sidewalk a bit higher than the Jersey Mike's property located to the west.

Mayor Chadwick closed the Public Hearing at 8:18 p.m.

Public Testimony:

None was offered.

Applicant rebuttal:

None was offered.

Council deliberation:

Council Member Nielsen stated that the project is consistent with the Comprehensive Plan, and he likes the design.

- Council Member Nielsen moved to approve the Frontier Credit Union (File # CU-23-09 Conditional Use Permit for a drive-through for a financial institution, with the following Condition of Approval: for the building location to be at least on par or a match with the center line of the road, and the same with the sidewalk; Council Member Wheelock seconded the motion. **ROLL CALL VOTE:** Hershey – aye, Wheelock – aye, Salmonsens – aye, Neilsen – aye. Motion carried.

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- C. **PUBLIC HEARING - Milepost Commons Subdivision (File #'s PP-23-05 & DA-23-07):** The Applicant is requesting approval of a Preliminary Plat (PP-23-05) and Development Agreement for a proposed residential subdivision consisting of 72 residential lots and 11 common lots. The property is located at 2400 N. Pollard Lane in Star, Ada County, Idaho, and consists of 19.93 acres with a proposed density of 3.6 dwelling units per acre. **TABLE TO MARCH 5, 2024 (ACTION ITEM)**

Item heard out of order at 7:04 p.m.

- Council President Hershey moved to table the Public Hearing for Milepost Commons Subdivision (File #'s PP-23-05 & DA-23-07) to the City Council meeting date of March 5, 2024; Council Member Nielsen seconded the motion. **ROLL CALL VOTE:** Hershey – aye, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.

Mayor Chadwick called for a brief recess at 7:05 p.m., so paper copies could be run for the meeting. He reconvened the Star City Council meeting at 7:12 p.m.

7. ACTION ITEMS:

- A. **Building Services Vehicle Purchase** - Approve Purchase of Used Truck (2019 Ford F150 VIN # 1FTMF1EB1KKD27143) in the amount of \$13,000.00 from Star Sewer and Water District (**ACTION ITEM**)

Council Member Salmonsens asked where the money was derived from; Mayor Chadwick replied it was coming out of the Planning and Zoning section of the budget, because the City was moving to bring the building inspector role in-house.

- Council Member Wheelock moved to purchase the 2019 Ford F150 vehicle for \$13,000; Council President Hershey seconded the motion. **ROLL CALL VOTE:** Hershey – aye, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.

- B. **Executive Session 74-206(f)** - To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. (**ACTION ITEM**) - **ADDED 2/5/2024**

- Council Member Nielsen moved to enter into Executive Session under Idaho Code 74-206(f) to communicate with legal counsel; Council Member Salmonsens seconded the motion. **ROLL CALL VOTE:** Hershey – aye, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.

The City Council entered Executive Session at 8:23 p.m.

The City Council came out of Executive Session at 8:35 p.m. No action was taken.



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8. ADJOURNMENT

Mayor Chadwick adjourned the Star City Council meeting at 8:36 p.m.

Trevor A Chadwick, Mayor

ATTEST: _____
Jacob M Qualls, City Clerk / Treasurer

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