

FINDINGS OF FACT AND CONCLUSIONS OF LAW
UNION STREET/STATE STREET REZONE
FILE NO. RZ-21-07/DA-21-25

The above-entitled Rezone and Development Agreement land use application came before the Star City Council for their action on February 1, 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 is seeking approval of a Rezone (C-1 to CBD), a Development Agreement, and a Zoning Certificate for a proposed commercial use consisting of 4,000 square foot retail building. The property is located on the northwest corner of N. Union Street and W. State Street in Star, Idaho, and consists of .48 acres. The subject property is generally located on the north side of W. State Street, approximately 600 feet west of N. Star Road. Ada County Parcel No's. R8108000528 & R8108000526.

B. Application Submittal:

A neighborhood meeting was held on November 3, 2021, 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 December 9, 2021.

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 January 13, 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 January 10, 2022. Notice was sent to agencies having jurisdiction in the City of Star on December 9, 2021. The property was posted in accordance with the Star Unified Development Code on January 12, 2022.

D. History of Previous Actions:

This property does not have any history of land use applications within the City of Star.

E. *Comprehensive Plan Land Use Map and Zoning Map Designations:*

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Commercial C-1	Central Business District	Vacant – Pasture
Proposed	Central Business District (CBD)	Central Business District	Commercial, Retail
North of site	Residential (R-8)	Central Business District	Single Family Residential
South of site	Commercial C-2	Central Business District	Vacant
East of site	Central Business District (CBD)	Central Business District	Single Family Residential
West of site	Residential (R-8)	Central Business District	Single Family Residential

F. *Development Features.*

REZONE & POTENTIAL LAND USES:

The rezone from Commercial (C-1) to Central Business District (CBD) will allow for the property zoning to be consistent with the Comprehensive Plan and provide the applicant with the ability to market the property for commercial uses intended to be located within the Central Business District. At this time, the applicant states that an end user has potentially been determined. The rezone will allow the property as much flexibility as possible for the applicant to attract potential businesses. Future uses would be subject to additional review from the City, either as a Conditional Use Permit or as a Certificate of Zoning Compliance staff review.

ADDITIONAL ITEMS FOR CONSIDERATION:

Site Development Plan:

Streetlights - All future lighting, including streetlights and parking lot lighting will need to be reviewed by staff and will be required to meet all Dark Sky lighting standards that may apply.

Sidewalks - With the surrounding properties also in the Central Business District and future development anticipated along W. State Street, providing safe pedestrian access and circulation to existing sidewalks through the Central Business District is a priority. Staff will require sidewalks be completed as part of any future development.

Fire -The Star Fire District has not provided a review of this rezone request. Any new use will be required to meet all requirements of the District regarding access and safety.

Land Uses – Specific land uses have not been proposed by the applicant as part of this application request. Future uses will need to be evaluated by staff , using the most current

zoning ordinance, to determine if additional Council approval is necessary. This would be the case for any requested conditional uses in the CBD zone.

G. Existing Site Characteristics:

Existing Site Characteristics: The property is currently vacant.

Irrigation/Drainage District(s): N/A

Flood Zone This property is not currently located in a Flood Hazard Area.
FEMA FIRM Panel Number: 16001C0130J
Effective Date: 6/19/2020

Special On-Site Features:

- ✪ Areas of Critical Environmental Concern – No known areas.
- ✪ Evidence of Erosion – No known areas.
- ✪ Fish Habitat – No known areas.
- ✪ Mature Trees – Yes.
- ✪ Riparian Vegetation – No known areas.
- ✪ Steep Slopes – None.
- ✪ Stream/Creek – None.
- ✪ Unique Animal Life – No unique animal life has been identified.
- ✪ Unique Plant Life – No unique plant life has been identified.
- ✪ Unstable Soils – No known issues.
- ✪ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✪ Historical Assets – No historical assets have been observed.

H. Agencies Responding:

The following agencies responded, and correspondence was attached to the staff report.

Keller and Associates	January 25, 2022
ACHD	January 18, 2022

I. Staff received the following letters & emails for the development:

No responses have been received from the public at this time.

J. Comprehensive Plan and Unified Development Code Provisions:

Comprehensive Plan:

8.2.3 Land Use Map Designations:

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.

8.4 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.
- Work to create a vibrant Central Business District.
- Require the conservation and preservation of open spaces and public access to the Boise River and BLM lands and interconnected pathways to be open to the public in new developments.
- Encourage commercial development that is consistent with a family friendly fee, not overburdening the community with big box and franchise uses and discourage development of strip commercial areas.

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

- A. 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.
- B. High density residential is suitable within the CBD in mixed use buildings with commercial or office type uses on the first floor and high density residential on upper floors.

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- 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.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

18.4 Implementation Policies:

E. Development Agreements allow the city to enter into a contract with a developer upon rezoning. The Development Agreement may provide the city and the developer with certain assurances regarding the proposed development upon rezoning.

Unified Development Code:

8-1B-1: ANNEXATION AND ZONING; REZONE:

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.
3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.
4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.
5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the

denial of all related applications.

C. Required Findings: The council shall review the application at the public hearing. In order to grant an annexation and zoning or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
2. The map amendment complies with the regulations outlined for the proposed district;
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
5. The annexation (as applicable) is in the best interest of city.

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

District	Purpose
Central Business District (CBD)	To provide for commercial, retail, civic, office, and entertainment uses. High density housing is encouraged on the upper floors of mixed-use buildings and at the fringes of the land use designation shown on the comprehensive plan. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility. Special emphasis shall be placed on development in the central downtown area to encourage and create a vibrant, walkable downtown community that incorporates the Boise River as an active amenity.
Development Agreement (DA)	This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement, with specific conditions of zoning.

TABLE 8-3A-3 - USES WITHIN ZONING DISTRICTS

Zoning District Uses	CBD	C-1
Bar/tavern/lounge/drinking establishment	P	C
Drive-through establishment/drive-up service window	P	P

Restaurant	P	C
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Notes:

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

8-3A-4 Zoning District Dimensional Standards for Central District (CBD):

Dimensional Standards	C-1	C-2	L-O	CBD
Front Setback	0'	0'	20'	0'
Rear Setback	20'	20'	20'	0'
Interior Side Setback	0'	0'	0'	0'
Street Side Setback	20'	20'	20'	0'
Maximum Building Height	35'	35'	35'	35'
Parking Requirements	See Chapter 4, Article B , "Off Street Parking And Loading Requirements", of this title			
Landscape Requirements	See Chapter 4, Article D , "Landscaping Requirements", of this title			

8-1B-1C REZONE FINDINGS:

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.

The Council finds that the purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area.

Some of the prime objectives of the Comprehensive Plan include:

- ✓ *Protection of property rights.*
- ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
- ✓ *Ensure the local economy is protected.*
- ✓ *Encourage urban and urban-type development and overcrowding of land.*
- ✓ *Ensure development is commensurate with the physical characteristics of the land.*

The goal of the Comprehensive Plan for Land Use is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council finds that this rezone is in compliance with the Comprehensive Plan.

2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.

The Council finds that that the proposal complies with the proposed district and purpose statement. The purpose of the central business district is to provide for commercial, retail, civic, office, and entertainment uses.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and

The Council finds that there is no indication from the material and testimony submitted that the rezoning of this property will be materially detrimental to the public health, safety or welfare.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts.

The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted other than traffic, which will continue to be impacted as the City grows. Emergency services were reviewed and mitigation recommended by the Star Fire District.

5. The annexation is in the best interest of the city.

The Council finds the annexation request is reasonably necessary for the continued, orderly development of the City.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on January 11, 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 regarding the application was presented to the City Council by:

- Jeff Likes

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

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed rezone in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the rezoning of the property. Review and discussion included development layout, access and street configuration, setbacks, building elevations and landscaping. The Council concluded that the

Applicant's request meets the requirements for rezone. Council hereby incorporates the staff report dated February 1, 2022, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds 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 Development Agreement the following conditions of approval to their decision to approve the application to include the following:

- Provide future cross-access to the west in the form of an easement
- Coordinate with ITD on location of sidewalk on State Street
- Council approves a 4-parking space reduction as allowed in the CBD

Council Decision:

The Council voted 3-0 to approve the Rezone for Union Street/State Street Rezone on February 1, 2022.

Dated this 15th day of February 2022.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk