

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
FRONTIER CREDIT UNION CONDITIONAL USE PERMIT
FILE NO. CU-23-09**

The above-entitled Conditional Use Permit land use applications came before the Star City Council for their action on February 6, 2024, 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 Conditional Use Permit to construct a drive through within a new banking facility. The property is located at 11368 & 11352 W. State Street in Star, Idaho. The property is currently zoned Central Business District (CBD). The subject property is generally located on the northeast corner of W. State Street and N. Union Street in Star, Idaho. Ada County Parcel Numbers R8108000008 & R8108000055

B. Application Submittal:

A neighborhood meeting was held on November 28, 2023, 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 19, 2023.

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 9, 2024. 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 December 19, 2023. Notice was sent to agencies having jurisdiction in the City of Star on December 19, 2023. The property was posted in accordance with the Star Unified Development Code on January 26, 2024.

D. History of Previous Actions:

The property was previously zoned Central Business District (CBD).

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	CBD	Central Business District	Vacant Land
Proposed	CBD	Central Business District	Credit Union Bank

F. *Development Features.*

CONDITIONAL USE PERMIT:

The applicant is requesting approval of a Conditional Use Permit for a drive-through within a banking facility. The property is currently zoned Central Business district (CBD), and a financial institution is a principally permitted use. The Unified Development Code, Section 8-3A-3 requires all drive-throughs to be approved through a Conditional Use Permit.

This Conditional Use Permit is for approval of the drive through only.

Section 8-4B-3 requires banks and financial institutions to provide a queue for (4) four cars per drive-up window. The applicant is proposing three drive-up service lanes. It appears that the proposed queue space will accommodate the required 4 average sized cars.

Access is proposed to be taken from N. Union Street and W. State Street using the currently established ingress and egress. There is also an alleyway on the north of the property that runs east and west from N. Union Street to N. Star Road that will also provide access to the site. The property is adjacent to the currently developing Jackson’s Food and Gas and is separated by an existing valley gutter. The Applicant shall work to secure a cross access agreement with this property owner. This shall be in place and recorded prior to final occupancy.

The Unified Development Code (UDC), Section 8-4B-2 requires “all drive aisles adjacent to a building shall be a minimum of 25’ 0” or as required by the fire code…” The proposed site plan appears to call out 26 feet at the narrowest section of the drive aisle, satisfying this portion of the UDC. feet widths on the north and south of the building.

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

The current site plan shows the drive-through canopy crosses onto another lot line. The Applicant is working on a lot line adjustment to correct this situation. This will need to be completed prior to issuing a building permit.

The development is part of two separate parcels. The City Engineer has recommended to the applicant to merge the two parcels into one to avoid any portions of the structures from being within a lot line. Staff is in agreement and has included it as a condition of approval.

ITD has recommended that the access to W. State Street be abandoned, and access be taken from the east and west. Staff has included this as a condition of approval for the Council to consider.

H. *On-Site Features:*

Vacant Land

I. *Agencies Responding:*

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

Fire District	January 30, 2024
City Engineer	January 17, 2024
ACHD	January 25, 2024
ITD	January 8, 2024

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

No public comments have been received.

K. *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.

8.3 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:

8-1B-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.

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.

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:

(CBD) CENTRAL BUSINESS DISTRICT: To provide for commercial, retail, civic, office, and entertainment uses. High density housing is encouraged on the upper floors of mixed-use buildings and may also be allowed at the fringes of the land use designation shown on the comprehensive plan. Live/work designed development is also encouraged in this district.

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.

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
Drive-through establishment/drive-up service window	C
Financial Institution	P

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' 4	0'

Notes:

1. 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.
2. Zero-Lot-Line and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, IL, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

8-4B-3: REQUIRED NUMBER OF OFF-STREET PARKING SPACES:

Banks/Financial Institutions	1 for each 200 square feet of gross floor area; plus queue for 4 cars per drive up window.
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8-5-13: DRIVE-THROUGH ESTABLISHMENT:

A. A drive-through establishment shall be an accessory use where the drive-through portion of the facility (including stacking lanes, speaker and/or order area, pick up windows, and exit lanes) is not immediately adjacent to the drive-through portion of another facility, or immediately

adjacent to a residential district or an existing residence, unless approved through a planned unit development.

B. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on applicable permit applications.

C. A site plan shall be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum the plan shall demonstrate compliance with the following standards:

1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons;

2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking;

3. The stacking lane shall not be located within ten feet (10') of any residential district or existing residence;

4. Any stacking lane greater than one hundred feet (100') in length shall provide for an escape lane;

5. A letter from the transportation authority indicating the site plan is in compliance with the authority's standards and policies shall be required.

D. The applicant shall provide a six-foot (6') sight obscuring fence where a stacking lane or window location adjoins a residential district or an existing residence.

E. Menu boards are considered as signs.

F. Approval from the Fire District is required for the location and access of the drive-thru facility.

8-1B-4E CONDITIONAL USE FINDINGS:

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 can 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 heard by the City Council on January 16, 2024, at which time testimony was heard and the public hearing was closed, and the Council made their decision at that time.

b. Oral testimony regarding the application was presented to the City Council by:

- Shawn L Nickel, City Planning Director gave Staff Presentation
- Henry Prendergast

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 conditional use permit application 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 proposed land use. Review and discussion included site plan/layout, access and circulation and cross-access. The Council included Staff recommended conditions of approval and added additional conditions to address these concerns. Council concluded that the Applicant's request, as conditioned, meets the requirements for conditional use. Council hereby incorporates the staff report dated February 6, 2024 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 included the following additional conditions of approval as part of the approval of this application request:

- **Grading elevations of building and site, including sidewalk, will match centerline elevation of State Street.**

Conditions of Approval:

1. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **Prior to issuance of a building permit, the applicant shall receive a certificate of zoning compliance and design review for compliance with the Architectural Design Guidelines.**
3. **Applicant shall provide a recorded cross access agreement with the property to the east prior to issuance of a certificate of occupancy.**
4. **The Applicant shall complete the lot line adjustment combining the two parcels and have it recorded with the County prior to issuance of a building permit.**
5. 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.

6. 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.
7. 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.**
8. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the unit.
9. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
10. The applicant shall obtain a sign permit prior to any signage being placed on the site or building.
11. A Certificate of Zoning Compliance will be required prior to the start of construction.
12. Any additional Condition of Approval as required by Staff and City Council.
13. Any Conditions of Approval as required by Star Fire Protection District.

Council Decision:

The Council voted 4-0 to approve the Conditional Use for Frontier Credit Union on February 6, 2024.

Dated this 19th day of March, 2024.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk