

FINDINGS OF FACT AND CONCLUSIONS OF LAW
RIVER CROSSING REZONE
RZ-25-02/DA-25-0

The above-entitled Rezone and Development Agreement application came before the Star City Council for their action on June 3, 2025, 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 requesting approval of a Rezone from Mixed Use (MU) and Commercial (C-2) to Central Business District (CBD) with a Development Agreement. The property includes two separate parcels located at 10122 & unaddressed W. State Street in Star, Idaho and consists of 6.27 acres. The subject property is generally located near the northwest corner of W. State Street and N. Seneca Springs Way. Ada County Parcel No's S0408438855 & S0408438900.

B. Application Submittal:

A neighborhood meeting was held on January 22, 2025, 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 March 12, 2025.

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 April 19, 2025. 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 April 21, 2025. Notice was sent to agencies having jurisdiction in the City of Star on March 11, 2025. The property was posted in accordance with the Star Unified Development Code on April 25, 2025.

D. History of Previous Actions:

June 18, 2001	Council tabled applications for annexation and rezone of two parcels of land owned by Gary L. Strickland to July 23, 2001.
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July 23, 2001 Council approved applications for annexation and rezone of two parcels owned by Gary L. Strickland. Parcel S0408438900 was zoned to Commercial (C-2), and Parcel S0408438855 was zoned Mixed Use (MU).

January 21, 2020 Council denied applications for annexation (AZ-20-02), Development Agreement (DA-20-01), and Conditional Use Permit (CU-20-02). These parcels were part of these applications that were denied.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Mixed Use (MU) Commercial (C-2)	Central Business District	Vacant Ground
Proposed	Central Business District (CBD)	Central Business District	Commercial
North of site	Residential (R-4)	Neighborhood Residential	Rockbridge Subdivision
South of site	Residential (R-2-DA)	Estate Urban Residential	Parkstone Subdivision
East of site	Commercial (C-1)	Central Business District	Rockbridge Crossing
West of site	Rural Urban Transition (RUT)	Central Business District	Single Family Residential Agricultural

F. Development Features:

REZONE:

The applicant is requesting approval of a rezone from Mixed Use (MU) and Commercial (C-2) Central Business District (CBD) on 6.08 acres. The property can be serviced by the Star Sewer and Water District for central sewer and water. This property may need to be annexed into the Star Sewer and Water District. The rezone request includes a development agreement.

DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City to provide further insurances that the property and associated uses will be as presented and/or modified by the Council through the review process. Items that should be considered by the applicant and Council include the following:

- Future Development – Approval of Fitness Club
- Additional Approved Uses as Requested by the Applicant and Proposed by Staff
- Dedication of Future Roadway

The applicant has submitted a rezone request for these properties in an effort to be consistent with the Star Comprehensive Plan and the Central Business District Future Land Use designation. The current zoning of the property is Mixed Use and Commercial C-1. Uses permitted in the CBD are appropriate in this area. The applicant is requesting specific approval of a Fitness Club on the north side of the property and has listed the following additional uses to be allowed as principally permitted. All uses would still be subject to approval of a Certificate of Zoning Compliance and Design Review Committee approval.

- **Child Care Center**
- **Child Care preschool/early learning**
- **Church or place of worship**
- **Live/Work Multi Use**
- **Education institution public/private**
- **Flex space**
- **Gas Station or fueling station**
- **Health and Fitness Club**
- **Nursery Garden and Farm supply**
- **Retirement Home**
- **Indoor shooting Range**
- **Vehicle Repair; minor**
- **Vehicle sales and rental, service**
- **Vehicle washing station**
- **Veterinarian**
- **Winery, tasting room**

Staff believes that the proposed Fitness Club is an appropriate use for the area. Staff is sensitive to the types of uses that may be developed along the western side of the property fronting W. State Street and adjacent to the existing residential dwelling to the west. Council should review the additionally listed uses and condition the Development Agreement accordingly.

Staff is working with ITD and ACHD on access of the public backage roadway to Seneca Springs. Staff is recommending a condition of approval for the applicant to construct the collector roadway to the existing spite strip. The City will be responsible for acquiring the Seneca Springs access right of way. The applicant should be conditioned to construct the access onto Seneca Springs if the City can obtain the appropriate easements.

H. *On-Site Features:*

- ✪ Areas of Critical Environmental Concern – No known areas.
- ✪ Evidence of Erosion – No evidence.

- ✧ Fish Habitat – No.
- ✧ Floodplain – No.
- ✧ Mature Trees – No.
- ✧ Riparian Vegetation – No.
- ✧ 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.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat observed.

I. Agencies Responding:

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

Ada County Highway Dist.

April 28, 2025

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:

- Preserve the family friendly feel of Star.
- 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.
- Work to create a vibrant Central Business District.
- 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.
- Implement, review, and update the 2011 Star Downtown Revitalization Plan for development strategies within the plan intended to stimulate development within the CBD.
- The city should encourage assemblage of the smaller properties where appropriate.

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.

18.4 Implementation Policies:

- F. 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:

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.

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

(CBD) CENTRAL BUSINESS DISTRICT: To provide for commercial, retail, civic, office, and entertainment uses. Residential uses, including higher densities may be allowed on the upper floors of multiple 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.

DA DEVELOPMENT AGREEMENT: 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.

8-3A-3: USES WITHIN ZONING DISTRICTS

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

<u>ZONING DISTRICT USES</u>		
USES	CBD	
Accessory structure - Residential or Commercial	N/C	
Adult business/adult entertainment	N	
Agriculture, forestry, fishing	N	
Airport	N	
Animal care facility ¹	C	
Artist studio ¹	P	
Arts, entertainment, recreation facility ¹	C	
Asphalt plant ¹	N	

Auction facility	N	
Automated Teller Machine (ATM) ₁	A	
Automotive hobby ₁	N	
Automotive mechanical/electrical repair and maintenance	C	
Bakery- Retail or Manufacturing	P	
Bar/tavern/lounge/drinking establishment	P	
Barbershop/styling salon	P	
Bed and breakfast	P	
Beverage bottling plant	N	
Boarding house	N	
Brewery/Distillery	P	
Brewpub/Wine Tasting	P	
Building material, garden equipment and supplies	P	
Campground/RV park ₁	N	
Caretaker Unit ₁	N	
Cement or clay products manufacturing	N	
Cemetery ₁	N	
Chemical manufacturing plant ₁	N	
Child Care center (more than 12) ₁	C	
Child Care family (6 or fewer) ₁	A	
Child Care group (7-12) ₁	C	
Child Care-Preschool/Early Learning ₁	C	
Church or place of religious worship ₁	C	

Civic, social or fraternal organizations	P	
Concrete batch plant ¹	N	
Conference/convention center	P	
Contractor's yard or shop ¹	N	
Convenience store	C	
Dairy farm	N	
Drive-through establishment/drive-up service window ¹	C	
Dwelling:		
Multi-family ¹	N	
Secondary ¹	N	
Single-family attached	N	
Single-family detached	N	
Two-family duplex ¹	N	
Live/Work Multi-Use ¹	C	
Educational institution, private	C	
Educational institution, public	C	
Equipment rental, sales, and services	C	
Events/Entertainment Facility, public or private (indoor/outdoor) ¹	C	
Fabrication shop	N	
Farm	N	
Farmers' or Saturday market	C	
Feedlot	N	

Financial institution	P	
Flammable substance storage	N	
Flex Space	C	
Food products processing	N	
Fracking	N	
Gasoline, Fueling & Charging station with or without convenience store ¹	C	
Golf course/Driving Range	N	
Government office	P	
Greenhouse, private	N	
Greenhouse, commercial	N	
Guesthouse/granny flat	N	
Healthcare and social services	P	
Health and Fitness Clubs	C	
Heliport	N	
Home occupation ¹	A	
Hospital	P	
Hotel/motel	C	
Ice manufacturing plant	N	
Institution	C	
Junkyard	N	

Kennel	N	
Laboratory	P	
Laboratory, medical	P	
Laundromat	P	
Laundry and dry cleaning	P	
Library	P	
Manufactured home ¹	N	
Manufactured home park ¹	N	
Manufacturing plant	N	
Meatpacking plant	N	
Medical clinic	P	
Mining, Pit or Quarry (excluding accessory pit) ¹	N	
Mining, Pit or Quarry (for accessory pit) ¹	A	
Mortuary	N	
Multiple Use Building ¹	C	
Museum	P	
Nursery, garden center and farm supply	C	
Nursing or residential care facility ¹	C	
Office security facility	P	
Parking lot/parking garage (commercial)	C	
Parks, public and private	P	
Pawnshop	P	
Personal and professional services	P	

Pharmacy	P	
Photographic studio	P	
Portable classroom/modular building (for private & public Educational Institutions) ¹	P	
Power plant	N	
Processing plant	N	
Professional offices	P	
Public infrastructure; Public utility major, minor and yard ¹	C	
Public Utility Yard	N	
Recreational vehicle dump station	N	
Recycling center	N	
Research activities	P	
Restaurant	P	
Retail store/retail services	P	
Retirement home	C	
Riding Arena or Stable, Private/ Commercial	N	
Salvage yard	N	
Sand and gravel yard	N	
Service building	P	
Shooting range <u>(Indoor/Outdoor)</u>	C/N	
Shopping or Commercial center	C	
Short Term Rentals ¹	A	

Solid waste transfer station	N	
Storage facility, outdoor (commercial)1	N	
Storage facility, self-service (commercial)1	N	
Swimming pool, commercial/public	P	
Television station	N	
Temporary living quarters 1	N	
Terminal, freight or truck 1	N	
Truck stop	N	
Turf farm	N	
Vehicle emission testing 1	P	
Vehicle impound yard 1	N	
Vehicle repair, major 1	N	
Vehicle repair, minor 1	C	
Vehicle sales or rental and service 1	C	
Vehicle washing facility 1	C	
Vehicle wrecking, junk or salvage yard1	N	
Veterinarian office	C	
Vineyard	N	
Warehouse and storage	N	
Wholesale sales	C	
Winery	N	
Wireless communication facility 1	C	
Woodworking shop	N	

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The Applicant is asking for the following uses to be principally permitted in the CBD for this application.

1. Child Care Center
2. Child Care preschool/early learning
3. Church or place of worship
4. Live/Work Multi Use
5. Education institution public/private
6. Flex space
7. Gas Station of fueling station
8. Health and Fitness Club
9. Nursery Garden and Farm supply
10. Retirement Home
11. Indoor shooting Range
12. Vehicle Repair; minor
13. Vehicle sales and rental, service
14. Vehicle washing station
15. Veterinarian
16. Winery, tasting room

*All uses will still go through the Certificate of Zoning Compliance process and Design Review, as necessary.

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

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions			
	Note Conditions	Front (1)	Rear	Interior Side	Street Side
CBD	35'/60' ⁵	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 overhanging onto the sidewalk.
2. Zero-Lot-Line, reduced street side yard setbacks 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 approved by Council as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, LI, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone. A waiver may be requested if the adjacent property has the potential to redevelop as a non-residential use in the future.
4. As approved by the Fire District.
35' height requirement unless a height exception is approved by Council through the Conditional Use Permit or Planned Unit Development Process.

8-1B-1C: ANNEXATION AND ZONING (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 City must find compliance with the Comprehensive Plan. 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 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. Council finds that this request is consistent with the statement.

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.
5. The annexation is in the best interest of the city.
The Council finds this rezone is reasonably necessary for the orderly development of the City.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on June 3, 2025, 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:
 - Shawn L Nickel, City Planning Director gave Staff Presentation
 - Chris Todd. Applicant
 - Shane Jiminez, Applicant
 - Randy Bates, Representative Rockbridge HOA
 - Kathy Freeman
 - Taylor Bateman
- 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 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 development. Review and discussion included future land uses, collector roadway extension and access. The Council accepted staff's recommended conditions of approval on the application. Council included additional conditions of approval in their motion. Council concluded that the

Applicant's request, as will be conditioned as part of the development agreement, meets the requirements for the rezone. Council hereby incorporates the staff report dated June 3, 2025 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:

- **The Council approves the proposed conceptual plan and allows the phasing of the collector roadway.**
- **The applicant shall participate in proportionate share fees for the future signal light at Seneca Springs and W. State Street with a \$3.46 per total square foot of all future structures within the development. These fees shall be paid to the City prior to issuance of building permits for each individual building.**
- **Applicant shall adequately buffer the neighboring residential use to the west. This shall be reviewed as part of the future Certificate of Zoning Compliance and Design Review process for all uses on the western side of the property.**
- **Applicant shall provide a greenscape buffer along the northern side of the property, to include arborvitae or similar evergreen landscaping. This shall be reviewed as part of the future Certificate of Zoning Compliance and Design Review process for all uses on the northern side of the property.**
- **The following Conditional Use's are approved as part of this application. These uses are subject to Certificate of Zoning Compliance and Design Review approval. The uses include:**
 - **Fitness Center/Facility – Only north of collector roadway**
 - **Shooting Range – Only south of collector roadway**
 - **Live/Work – Only south of collector roadway**
 - **Drive-Thru's – Only south of collector roadway**
- **Any Portable classrooms shall require a CUP approval from Council.**
- **Council recommends that the applicant reach out to the Rockbridge HOA to negotiate potential acquisition of landscape strip adjacent to Seneca Springs.**
- **The applicant shall meet all requirements of the Star Fire District regarding emergency access and turn-around within the development.**

Council Decision:

The Council voted 4-0 to approve the Rezone and Development Agreement on June 3, 2025.

Dated this 1st day of July, 2025.

Star, Idaho

ATTEST:

By: _____
Trevor A. Chadwick, Mayor

Shelly Tilton, City Clerk