



## CITY COUNCIL REGULAR MEETING AGENDA

City Hall - 10769 W State Street, Star, Idaho

Tuesday, March 7, 2023 at 7:00 PM

### 1. CALL TO ORDER – Welcome/Pledge of Allegiance

Mayor Chadwick called the meeting to order at 7:00 p.m.

### 2. INVOCATION –

Pastor David Ax of Calvary Star Church offered the invocation.

### 3. ROLL CALL

**ELECTED OFFICIALS PRESENT:** Mayor Trevor Chadwick, Council President David Hershey, and Council Members Kevan Wheelock, Jennifer Salmonsens, and Kevin Nielsen.

**STAFF PRESENT:** City Planner Shawn Nickel, Assistant City Planner Ryan Field, City Attorney Chris Yorgason, City Clerk-Treasurer Jacob Qualls, Public Information Officer Dana Partridge, Deputy City Clerk Barbara Conly, Deputy Fire Chief Victor Islas, and Police Chief Zach Hessing were present.

### 4. PRESENTATIONS

#### A. Calendar Year 2022 Star Police Report

Chief Hessing presented the 2022 Star Police Report (see Agenda Packet for detail). He noted that the City goal was 18 crimes per 1,000 and we are at 17.5. He reminded of the NIBERS rules on per-case numbers, noting there were 92 property-related crimes and 67 society-related crimes. Hessing explained that there were 2,567 community calls for service and pointed out that officer-initiated calls have almost double in keeping with departmental goals on proactive policing. Of those proactive policing calls, 105 were traffic, 47 DUI, and 15 narcotics related. Hessing noted that the Deputies are well-trained and that they are doing a lot with a fiscally responsible budget that is 2.5 times less than the area average. He further noted that Star is currently staffed at approximately .85 officers per one-thousand residents and the goal of one officer per one-thousand residents. Chief Hessing mentioned Star was lucky to have a good population/good people. In terms of staffing, he mentioned his department recently added one extra deputy, and asked Council to consider adding two patrols by the end of this budget year, one via grant and one to be requested in the next budget cycle. He noted that the school resource officer is under the purview of his office but is funded via the Ada County budget. He said he expects to receive word on the possible grant in the April/May timeframe.

Mayor Chadwick noted that mitigation fees will also be a part of the discussion going forward.

#### B. January 2023 Star Police Report

Chief Hessing presented the January 2023 Star Police Report. He explained that there were 10 person-related, four property-related, and seven society-related crimes in January. With proactive policing, there were no large jumps anywhere. Hessing also noted that while the normal response time goal is less than four minutes, that the police were impacted by the icy weather on January 10<sup>th</sup>, which resulted in multiple injury accidents and a related higher response rate average of five minutes nineteen seconds.



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### 5. CONSENT AGENDA (ACTION ITEM)

- A. **Approval of Minutes:** February 21, 2023; June 7, 2022, November 1, 2022; & Approval of Claims
- B. **Final Plat** - Rosti Farms Subdivision Phase 7 (**FILE# FP-22-30**)
- C. **Findings of Fact / Conclusion of Law** - Medici Vista Subdivision (**FILE# AZ-22-08, DA-22-08**) & Medici Hills Subdivision (**FILE# AZ-22-07, DA-22-07, PP-22-12 & PR-22-04**)

Mayor Chadwick noted that Item 5.C. Medici Vista Subdivision and Medici Hills Subdivision was being removed from the Consent Agenda for administrative reasons and would be placed on a future agenda.

- Council Member Salmonsens moved to approve the Consent Agenda; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

### 6. PUBLIC HEARINGS with ACTION ITEMS:

- A. **PUBLIC HEARING: First Street Townhomes Subdivision (FILE# PP-22-16 & PR-22-07)** - The Applicant is seeking approval of a Preliminary Plat and Private Street for a proposed residential subdivision consisting of 30 residential lots, 4 commercial lots and 3 common lots. The property is located at 10206 W. State Street in Star, Idaho, and consists of 4.77 acres with a proposed residential density of 11 dwelling units per acre. Tabled from February 7, 2023 (**ACTION ITEM**)

Mayor Chadwick explained the public hearing process and asked the Council members if they had had any ex parte communication. Chadwick noted that he spoke briefly with the landowners at the time of the preliminary plat and passed on their questions to staff. No other Council Members indicated they had any communication.

Mayor Chadwick opened the public hearing at 7:18 p.m. and explained that going forward with land use public hearings, the hearing will begin with a short introduction of the topic by City Planning staff.

City Planner Shawn Nickel explained that the topic had been tabled from the February City Council meeting dates to today, and that the current version of project under consideration was for thirty single family residential lots, four commercial lots, and three common lots. Nickel summarized the history of the property, noting the City Council approved annexation and zoning in 2007, with a development agreement and conceptual approval of supermarket and retail space. Various modifications were approved over the years to increase the residential uses, modify timing for any proposed commercial use, and adjusting the height allowance for the front two buildings for commercial use.

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**Applicant Presentation:**

**Jeff Likes of 1119 E. State St., Eagle,** presented on behalf of the property owner 10206 W. State Street, LLC. Mr. Likes explained that he was at Council to discuss the preliminary plat, and that his firm worked with City Staff and owners of the neighboring properties, hence the postponement in coming before City Council. He said he wanted to assure neighbors that the townhomes would be built to the highest standards, that there would be six-foot vinyl fencing at the north, west, and east, and that there would be eight-foot arborvitae planted as well. He stated there would be amenities and noted that parking was an issue. He said each townhome had its own two-car garage, with sixty garage spaces, twenty guest spaces to the east, and thirteen guest spaces to the west for a total of thirty-three guest spaces. He noted that City Code requires 0.25 guest spaces per unit or a total of 7.5 spaces, so this is two and a half times the code requirement with thirty-three. Mr. Likes noted the project would have twenty-eight-foot drive aisles as required by the Fire Department and showed several building elevations using a slide presentation. The applicant stood for questions.

Council Member Nielsen asked clarification on the zoning, and it was clarified that this evening's action did not involve re-zoning, only a preliminary plat and a private road application. Mr. Likes explained that the developer would come back for design review for the town homes and that the other information presented this evening was just to give everyone a better idea of the project overall.

**Public Testimony:**

**Brian Kirschenman of 226 N. Baldy Place, Star** expressed concern over the arborvitae and noted he had written a letter. Mayor Chadwick asked him to speak about his letter. Mr. Kirschenman explained that there was not a lot of room in between his backyard and the common space and asked if there was any way they could remove three of the units and re-think the area. He said from his French doors to the fence of the common area there was only about thirty feet. He said he felt that removal of some of the units would provide both a noise and visual buffer. Kirschenman summarized other concerns, including inquiring if pest control had been planned for in the event the construction work might cause mice and other rodent issues, if the developer would consider brick or other fencing material in lieu of vinyl and making it higher, asking for the fence to be put in early in the process, and needing clarification on the hours allowed for construction.

Mayor Chadwick remarked that the six-foot vinyl fence and eight-foot arborvitae combined create the fence line, and that the arborvitae will go in already at eight feet, not as smaller plants.

**Applicant Rebuttal:**

Jeff Likes mentioned taller windows, noting they were not egress windows. In reviewing concerns, he mentioned that the common area on the north already has more than what code required, and that there was about eighty feet between townhomes so he would like to keep the three townhomes mentioned by Mr. Kirschenman. He noted the proposal of six-foot-high fencing and the eight-foot arborvitae as a further



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buffer. Likes said he was willing to limit construction hours to 7 a.m. to 8 p.m. in the summer. The applicant stood for any further questions.

Council Member Salmonsens inquired about the fence replacement idea for the entire fence line on the northern boundary, asking if there was enough space. Mr. Likes replied that they were planning on putting up their own fence, not a common fence. Salmonsens asked if this would be on the property line, and Likes replied that it would be close, as they didn't want to have too much of a gap for safety reasons.

Council discussion surrounded the arborvitae and how tall they grow. It was concluded that most arborvitae grow to twenty feet or higher.

Council Member Wheelock referenced the new parking plan with the group of town homes in the middle without garage spots and asked what the access to guest parking looked like. It was clarified there was a pathway which would lead to the parking.

Mayor Chadwick closed the Public Hearing at 7:45 p.m.

### **Council Deliberation:**

Council Member Nielsen noted that since this property had come before Council multiple times, and what he sees in this preliminary plat application matches with what has been approved previously. He said he agreed with the Staff Report that it is consistent with the Comprehensive Plan and the development agreement, and he likes the concept drawings of the town homes, and the high-quality materials will help create a nice residential place for the community.

Council Member Wheelock said he liked the concept with the future retail, but the parking was not ideal.

Mayor Chadwick mentioned the future of First Street and that it would be a collector road and for that reason, parking could not be placed on the street.

- Council Member Nielsen moved to approve the First Street Townhomes Subdivision (FILE# PP-22-16 & PR-22-07 Preliminary Plat and Private Street with the following conditions of approval; the applicant limits construction hours from 7am - 8pm and lights along the northern side will be downward lights. Council President Hershey seconded the motion but asked to verify about the landscaping. Council Member Nielsen amended his motion as follows: to approve the First Street Townhomes Subdivision (FILE# PP-22-16 & PR-22-07 Preliminary Plat and Private Street with the following conditions of approval; the applicant limits construction hours from 7am - 8 pm; lights along the northern side will be downward lights; and landscaping be included as discussed. Hershey re-affirmed his second of the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.



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**B. PUBLIC HEARING - Dutch Brothers / Stonecrest LLC (FILE# CU-23-02)** - The Applicant is seeking approval of a Conditional Use Permit for a proposed coffee drive-thru restaurant. The property is located at 12490 W. Goldcrest Street in Star, Idaho. **(ACTION ITEM)**

Mayor Chadwick opened the Public Hearing at 7:49 p.m. No ex parte communication was reported.

City Planner Shawn Nickel gave an overview of the proposed Dutch Brothers 1600 square foot coffee drive-through restaurant that would be placed on 0.533 acres at 12490 W. Goldcrest Street in Star. As proposed, it would have twenty-five parking spots, ADA compliant parking stalls included, a bike rack, queuing for thirty-seven cars, and a twelve-foot-wide exit lane. Proposed access to the site would be from West Goldcrest Street off South Ripple Rock Avenue.

### **Applicant Presentation:**

**Chris Todd of Green Mountain Resources & Planning LLC 12537 W. Goldcrest Street, Star** presented on behalf of owner Stonecrest, LLC. Mr. Todd presented a vicinity map and noted Phases 1 and 2 for Stonecrest. He said that Dutch Brothers asked him to put in for the Conditional Use Permit for approval. He said Christian Brothers would be on one side and the other commercial is depicted as just a pad for right now. He clarified per the Staff Report that it is not actually .53 acres at this point, but a full one acre requested, to help avoid stacking and queueing of traffic. He explained that Dutch Brothers have been proactive in beefing up their sites similar to the location on Chinden and Ten Mile, which is just about an acre.

Todd showed a proposed site plan, with a depiction of how the thirty-seven cars would fit in the stacking lanes, the drive through lanes, and the exit. He said they have been through a couple renditions, and this one was the best fit in terms of size, safety per Fire Department guidelines, and one of the biggest things with the HOA was moving the building from a hard corner to more of a central location on the plot of land with two possibilities for cross traffic. The central creation will allow more of a land buffer for the residential neighbors.

Mr. Todd testified Dutch Brothers was started in the 1980's and the owners of this franchise are from Nampa. With respect to conditions of approval, Todd mentioned the applicants were happy to accept the City's request for twenty-foot-deep parking stalls. Todd also showed graphics to illustrate what the building materials would be like, mentioned proposed hours, and reiterated that overall Dutch Brothers is looking for a conditional use permit on the one acre for the drive-through, that they feel they have provided noise buffering by re-locating to the center of the property, and the stacking lanes will help control traffic flow. He noted the proposed hours would be 5am to 10 pm Sunday through Thursday, and 5am to 11pm Friday through Saturday. The applicant stood for questions.



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Council Member Salmonsens asked about the pedestrian pathway and whether there was a menu sign. Chris Todd explained the sidewalk ran to the south side, comes around, with a walkway right to the middle of the building so there is direct access. Todd said he felt it was a great community anchor for future business, and replied that yes, there was a menu sign.

Council discussion surrounded the stacking of cars thirty-seven car lengths deep. The applicant noted that Dutch Brothers have doubled the size of their newer locations. Council Member Salmonsens asked Todd to revisit the parking map, east side section four. The applicant said he hopes not to have restriction there, and City Planner Shawn Nickel said it would be taken up as part of the design review process.

### Public Testimony:

Alex Domy of 12555 Nabesna Street, Star, asked about the car stacking, wondering if the entrance could be off Hwy. 44 instead of Ripplerock. Mayor Chadwick stated that this was guided by ITD, and the answer was no.

Mayor Chadwick closed the public hearing at 8:09 p.m.

### Council Deliberations:

Council Member Salmonsens said she thought the application was complete, meets the City's code, and that she is excited for this business to come to Star.

- Council Member Salmonsens moved to approve the Dutch Brothers/Stonecrest LLC (FILE# CU-23-02) conditional use permit; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Hershey – aye; Nielsen – aye. Motion carried.

C. **PUBLIC HEARING - Star River Ranch North Subdivision (FILE# RZ-22-01 / DA-22-03 / PP-22-05)** - The Applicant is seeking approval of a Preliminary Plat for a proposed residential subdivision consisting of 72 single-family residential lots and 11 common lots. The property is located on the west side of Bent Lane in Star, Canyon County, Idaho and consists of 23.8 acres with a proposed density of 3 dwelling units per acre. The property currently has a Residential (R-5) zoning designation. The subject property is generally located between south of Hwy 44. Canyon County Parcel No. R3403500000. **(ACTION ITEM)**

### TABLE TO MARCH 21, 2023 AT STAFF REQUEST

- Council Member Salmonsens moved to table the Public Hearing for the Star River Ranch North Subdivision (FILE# RZ-22-01/DA-22-03/PP-22-05) to the City Council meeting date of March 21, 2023, at staff request. Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.



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Mayor Chadwick verified City Planner Shawn Nickel had Planning Staff send a notice to neighbors with respect to the new date.

- D. **PUBLIC HEARING - Naismith Commons Subdivision (FILE# AZ-22-10 / DA-22-11 / PP-22-15)** - The Applicant is seeking approval of an Annexation and Zoning (R-4), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 207 residential lots and 27 common lots. The property is located at 8895 W. Joplin Road in Star, Idaho, and consists of 52.54 acres with a proposed density of 3.96 dwelling units per acre. **(ACTION ITEM)**

Mayor Chadwick asked the City Council if there had been any ex parte communication, and none was reported.

Mayor Chadwick opened the Public Hearing at 8:12 pm.

City Planner Shawn Nickel presented a Staff Report explaining the Naismith Commons Subdivision request for Annexation and Zoning, Development Agreement, and Preliminary Plat. Nickel also provided late exhibits, which were letters received after the agenda packet had been posted from Star Fire, ITD, and two neighbors.

### **Applicant Presentation:**

**Emily Bueller of 839 S. Bridgeway Place, Eagle** stated that she was present along with John Bottles to represent Beacon Crossing, the applicant team. Bueller described the project, noting the variety of residential products of single-family dwellings. She mentioned there will be a great unique open space, that the site is fifty-two acres with about four acres off the bench on the corner of Joplin; those four acres are lower, and it will be planned to be unique natural open space with multiple accesses and roadway. She explained that 205 residential lots are planned, with a density of 3.9 dwelling units per acres. The neighborhood would have three main access points not including future stub roads: Can Ada, Joplin, and a new collector road. She noted a barn on the property owned to the east, and mentioned setbacks were abided by and they had met with ACHD to jog the road so full right of way is present and it works around the topography. For open space, Bueller said they added a six-foot landscape buffer, so the numbers on the slides in the agenda packet will need to be updated as they have determined open space requirements are met. Bueller noted that proposed amenities include a children's play area, a little free library, and a bocce ball court. She said the goal for the common area below the bench is to keep that land as a natural area with a walking path, sheltered picnic area, and a natural children's play area. The applicant stood for questions.

Mayor Chadwick noted concern about the spike strip on the collector road and asked that clarifying language be included.



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Council Member Nielsen asked about the plan for stormwater runoff. The applicant noted there would be retention in some of the lots, and that they would need to work with the engineer. Mayor Chadwick asked City Engineer Ryan Morgan to comment on this. Ryan Morgan advised that the preliminary stormwater report showed 90% being retained in below grade seepage beds, which he said is typical of most neighborhoods in Star. Morgan said there were no swales.

Council discussion focused on landscaping along the collector roads and the timing of the project. The applicant clarified that there were five phases planned, starting first on Can Ada and moving eastward. For turn lanes, the applicant noted that these are required prior to ACHD signing their final plat and that she would check on timing. Mayor Chadwick noted that Star Road is a main arterial especially during the school year and expressed that they may need overnight work.

Council Member Salmonsens inquired about the elevation changes of the natural space. City Engineer Ryan Morgan explained that it was a thirty-five-foot change from top to bottom of the bench. Salmonsens asked how that would work for pedestrians; the applicant explained that part could be handled with a sidewalk.

**Public Testimony:**

**Sarah Keyes of 338 S. Long Bay Way, Star,** testified after listening to the applicant, she wanted to point out the artesian well on the east side of the property. Ms. Keyes expressed concern for neighbors to the east and said she does not feel she sees that here. She spoke out on behalf of Star resident Jerry Gage, noting his request was to be a good neighbor and have his land protected. Keyes said she trusted the City of Star to do right by Mr. Gage. She also asked if the applicant has reached out to the Lions Club about little free libraries, as that is a project their group sponsors locally.

**Michael Keyes of 338 S. Long Bay Way, Star,** noted the South of the River Plan, and said he disputes that the project as proposed actually matches the plan. He noted that ten percent of land is to be used for parkland, and that the thinking behind the South of the River Plan was to have a master-planned area. Mr. Keyes asked Council and Staff to look back at the E-camp map with respect to the collector road. He also spoke to the need for walking paths and noted Council's request for reconsideration on the recent Iron Mountain subdivision with respect to open space. He expressed concern that the open space looked like it was basically put into one area, the un-developable area.

**Pete Aldrich of 8425 W. Joplin Road, Meridian** said he was a fifty-year resident, and that Jerry Gage's land was his dad's old place. He said he considers the construction and progress is disheartening. He requested road change, and mentioned having witnessed accidents, that Joplin needs a lot of work from Joplin to Star Road. He said he is wondering about sewers, as the water level is high. Mr. Aldrich said his main concern is Joplin and safety.





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**Max Harrold of 6701 Hwy. 20-26, Nampa** said he owns the property on the other side of Can Ada across from the proposed development. He said traffic is an issue, and that he is also concerned about water from the Phillips Canal – where is the sewer and water going to be? He said his family has been on the farm for seventy-nine years, and that the drainage goes across his farm to the slough. He said he has an interest in what will go on.

**Richard Romer of 5400 W. Lesina Street, Meridian**, said he reinforced what Max Harrold was saying on irrigation. He said he saw no holding pond present on the map. He said he wanted to know where the access was.

**Jerry Gage of 8755 W. Joplin, Meridian**, said his property is east of the new development. He referenced the bench as being about twelve to fifteen feet high. Mr. Gage mentioned he has spent thirty years planting perennials and that he went to the neighbor meeting about Naismith Commons last March. He stated that his backyard slopes up to the neighborhood; when he received notice for the neighbor meeting, he contacted Emily Bueller with his concerns about buried water and irrigation water. He said he now has a collector road outside his back door, and that he was here to ask Council for help and suggested maybe moving the road, put up a berm or do something else to help. Gage mentioned it is maybe seventy feet from his back door to the road, and from his shed to the road is fifteen feet.

Mayor Chadwick said that Jerry Gage also has a valid point about water, and asked Shawn Nickel how to mitigate the collector road. Council Member Wheelock noted that the fifteen feet from the shed is significant when you're talking about eighty acres.

**Jay Strangel of 6630 N. Can Ada Road, Meridian** said his address is to the south of Lot 3. He expressed concern about the safety on Joplin Road.

### **Applicant Rebuttal:**

Emily Bueller noted that the plan was to connect to City water and decommission the wells. She said the Little Free Library would be managed by the HOA. With respect to Mr. Keyes' remarks, Ms. Bueller said that the developer is aware they are using a natural area that is harder to develop as part of the amenity. Regarding Joplin, she stated the application is set forth to match ACHD requirements, and that ACHD has no plans to straighten the roadway. She said that they are sympathetic to Mr. Gage and have done as much as possible to mitigate the road, but it is a requirement. The developer does not have anything further that can be done to help Mr. Gage; road placement is an ACHD requirement. Per Council Member Wheelock's question on timing for ACHD, Ms. Bueller confirmed that they showed it would be done right away.

Mayor Chadwick asked with respect to the collector road if it could be done in such a way with the landscape to minimize impact. Emily Bueller replied that ACHD approval would be required for stacking heavy trees or bollards and they will inquire.



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John Bottles advised that all open ditches will be covered/tiled but that dates are not available yet. Per Council Member Wheelock's question on water for the downstream landowners, Bottles mentioned that there would be pressurized irrigation.

Council discussion surrounded the proposed artesian well, who it would provide water to, and if it would be possible to create a pond. City Engineer Ryan Morgan noted he did not believe an artesian well could be utilized for irrigation.

Council discussion further noted the land's topography, questions about trails, potential for interconnectivity of trails, possible start/end points, and possible public easement for a city park. Bueller replied the applicant would need to consider these points.

Council Member Nielsen noted not many moms would send kids to an open space area that had an open ditch.

Council President Hershey said he would love to see a reduction in density, and that he would like to know what can be done to help Jerry Gage.

Mayor Chadwick suggested the possibility of tabling for a couple weeks in order to conduct pro forma and direct City staff to work with the applicant and see what is feasible.

Hershey noted he supported tabling the application.

Mayor Chadwick suggested creating a compromise, to talk to ACHD and see how to make it work better.

Council discussed the possibility of approving various fee waivers. Council further discussion options such as adjusting lot widths, open space, and maybe different design.

- Council Member Nielsen moved to table the topic of Naismith Commons Subdivision (FILE# AZ-22-10 / DA-22-11 / PP-22-15) until the meeting of March 21, 2023, so the applicant can come back with different solutions as noted in discussions; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

**E. PUBLIC HEARING - Noterra Subdivision Development Agreement Modification (FILE #DA-20-05-MOD)** The Applicant is seeking approval of a modification to the existing Development Agreement for the Noterra Subdivision annexation and zoning. The applicant is requesting approval from the Council of specific commercial land uses that are proposed in the commercial development. The property is located on the northeast corner of W. State Street and N. Can Ada Road in Star, Idaho. **(ACTION ITEM)**



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Mayor Chadwick asked the City Council if there had been any ex parte communication. None was reported.

Chadwick opened the Public Hearing at 9:54 p.m.

City Planner Shawn Nickel gave background on the project utilizing a slide presentation.

Council Member Nielsen asked clarification on what it meant by vehicle repairs; clarification was provided, and the project could be a body shop or other automotive businesses.

### **Applicant presentation:**

**Jeff Likes of ALC Architecture of 1119 E. State Street, Eagle**, presented on behalf of applicant Itera Holdings LLC, noting that they are getting more interest from small businesses and retail shops along State Street. He pointed out potential drive-through businesses could locate within the development.

With respect to auto repair, Likes clarified it was along the lines of an oil change business. The applicant stood for questions.

Council Member Wheelock asked to clarify whether a tunnel car wash would be considered a drive-through in terms of the conditional use permit process. The applicant said he understood a carwash was not technically considered a drive-through; Likes also verified the drive through type businesses that interest has been expressed in have been on the State Street, not the residential side, and that it could possibly be food, coffee, or a bank drive through as well as the aforementioned tunnel carwash.

Council discussion surrounded conditional use permitting and the types of potential businesses. Mayor Chadwick said he thought the conditional use permit process should be used for both automotive possibilities (oil change and tunnel car wash) and expressed the Council should use consistent treatment as with other recent approvals.

Council discussion continued on the topic of sticking with conditional use permitting on things like equipment rentals/sales and indoor/outdoor events sites and moved on to concerns over treatment on drive-throughs and potential limitations.

Mayor Chadwick noted that post-Covid, lots of businesses still want to have the ability to have drive-through businesses if needed and he does not oppose these options.



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Council Member Nielsen asked what the concern was with Live-Work. Mayor Chadwick replied that it was just to make sure that Live-Work went properly through the conditional use permit process and that there were no backdoor ways for applicants to pursue it.

### Public Comment:

**Michael Keyes of 338 S. Long Bay Way, Star**, said he had an alternate perspective, that when this was originally approved Star had a very different landscape. He said he is concerned with Mom-and-Pop businesses being overrun by chain operations; at what point do so many fast-food places come to Star that it reduces what makes the city unique.

Mayor Chadwick expressed that we cannot get Mom-and-Pop operations to open as long as people destroy them on social media. He also noted that Justin May, who lives in Star, is an owner of a Firehouse Subs location, so there is also merit to chains in terms of local ownership and management.

Council Member Nielsen said that people will vote with their wallet, and also noted that the owners of Dickey's are here in Star.

**Chris Todd of 12537 Goldcrest Avenue, Star**, said that he stayed to see what was going on across the street. He said the Conditional Use Process takes a little over a month, but the Council can see it and it goes to design review. Todd stated he liked Council Member Nielsen's remark on conditional use permitting. Todd said he thinks all uses listed should be conditional use permitted. For Live-Work, he doesn't see what that should be. For drive-throughs, etc., he thought conditional use permitting would address things like address buffering, hours of operation, etc.

### Applicant Rebuttal:

Jeff Likes noted that the drive throughs were in the original narrative, but that oversight was not in the original agreement. Post-Covid, he said he feels that drive-throughs are a necessity.

Council discussion continued on conditional use permitting in terms of the property. City Attorney Chris Yorgason reminded Council that there was an existing development agreement, and to not change the originally approved project to something it is not by attempting to place new conditions that were not part of the agreement.

Council Member Wheelock asked the applicant if he was willing to limit the number of businesses. Jeff Likes said that he would rather not.

Mayor Chadwick closed the Public Hearing at 10:32 p.m.

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**Council Deliberations:**

Council Member Salmonsens addressed a question to City Planning Staff, asking whether they were required to notify the neighbors about conditional use permitting at a neighborhood meeting. City Planner Shawn Nickel explained in the past it was departmental policy to do a neighborhood meeting but when they went back and examined the code it turns out to not be a requirement. Nickel said they still were required to post development agreements and modifications and publish in the newspaper.

- Council Member Salmonsens moved to approve the Noterra Subdivision Development Agreement Modification (FILE #DA-20-05-MOD) to increase the commercial lots to forty and add the drive-through establishment and drive-up service window as a permitted use and leave the other businesses as conditional use permit; Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

**7. ACTION ITEMS****A. Floor Scrubber Purchase - Authorize / Approve the purchase of a Floor Scrubber for use at City Facilities (ACTION ITEM)**

Mayor Chadwick explained that City Building/Parks Supervisor Bob Little has requested a floor scrubber for efficiency as City facilities such as City Hall and the Star Riverhouse are currently being hand mopped.

- Council Member Nielsen moved to authorize/approve the purchase of a floor scrubber for use at City facilities at a cost not to exceed \$3,070.75; Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

**B. Ordinance 378-2023: Burnett Storage Annexation & Development Agreement: AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 771 N. HWY 16, IN STAR, IDAHO (ADA COUNTY PARCELS S0409131605, S0409131500 & S0409131700), AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY HWY 16 VENTURES LLC; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS MIXED USE WITH A DEVELOPMENT AGREEMENT (MU-DA) OF APPROXIMATELY 16.76 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. (ACTION ITEM)**

- Council Member Nielsen moved to introduce Ordinance 378-2023 and suspend the rules requiring three separate readings on three separate days; Council President Hershey seconded the motion. VOICE VOTE: Hershey, Salmonsens, Wheelock, Nielsen. Motion carried.
- Council Member Nielsen moved to approve Ordinance 378-2023 and read the title; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Hershey – aye; Nielsen – aye. Motion carried.



## CITY COUNCIL REGULAR MEETING AGENDA

City Hall - 10769 W State Street, Star, Idaho

Tuesday, March 7, 2023 at 7:00 PM

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### 8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 10:39 pm.

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Trevor A Chadwick, Mayor

ATTEST: \_\_\_\_\_  
Jacob M Qualls, City Clerk - Treasurer