

CITY OF BUHL PLANNING & ZONING MINUTES

203 BROADWAY AVE N

MARCH 20, 2024 MEETING

PRESENT:

Barbara Gietzen	Commission Chair
Jeff Gabardi	Commission Member
Bob VandeWater	Commission Member
Reme Pullicar	Commission Member
Maggie Himmelberger	Commission Member

STAFF:

Scott Bybee	City Engineer
Teresa Robbins	Public Works Clerk
Jason Scott	Public Works Director
Jazmine Mills	P & Z Administrator

ALSO PRESENT:

Jeff & Joni Jones	Applicant
George & Karmelle Nye	Applicant
Concerned Citizens	

OPENING — The meeting was called to order at 10:30 a.m.

PUBLIC HEARING

CONFIRMATION OF QUORUM for Public Hearing #1: Jazmine Mills confirmed a quorum.

PUBLIC HEARING #1— Barbara Gietzen asked the applicant to make a statement.

Jeff Jones of Buhl stated their request for a Conditional Use Permit for a childcare center at 800 Main St for up to 25 kids. Joni Jones added they have been in childcare for 13 years in Twin Falls and would like to expand to Buhl.

Reme asked the applicants about the lack of egress on the site plan. Joni stated the exits are the egress. Jeff added that the State requires an evacuation plan and one exit, which they have. Barbara asked Jazmine if the Fire Marshall had inspected the property. Jazmine stated not yet, the applicants applied for a Certificate of Occupancy which requires a fire inspection. Barbara asked about an outside play area. Joni stated there wasn't one. Jeff added not at this time.

STAFF REPORT—Jazmine stated the building is owned by Justin and Mandy Cleverly, and the applicants plan to be tenants to operate a childcare center for no more than 25 children. She added that the building was previously used as a chiropractic clinic. Jazmine noted the request was in line with the comprehensive plan and that many community members have expressed the need for childcare nearby. She also stated the staff recommended approval, the notice was published in the Times-News on March 2, 2024, and neighbors within 300 feet were notified by mail. Additionally, a sign was placed on the property.

Reme asked the applicant if South Central Public Health District had requirements for this use. Joni stated the State requires a health inspection and is part of their certification permit. Reme asked if there was a specific requirement for a ratio of children to staff. Joni stated it was based on a point system and anticipates 4 staff and 22 kids.

Barbara asked for testimony in favor of this application.

- Melanie Rediker from Buhl spoke in favor of the request. As a mother, she emphasized the importance of accessible daycare services that accept children. Melanie pointed out that the location of the daycare is a prime location, being close to the park and school, and making it convenient for parents to drop off their kids. She concluded by saying she felt good about having this daycare in her neighborhood.

No opposition testimony was given, so Barbara closed public hearing #1 at 10:36 a.m.

CONFIRMATION OF QUORUM for Public Hearing #2: Jazmine Mills confirmed a quorum.

PUBLIC HEARING #2— Barbara Gietzen asked the applicant to make a statement.

George Nye of Buhl stated he has owned the building for 20 years and has good tenants there. He wants to better utilize the space there knowing that housing is scarce in Buhl. Karmelle added that a space in the back has been used for their kids to stay that has access through the alley. She stated not sure if more units in the future, but she has one they've converted. Karmelle stated in the 2000s, there was a fire in a portion of the building which is now a concrete pad where parking can be.

Barbara asked about the number of units and exits, to which Karmelle responded that there was one unit and two exits. Jeff then asked whether both exits were off the alley, and Karmelle confirmed that they were. Jeff then asked whether the apartment was on the Buhl Drug side, to which George replied that the concrete facing there would be the parking. Barbara then asked whether they would have to walk through the alley to enter the apartment, and both applicants confirmed that they would. Barbara also asked whether all the other spaces in the building were rented out, and Karmelle stated that the front portion of the building was mostly occupied, but some spots in the back could be utilized for other things.

There was a discussion about the businesses housed in the property. Reme sought clarification on whether the unit had been used in the past, and Karmelle stated that it had been used by family. Jeff then asked whether there were utilities in the unit, to which Karmelle responded yes, stating that there was a bathroom, etc., and it was up to code.

STAFF REPORT—Jazmine stated the request was for residential units in a B-1 zone. According to the city code, a CUP needs to be issued for this in a commercial zone, and the applicants' use request is similar to that of Kanaka Café. The estimated year of construction is 1950. Jazmine mentioned that the request is in line with the comprehensive plan and that neighbors within 300 feet have been notified by mail, with a notice also published in the Times-News on March 2, 2024, and a sign posted on the property.

Barbara asked for testimony in favor of this application. None was given.

Barbara asked for testimony in opposition to this application.

- Sherry Dillard of Buhl, stated she was in opposition because the notice didn't have information about the size and number of units proposed. She stated her concern about the formatting of the notices and requested more information to be on future notices.
 - Barbara stated that would be something city staff would have to consider.

Barbara invited the applicants to rebut. Karmelle asked for this CUP request to be applied to the whole building to allow future additional units.

Barbara closed the public hearing at 10:47 a.m.

REGULAR MEETING

CONFIRMATION OF QUORUM: Jazmine Mills confirmed a quorum.

OLD BUSINESS:

1. February 21, 2024 Minutes Approval: Reme motioned to approve. Jeff seconded. There was no discussion. All voted in favor. The motion passed.

2. Review and Consideration of Tabled Meeting Procedures: Bob moved to remove the item from the table. Maggie seconded. All voted in favor. The motion passed. Barbara gave a brief background about the last meeting's discussion regarding the meeting schedule. Jazmine stated the tabled item was about limiting public comment to only residents of Buhl. Reme summarized the Twin Falls County's and the city attorney's statements about public comment.

Reme moved to approve all public comments despite residency. Jeff clarified that the limitation of public comment at the County may have been during an appeals process, and stated that he forwarded this information to Brent Reinke. Jeff seconded the motion. Jeff added the timing limitation helps manage the meeting. Reme confirmed that he was at an appeal meeting and the comment was only from affected

neighbors within 300'. All voted in favor. The motion passed. As a discussion about meeting times started, Jazmine stated it would be best to discuss this at new business item three (3).

NEW BUSINESS:

1. Review and Consideration of Jeff and Joni Jones' CUP request: Jeff moved to approve the CUP request with conditions—a maximum of 25 children and an issued Certificate of Occupancy signed by appropriate staff. Maggie seconded. There was no discussion. All voted in favor. The motion passed.

2. Review and Consideration of George Nye Jr's CUP request: Bob moved to approve the CUP request as presented. Maggie seconded. Jeff mentioned frequent requests of this type have come up which will make it hard to distinguish between residential and commercial zones. Reme suggested limitations to the motion as issuing a CUP for residential units for the entire building would require rezoning and wouldn't match the commercial area.

There was a discussion on how to proceed with the motion on the floor either by voting or amending, and the potential impact of the existing businesses on the property.

There was a discussion about whether granting a CUP approval for the entire building was appropriate. Bob asked if the application request was for one (1) unit. Reme stated the applicant modified the request and asked for the whole building.

Scott stated the Commission could put a condition limiting the number of units approved. Teresa recommended the Commission put a restriction based on square footage and number of units, and if the applicant wanted to add more units, they'd have to apply again before the Commission. Reme stated a CUP approval for the existing apartment is more appropriate than the whole building. Jeff agreed.

Jason asked Jazmine if a Certificate of Occupancy had been issued, to which she stated no and suggested that the Commission add it as a condition.

There was a roll call vote; Maggie no, Reme no, Bob no, and Jeff no. The motion failed.

Reme moved to approve a CUP for the one (1) unit as it stands with the condition that a Certificate of Occupancy be obtained. Jeff seconded. There was no discussion. There was a roll call vote; Jeff yes, Bob yes, Reme yes, and Maggie yes. The motion passed.

3. Reconsideration of P & Z Meeting Schedule: Jazmine found that the City Code didn't mandate a schedule ordinance for the Planning and Zoning Commission, but only specifies dates and times for City Council meetings. She apologized for any confusion and added that the last meeting's motion to draft an ordinance would have to be rescinded and voted on. Jazmine stated it would be sufficient for the Commission to make a motion declaring their new meeting times.

Jeff moved to rescind the previous motion to create a meeting schedule ordinance. Bob seconded. There was no discussion. All voted in favor. The motion passed.

Barbara stated they've talked about having the Commission meeting at 10:30 a.m. and 6:00 p.m. for a public hearing, if there wasn't a need for a public hearing, that evening meeting wouldn't be scheduled. Jeff moved to have the Commission meetings on the third Wednesday at 10:30 a.m. and schedule public hearings at 6:00 p.m. the same day when needed. Reme seconded. There was no discussion. All voted in favor. The motion passed.

No Commission or Citizen comments were given.

MEETING ADJOURNED — Jeff moved to adjourn. Reme seconded. All voted in favor. The motion passed. The meeting was adjourned at 11:10 a.m.