

CITY OF BUHL PLANNING & ZONING MINUTES

203 BROADWAY AVE N

APRIL 17, 2024 MEETINGS

| <u>PRESENT:</u> | | <u>STAFF:</u> | | <u>APPLICANT(S):</u> |
|------------------------|-------------------|----------------------|-----------------------|-----------------------------|
| Barbara Gietzen | Commission Chair | Scott Bybee | City Engineer | Kevin Parnell |
| Jeff Gabardi | Commission Member | Teresa Robbins | Public Works Clerk | Jackie Parnell |
| Maggie Himmelberger | Commission Member | Jason Scott | Public Works Director | |
| Reme Pullicar | Commission Member | Jazmine Mills | P & Z Administrator | ALSO PRESENT: |
| Bob Vande Water | Commission Member | | | Concerned Citizens |

WORKING SESSION

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

CONFIRMATION OF QUORUM FOR WORKING SESSION: Jazmine Mills confirmed a quorum.

OLD BUSINESS:

1. March 20, 2024 Minutes: Reme moved to approve. Bob seconded. There was no discussion. All voted in favor. The motion passed.

NEW BUSINESS:

1. Staff presentation of Kevin Parnell’s Rezone Application: Jazmine informed the Commission about a rezone application made by Kevin Parnell to change the zone from R-6 to B-3 on his property located between Parnell and Old Farm Rd. There was a discussion about the Commission’s action being dependent on the zone and not the use. The Commission requested future staff reports to contain the proposed use if the applicant discloses it. There was further discussion about the uses allowed in a B-3 zone and how permissive it is with commercial uses.

2. CUP Question Clarification: Jazmine clarified the public hearing held on March 20th regarding the request for a Conditional Use Permit (CUP) for the Nyes. Initially, the application was for two residential units. However, during the hearing, the applicant changed their request and proposed to have a CUP for the entire building. This modification made the CUP unsuitable, and the staff would have suggested rezoning if this use had been proposed before the CUP was published. The Nye building is in a B-1 commercial zone, and the City code allows only a single-family dwelling with a CUP. Therefore, a CUP for the entire building would not apply. On the other hand, the daycare building was already located in the appropriate zoning district for the proposed use, and only a CUP was required to comply with the city code. Barbara asked for clarification on the schedule of uses “dwelling units”. Jazmine stated she’ll research it.

3. AOI Agreement Update: Jazmine reported on two meetings held by the Twin Falls County (TFC) Planning and Zoning Commission that she and the city clerk attended. On April 9, 2024, at noon, the TFC P&Z Commission heard the staff presentation about the AOI Agreement and raised concerns about the size of the area of impact and the city's ability to provide services to annexed properties. On April 11, 2024, the TFC P&Z Commission heard Buhl city staff testimony, commended the City of Buhl for its clear AOI borders and accommodations for future growth, and recommended approval of the Twin Falls County Amendment with the City of Buhl Area of Impact Agreement and Zoning Map to the Board of County Commissioners at 11:00 p.m. A public hearing before the County Commissioners regarding this is scheduled for May 2024. There was a discussion about the smooth, working relationship between city and county staff.

MEETING ADJOURNED— Barbara adjourned the meeting until 6:00 p.m. for the public hearing.

PUBLIC HEARING SESSION

OPENING—The meeting was called to order at 6:00 p.m.

CONFIRMATION OF QUORUM FOR PUBLIC HEARING(S): Jazmine Mills confirmed a quorum.

PUBLIC HEARING #1—Barbara invited the applicant to make a statement. Jackie Parnell of Buhl stated she'd speak for her father, Kevin Parnell. She stated they are proposing a rezone for storage units measuring 34' x 200' in the center of the lot with a 25' wide gravel lane around it. She stated the property parcel is too long and narrow for the construction of residential homes. Jackie noted the difficulty of keeping the parcel clean because of weeds and people dumping on the bare lot. She added the need for storage units in Buhl since the majority are full.

Commission members asked about the specs of the proposed storage units. Jackie confirmed the 25' wide lane on the lot would be enough for the fire department, transit lighting would be used, solar lighting and solar security cameras would be installed, and that there would be a security gate with a keypad code per client.

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

Barbara asked for testimony in opposition to this application.

- Scott Blue from Buhl expressed his opposition to the proposal. He mentioned he lives near the retention pond and purchased his home in that neighborhood specifically because of the rural and quiet setting. His concerns were: lighting shining into his backyard, access at all hours of the night, a storage unit being located directly behind his backyard, and the increased traffic leading to his dogs barking more frequently. Scott stated the area is better suited for residential use rather than commercial use for storage units. He showed the Commission his property, tree location, and cleanup using the maps displayed on the Mondo board.
- Autumn Jones of Buhl, expressed her opposition to the rezoning request at this time. She commended the Commission for their thorough concern and consideration during their morning session. Autumn stated her concern that the approval of the rezone may open the door for other commercial uses that are not compatible with the residential area.

Barbara invited the applicant to rebut. Using the Mondo board maps, Jackie showed the Commission the location of other commercial businesses in the area such as Falconhurst Dairy building, and a storage unit on Barsness Ave. She stated the Comprehensive Plan encourages economic development where existing commercial businesses are located and she felt this met that goal.

Jeff asked Jackie how this proposal would promote the health and safety of the community. She stated the security cameras and gate would be used to keep the area secure for the neighborhood.

A citizen, Marsha Brooks, signed up during the rebuttal period to provide comment, however, it was not about the rezone topic, so Barbara denied her participation.

Barbara closed the public hearing at 6:20 p.m.

NEW BUSINESS:

1. Review and Consideration of Kevin Parnell's Rezone Request: There was a discussion about the B-3 zone being so broad. Reme stated the difficulty in considering rezones is because approval or denial is not contingent on one use. Barbara stated a Conditional Use Permit at least allows the Commission to impose conditions, however, that can't be done on a rezoning application.

There was a discussion about this proposal to be reviewed by the fire department and potentially tabling the item for further information. It was later discussed the fire department would review the site plan of the proposal upon applying for a building permit.

There was a discussion about using the retention pond for drainage control at the applicant's cost.

Barbara raised concerns about traffic during the day and night at a location, while Maggie pointed out the narrowness of Barsness Ave. Reme noted specific hours of operation like some storage unit places may help. Barbara mentioned that it would be difficult to implement this with the application request.

There was a discussion about the key points of concern being fire access and spot zoning, which out of the two, spot zoning was a larger concern.

Jeff moved to deny the rezoning application, citing that it did not align with the full intent of the Comprehensive Plan at the time. He expressed his concerns about setting a precedent for approving short-term proposals that may lead to other uses that do not align with an R-6 zone. Maggie seconded. Reme mentioned that in Boise, some bands have been using storage units as a place to practice. He could see how noise nuisances could increase if a similar thing happened here. There was a roll call vote; Jeff—yes, Bob—yes, Reme—yes, and Maggie—yes. The motion to deny passed.

Barbara informed the applicant that he has the right to appeal the decision to the City Council.

Kevin Parnell asked about the 6th St. Storage units, higher density apartments, and what uses he could bring at this parcel with a CUP because of the property tax expenses on this bare ground. Jazmine stated she'd research and get back to him.

COMMISSION CONCERNS—Reme asked what accessory uses meant in the schedule of uses. Jazmine stated there is a section in the city code that describes accessory uses that are permitted on a property that does not require a CUP but has strict standards to apply. She gave the example of home childcare or home-occupied business.

CITIZEN CONCERNS—There were none.

MEETING ADJOURNED— Bob moved to adjourn the meeting at 6:40 p.m. Reme seconded. All voted in favor. The motion passed.