

**CITY OF BUHL PLANNING & ZONING MINUTES**

203 BROADWAY AVE N

**SEPTEMBER 25, 2024 MEETINGS**

<b><u>PRESENT:</u></b>		<b><u>STAFF:</u></b>		<b><u>APPLICANT(S):</u></b>
Barbara Gietzen	Commission Chair	Karen Drown	City Clerk	Kurt Mason
Jeff Gabardi	Commission Member	Teresa Robbins	Public Works Clerk	Ryan Bowden
Maggie Himmelberger	Commission Member	Jason Scott	Public Works Director	
Reme Pullicar	Commission Member	Jazmine Mills	P & Z Administrator	<b><u>ALSO PRESENT:</u></b>
Bob Vande Water	Commission Member			Concerned Citizens

**WORKING SESSION**

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**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. June 19, 2024 Minutes: Bob moved to approve. Maggie seconded. There was no discussion. All voted in favor. The motion passed.
2. August 21, 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 Zoning Code Amendment: Jazmine informed the Commission about Kurt Mason’s request to amend the zoning code to allow RV and boat storage as a permitted use in a B-3 zone. She noted that this zone is the most permissive. Jazmine added that the applicant wishes to purchase a property located in the area of impact and presented his idea to the County, which was rejected because the specific use was not listed in the Buhl City code land use chart. The staff recommends that this use be allowed with a conditional use permit.

As Reme referred to the Kimberly code that was provided, he asked if the B-3 zone allowed storage. Jazmine stated the current code allows for stick-built mini-storage. Jazmine presented Kurt Mason’s site map for the proposed storage facility and emphasized that the code amendment is not site-specific. She mentioned that other cities’ code outlines specific design standards for storage facilities.

The Commission reviewed properties that are zoned B-3 in Buhl city limits and area of impact, and discussed this specific request falling under the County’s jurisdiction, with the City having an advisory role.

2. Staff presentation of Ryan Bowden’s Rezone Application: Jazmine explained that the initial request for a conditional use permit was found to be invalid after attorney review. The applicant is now seeking to rezone the property at 703 Locust St from R-6 to R-16. This is because the Buhl City Code only allows a duplex in an R-6 zone, and the applicant wants to convert the property into 6 units. Jazmine clarified that the Commission can approve or deny the rezone, but the decision cannot be based on the proposed use, rather, the rezone application must align with the City Comprehensive Plan and benefit the community as a whole, while ensuring that public facilities are easily accessible. Jazmine also provided examples of properties that are already zoned R-16.

There was a discussion about the property footprint, parking, and infrastructure capacity. Reme noted that there are pockets of R-16 properties throughout the City.

**RECESS** — Jeff moved for a recess until 6:00 p.m. Reme seconded. All voted in favor at 10:54 a.m.

**PUBLIC HEARING SESSION**

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**RECONVENE**—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. Kurt Mason from Hagerman, ID expressed his interest in buying a commercial property in the Buhl area. He has been approached by several people asking to use his food processing facility land for storage, which he is unable to permit. He presented the site plans for the proposed storage facility, potential additions, the types of enclosures, and the shared driveway agreement with the seller.

There was a discussion about the specific design, the enclosed structures around the perimeter, the types of items, and an estimated project cost of \$4 million.

Reme clarified that this specific request has prompted the need to amend the city code and that the consideration is for all B-3 areas.

Barbara requested Jazmine to summarize her staff report. Jazmine did so and emphasized the staff's recommendation to allow the use with a conditional use permit. She mentioned that surrounding cities have similar uses and requirements. She stated that the Commission could either approve as-is, approve with modification, table the decision for later, or deny the request.

Marvin Probasco stood up and asked Barbara when he could speak and that he was neither for nor against it. She told him at the testimony portion.

Barbara requested testimony in support or opposition to this application; none was provided.

Barbara invited Marvin to the podium.

- Marvin Probasco of Buhl stated that his property is above the one the applicant is interested in purchasing. His concerns were why this wasn't in the code before and who would have full control over this building project.

Barbara closed the public hearing #1 at 6:15 p.m.

**PUBLIC HEARING #2**—Barbara invited the applicant to make a statement. Ryan Bowden of Buhl stated the property at 703 Locust St is currently zoned R-6 and that Buhl's code doesn't allow for higher density like other areas. He added that he understands the parking concern, and highlighted the city-owned gravel area by football field, 5 spots on Locust, 3 spots on 7<sup>th</sup>, and 3 in the alley. He will do everything to bring the units up to code and proper egress.

There was a discussion about the configuration of the units.

Maggie asked the applicant if parking could be provided on the property because football games attract a lot of people. Ryan was unsure about the locations of the utility lines on the property for creating a parking area. He mentioned that the original plan was to convert the church into 5 units, but he might consider 4 units instead due to the existing 4 doors.

Barbara requested testimony in support of this application; none was provided.

Barbara asked Jazmine to summarize her staff report. Jazmine did so and highlighted that the rezoning application is to change the property from R-6 to R-16. She stressed that the approval or denial should not be based on a specific use. Jazmine also explained the conditional use publication notice and stated that the rezoning request complies with the city's comprehensive plan.

Barbara requested testimony in opposition to this application; none was provided.

Barbara requested neutral testimony for this application.

- Jeff Margulieux of Buhl expressed neutrality towards the application but emphasized the bad taste the community has about rezoning due to a previous applicant regarding this property. He acknowledged the need for regular housing but raised concerns about parking and visibility issues, especially for child pedestrians. He noted the impact of the church attendees' parking on Sundays and Wednesdays but was concerned about daily on-street parking from tenants in an area with visibility issues. He urged the Commission to redefine what R-16 zoning is in the city code.

- Bill Chisholm of Buhl mentioned that he lives next to a four-unit property. He inquired why the applicant couldn't apply for a lot split instead of rezoning the entire property from R-6 to R-16, which would open the door to other options. He expressed his support for more housing in the city but was concerned about changing the code.
- Cindy Bell of Buhl shares a property line with the church. As a local kindergarten teacher, she's concerned about child safety due to frequent kid traffic in the gravel area and on the street. She supports housing for families but worries about parking issues, as she rarely gets to park in front of her own house due to football and other events held in her neighborhood. She expressed deep concern about the rezoning due to a previous applicant's proposal and her wish to preserve the family-oriented neighborhood.
- Sandy Gleason of Buhl stated her agreement to the previous testimony. Her main concern is future uses of this property if it is rezoned. She does not want to see 80 people in one area.

Barbara closed the public hearing #1 at 6:20 p.m.

**NEW BUSINESS:**

1. Review and Consideration of the Zoning Code Amendment Request:

Barbara doesn't want the use to be solely permitted; she prefers it to be conditional. Reme suggested adding code language to specify what is permitted. Jeff thinks it's a good time to make it a permitted use with additional restrictions.

The pros and cons of having the use be permitted or conditionally permitted, the options on how to enforce this use, and the wording were discussed.

Reme moved that the zoning amendment for RV and Boat Storage facilities be a conditionally permitted use in the B-3 zone. Jeff seconded. There was a roll call vote; Maggie—yes, Reme—yes, Bob—yes, Jeff—yes. The motion passed.

2. Review and Consideration of Ryan Bowden's Rezone Request:

Remy thanked the citizens for their testimony and expressed confidence in future applications to ensure compatible uses for the area. He expressed support for the proposed residential zoning request for up to 5 families. Karen emphasized the need for citizen input in comprehensive plan discussions and invited the audience to attend meetings to help redefine the code.

Barbara and Maggie are concerned about parking in the old part of town. Jason Scott suggested creating a curb cut, one-way diagonal parking, and implementing one entrance and one exit for off-street parking. There was also a discussion about painting the curb red to push parking back.

The property's size was discussed, and it was determined that it cannot be split to meet the minimum lot size standards outlined in Buhl City Code 9-9-1.

The meeting also covered the minimum dwelling sizes for single-family homes and duplex sections, as well as the restrictions on the number of units allowed in an R-16 zone.

Bob moved to recommend approval for Ryan Bowden's rezone request. Reme seconded. There was no discussion. There was a roll call vote; Jeff—yes, Bob—yes, Reme—yes, Maggie—yes. The motion passed.

**COMMISSION CONCERNS** — There were none.

**CITIZEN CONCERNS** — There were none.

**MEETING ADJOURNED** — Reme moved to adjourn. Jeff seconded. All voted in favor. The meeting was adjourned at 7:09 p.m.