

Buhl Planning & Zoning

FEBRUARY 16, 2022

203 Broadway Ave N

MINUTES

COMMISSIONERS PRESENT:

Barbara Gietzen	Commission President
Jeannie Gannon	Commission Member
Gary Dannenhauer	Commission Member
Margaret Himmelberger	Commission Member

CITY STAFF PRESENT:

Scott Bybee	P & Z Administrator
Teresa Robbins	Public Works Clerk
Karen Drown	City Clerk
Jazmine Mills	Assistant Clerk

ALSO PRESENT:

Brian Ratzlaff	Applicant
Kurt Pierson	Applicant
Priscilla Martens	Applicant

Concerned Citizens

OPENING

The meeting was called to order at 10:31 AM.

CONFIRMATION OF QUORUM for Public Hearing:

Scott Bybee confirmed a quorum.

PUBLIC HEARING #1

Barbara Gietzen asked the applicant to make a statement. Brian Ratzlaff stated that Ratzlaff Farms is requesting the annexation of their 50.84-acre property. They would like to develop 30.8-acres into single family homes, duplexes, fourplexes, green space, and an event center for the community. The development properties are to match the high-end quality as that of Sage Crest Assisted Living. The remaining 20.04-acres would stay as the current hay sheds.

STAFF REPORT

Scott Bybee confirmed that the application for annexation met all the requirements for a complete application and all fees were paid. The request is to annex the 50.84-acre property into city limits. He strongly stated that this application is only for the annexation request and not the approval of the development of the 30.8-acres. To have approval of development, a subdivision process must be applied for, along with conditional use permits for the proposed event center, and rezones to allow multiplex units. Infrastructure and conditions can be determined upon those application submissions.

Barbara Gietzen asked if there were any testimony in support of the application.

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- Jacob Speck stated that he is in favor of the annexation to allow future subdivisions. He stated that housing is needed in Buhl. His only concern is that Fair Ave/1500 E is a highly trafficked road and the mud or dirt that is tracked onto the road from the hay sheds can be severe. He stated that gravel will help that situation.

Barbara Gietzen asked if there was any testimony in opposition of the application.

- Nancy Terrell stated that she is opposed to the annexation application. She is concerned about the type of neighbor Ratzlaff Farms has been while conducting business out of the hay sheds. She is concerned about the high volume of mud, dust, and weeds at the hay sheds that could set the standard for the future neighborhoods. She asked if the neighborhoods will be open to the community or are they only reserved for members of his church.

Barbara Gietzen opened up the discussion for rebuttal.

- Brian Ratzlaff stated that the hay sheds are still under the building process and mud/dirt/weeds occur during that phase. He can assure that once this project is finished, landscaping and fencing around the hay shed business will be up to the standard of his personal home. The future neighborhood will be open to anybody.

Barbara Gietzen closed Public Hearing #1 at 10:47 AM.

CONFIRMATION OF QUORUM for Public Hearing:

Scott Bybee confirmed a quorum.

PUBLIC HEARING #2

Barbara Gietzen asked the applicant to make a statement. Kurt Pierson, the owner of The Kanaka Bistro, stated the back warehouse was converted into a 650-700 sq ft studio apartment in 2019. The permits required to do so were issued, approved, and everything is up to code. Parking space for 3-4 vehicles is in the back part of the property. Due to the rise in food costs, he would like to use the apartment as a rental and/or Airbnb. He believes that this will bring more people into the downtown area to enjoy the neighboring businesses.

STAFF REPORT

Scott Bybee confirmed that the application for the Conditional Use Permit to allow a residence in a B-1 zone met all the requirements for a complete application and all fees were paid. He stated the apartment was previously used by a family member who helped at the business. City code allows that under a home occupation permit. Circumstances changed and the relative can no longer occupy the apartment. To allow non-family use of the apartment, code requires a Conditional Use Permit to be applied for.

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Barbara Gietzen asked if there were any testimony in support of the application.

- Darlene Rutherford is speaking in behalf of her mother, Dolores Clark, who lives in the upstairs apartment of a downtown business she used to run. Darlene stated that they are both in favor of the Conditional Use Permit application for Kanaka Bistro's rental apartment. Darlene is concerned about available parking in the downtown area and the habitual alley parking that others do near her mother's home. She is glad that this apartment has space for the tenant's vehicle(s) in the back of the property.

Barbara Gietzen asked if there was any testimony in opposition of the application. There was none.

Barbara Gietzen opened up the discussion for rebuttal. There was none.

Barbara Gietzen closed Public Hearing #2 at 10:52 AM.

CONFIRMATION OF QUORUM for Public Hearing:

Scott Bybee confirmed a quorum.

PUBLIC HEARING #3

Barbara Gietzen asked the applicant to make a statement. Priscilla Martens is the President for the Buhl Family Network and stated that they are a non-profit organization with the mission to strengthen families in the community. The program runs the thrift store at 1118 Main St, which has insufficient space to conduct additional community programs. The Buhl Family Network would like to purchase 1011 Main St to expand. The first Conditional Use Permit application is for the use of the apartment in the second floor of 1011 Main St. There is access to the second floor through ramp and a lift. The second Conditional Use Permit application is to use the main level of 1011 Main St as a family center and bakery. It will also be used to host programs that help the most vulnerable of our community. Possibly have a recycling and upcycling program that provides work experience for such members.

STAFF REPORT

Scott Bybee confirmed that the application for the Conditional Use Permit to allow a residence in a B-1 zone met all the requirements for a complete application and all fees were paid. He stated that the Planning & Zoning Administrative office and Fire Department met with the applicant to discuss the needs of this building to be operational for their proposed uses. To allow non-family use of the apartment, code requires a Conditional Use Permit to be applied for. He stated that this hearing is to consider the Dwelling, single family unit on the second floor of 1011 Main St.

Barbara Gietzen asked if there were any testimony in support of the application.

- Randy Rutherford stated that he is in favor of the Conditional Use Permit application to allow the use of the upstairs dwelling at 1011 Main St. His concerns were unattended

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buildings that lead to severe disrepair, unauthorized occupants, and/or becoming a huge pigeon coop. Having this building occupied will be a good idea for the downtown area.

- Nancy Terrell stated that she is in favor of the Conditional Use Permit to allow the use of the upstairs dwelling at 1011 Main St. She has worked at the Buhl Family Network's thrift store. She praised the transformation the program has done to the 1118 Main St building and Priscilla's diligence in acquiring grants. She believes that the Buhl Family Network will be an asset to the community and will bring same standard to the 1011 Main St building.
- Seth Phillips of CPR Physical Therapy stated that he is in favor of both conditional use permit applications the Buhl Family Network is applying for. He stated that it is a great thing to see older buildings be cleaned up and being put to use. His concerns were parking for his outpatient clientele, hours of operation, and noise level.
- Darlene Rutherford stated that she is in favor of

Barbara Gietzen closed Public Hearing #3 at 11:04 AM.

CONFIRMATION OF QUORUM for Public Hearing:

Scott Bybee confirmed a quorum.

PUBLIC HEARING #4

Barbara Gietzen asked the applicant to make a statement. Priscilla Martens, President for the Buhl Family Network, stated that they would like to use the main level of 1011 Main St as a family center and bakery. This will help individuals with developmental disabilities gain skills at the programs hosted there. Regarding parking, she assured that staff will be informed to not block access to the surrounding businesses. Loading and unloading will occur in the back of the building where the overhead door is located.

STAFF REPORT

Scott Bybee confirmed that the application for the Conditional Use Permit to allow the main floor of 1011 Main St be used as a Family Center in a B-1 zone met all the requirements for a complete application and all fees were paid. He stated the Fire Department does have occupancy restrictions that will be needed to be posted. As for the parking issue, some research will have to be done with the Public Works Director, Regie Finney, whether a loading zone or additional handicap space could be provided for CPR Physical Therapy.

Barbara Gietzen asked if there were any testimony in support of the application. There was none.

Barbara Gietzen asked if there was any testimony in opposition of the application. There was none.

Barbara Gietzen closed Public Hearing #4 at 11:09 AM.

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REGULAR MEETING

CONFIRMATION OF QUORUM:

Scott Bybee confirmed a quorum.

OLD BUSINESS:

Minutes of January 19, 2022: Jeannie Gannon moved to approve the minutes; Gary Dannenhauer seconded the motion. There was no discussion; the motion passed.

NEW BUSINESS:

Public Hearing #1: Consideration of request by Brian Ratzlaff for annexation of 50.84-acre property to allow for development of 30.8 acres and leave remaining as agricultural use.

Jeannie Gannon moved to approve the request for annexation; Margaret Himmelberger seconded the motion. There was questions and discussion about the benefits of annexation. Scott Bybee explained that the benefits are: city infrastructure expansion, tax income, additional housing, and future growth. The motion passed unanimously.

Public Hearing #2: Consideration of request by Kurt Pierson/The Kanaka Bistro for a Conditional Use Permit to allow a residence at their property 125 Broadway Ave S.

Jeannie Gannon moved to approve the Conditional Use Permit for the rental/Airbnb apartment at The Kanaka Bistro; Gary Dannenhauer seconded the motion. There was no discussion; the motion passed unanimously.

Public Hearing #3: Consideration of request for a Conditional Use Permit by Priscilla Martens/Buhl Family Network to allow a Dwelling, single-family unit on second floor of building in a B-1 zone at 1011 Main St. Jeannie Gannon moved to approve a single-family unit on the second floor with conditions/restrictions provided by the Buhl Fire Department; Margaret Himmelberger seconded the motion. There was discussion about the benefits of having people occupying the downtown buildings. The motion passed unanimously.

Public Hearing #4: Consideration request for a Conditional Use Permit by Priscilla Martens/Buhl Family Network to allow a Family Center the main floor of a B-1 zone at 1011 Main St. Gary Dannenhauer moved to approve the Conditional Use Permit for a Family Center at 1011 Main St with conditions/restrictions provided by the Fire Department; Jeannie Gannon seconded the motion. There was discussion about the types of programs Buhl Family Network will provide at the location, hours of operation, and parking. The motion passed unanimously.

Action Item: Consideration of Jeff Gabardi to be a member of the Planning & Zoning Board. Margaret Himmelberger moved to approve Jeff Gabardi; Jeannie Gannon seconded the motion. There was no discussion; the motion passed.

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COMMISSION CONCERNS—There were none.

CITIZEN CONCERNS—There were none.

MEETING ADJOURNED

Margaret Himmelberger moved that the meeting be adjourned; Jeannie Gannon seconded the motion and all were in favor. The meeting was adjourned at 11:40 AM.

Minutes prepared by Jazmine Mills, Assistant Clerk