

December 2, 2014

7:00 p.m.

Planning Department  
Council Chambers

**MEMBERS PRESENT:** Commissioners George Swaney, Brent Dixon, George Morrison, Kurt Karst, James Wyatt, Natalie Black, Margaret Wimborne, Donna Cosgrove, and Darren Josephson.

**MEMBERS ABSENT:** None.

**ALSO PRESENT:** Planning Director Brad Cramer, Assistant Planning Director Kerry Beutler, and interested citizens.

**CALL TO ORDER:** Chair Swaney called the meeting to order at 7:00 p.m. and reviewed the public hearing process.

**Thank You to Karst:** After 21 years of service on the Planning Commission, Kurt Karst is “retiring”. The Planning Commission presented him with a plaque to show their gratitude to him for the years of service.

**Minutes:** Minor changes were requested to be made to the minutes, including typographical errors. **Morrison moved to approve the minutes of November 5, 2014 with requested changes. Black seconded the motion and it passed unanimously.**

**Public Hearings:**

**Annexation of 3.407 Acres with Initial Zoning of R-1 and Final Plat: Bristol Heights, Division No. 6.** Cramer presented the staff report, a part of the record. Cosgrove asked if a variance is needed, as the longest block in the Plat is 350 feet. Cramer indicated that where it is connected to the south and east, that issue is resolved. Cosgrove also asked about emergency access. Cramer pointed out three emergency access points, one from a major road to the west, and two connecting streets from the adjacent subdivision to the east. Cosgrove clarified and Cramer agreed that they are expecting a full build out. Cramer further indicated that the aerial photo is out of date and most of the homes on the southern end have been built. Dixon asked about the need for a temporary road, such as a gravel path for emergency purposes, between the end and the current stub of Talladega until development continues over and connects with Talladega. Cramer indicated that the street is built. Cramer further indicated that per the fire code there is no need for the secondary access until you exceed 30 dwelling units.

Swaney opened the Public Hearing.

**Fred Wallen, 645 Lincoln Dr., Idaho Falls, ID 83401.** Applicant Wallen offered to answer any questions the Commissioners had. No questions were posed to Wallen.

Swaney closed the Public Hearing.

**Cosgrove moved to recommend to the Mayor and City Council Annexation of 3.407 Acres with Initial Zoning of R-1 and approval of the Final Plat for Bristol Heights, Division No. 6. Morrison seconded the motion and it passed unanimously.**

**Annexation prior to Platting of 1.887 Acres with Initial Zoning of R-1.** Cramer presented the staff report, a part of the record. Dixon questioned the annexation of the canal, as it is on the edge and can either be left in the County or annexed into the City, but it is contiguous to the City. Cramer indicated that the canals have become more important in the City's view, as not too long ago there was a County development that was contiguous to the City, but was separated by a canal. The County's opinion was there were portions of that canal that were privately owned and so they did not consider that property contiguous and allowed industrial development next to single family residential. Although it is the opinion of the City that you can annex across a canal, it is now the opinion of the City that it is best to annex the canal when possible so there is no question about contiguity.

Swaney opened the Public Hearing.

**Fred Wallen, 645 Lincoln Dr., Idaho Falls, ID 83401.** Applicant Wallen stated his understanding is the owner of the property was contacted by the County because the west line of the canal is the center of the section and so all the privately owned parcels in that half of the section were already developed and annexed to the City, and the County did not like having a tiny strip still on their rolls. Additionally, the square parcel had similar reasoning as it is a County parcel that is cut off from the rest of the County property and as such the County asked the owner to clean it up.

Swaney closed the Public Hearing.

**Wimborne moved to recommend to the Mayor and City Council Annexation prior to platting of 1.887 Acres with Initial Zoning of R-1. Karst seconded the motion and it passed unanimously.**

**Preliminary Plat.** Beutler presented the staff report, a part of the record. Wimborne asked what the purpose of the cul-de-sac is. Beutler indicated that there is a cul-de-sac so there is an opportunity for turn around and emergency access. Wimborne asked why the applicant is asking to vacate only a part of Nevada, rather than all of Nevada to Denver. Beutler indicated that if you vacated the whole street, the parcels to the north would lose access. Morrison asked who owns Nevada Street. Beutler indicated that Nevada is a dedicated public street. Morrison asked how a business takes over a street as part of their business. Beutler indicated that the business owner would have to go to the City Council and request the vacation of the road. The City Council would hold a public hearing to determine if there is still public interest in maintaining that right of way, and if the City Council determined that there wasn't interest in the street, the City Council could then vacate the street. The ownership of the property (street) would then go to the adjacent property owners once the street was vacated. Cosgrove asked if the City has plans to improve Utah, as it appears that the majority of the complaints received for this meeting were regarding the management of Utah and not the vacation of Nevada. Beutler indicated that he is not aware of any plans for improvements along Utah. Black asked if the City Engineers agreed with the findings of the Traffic Study. Beutler indicated that it is his understanding the City Engineer has reviewed the traffic study and concurs with the findings. Dixon asked if Seattle Street ever went between Nevada and Utah as it appears there are lots that do not have access to a road. Beutler indicated that it appears that it did by looking at parcel boundaries.

Swaney opened the Public Hearing.

**Jeff Frieberg, 946 Oxbow Lane, Idaho Falls, ID 83401.** Applicant Frieberg addressed the previously posed question on the cul-de-sac location. Frieberg indicated that initially it was contemplated to vacate Nevada all the way to Denver, but Applicant lacked the support of all the property owners on the east side of Nevada. Frieberg indicated that the portion of Seattle that was mentioned by Dixon was vacated years ago. Frieberg indicated that he does not have the actual tabulation on the traffic study, but he sat out and counted the cars for the morning of the traffic study, and the cars at the intersection of Nevada and Broadway were minimal at the peak hour a.m. and peak hour p.m., as most traffic is directed to the traffic signal at Utah and Broadway. Frieberg provided that this application is in line with the City's Comprehensive Plan. Frieberg stated that the public continues to tell the City at participation events, that they are concerned about the appearance of entrance ways into the City, especially entrance ways at I-15. This project will continue to improve the appearance of the east side of I-15, Exit 118, by installing landscaping along the frontage of the parcel. The Comprehensive Plan indicates that the street cross section should be revised to encourage greening of arterial and collector streets and this project as proposed will comply with that portion of the Comprehensive Plan. The Comprehensive Plan also indicates that the access to commercial property shall be designed to minimize its disruptive effects on traffic flow and this project, as proposed, will eliminate a street intersection. The Comprehensive Plan also states that arterial streets are designed for the movement of traffic through and across the community at higher speeds and this project, as proposed, helps that portion of the Plan. According to the BMPO Access Management Plan, Broadway is classified as a principal arterial, and the Plan recommends 660 feet separation between intersections. Currently there is 200 feet between Nevada Street and Utah Street and 300 feet between Utah and Lindsey. The Nevada/Utah spacing does not even meet the minimum requirements for a residential collector, which is 300 feet separation between intersections. This project is in line with the objectives of the Idaho Falls Redevelopment Agency and the Snake River Urban Renewal Project to improve blighted areas of the City. This project accomplishes this by removing the old Broadway Ford used car facility and improving the appearance of Broadway Ave. This project will meet the landscape requirements for the HC-1 Zone by providing a 20 foot landscape buffer and trees at 40 foot on center along Broadway, where currently there is no landscaping buffer along the north side of Broadway. The elimination and vacation of Nevada Street will decrease the number of streets for Public Works to maintain, plow and/or sweep. This project improves safety in the area, by eliminating an unprotected left turn at the intersection of Nevada and Broadway. There is precedent for this type of a project as ITD has eliminated many at grade intersections along US-20 in the continuing construction of the Diamond interchanges from Idaho Falls to Rexburg. Cosgrove asked about the ability of the transport trucks to turn around. Frieberg indicated that one of the construction projects that was completed with the Broadway Ford remodel is a large 120 foot diameter cul-de-sac located on the end of Denver Street, which would be adequate for any large truck or vehicle that would need a turn-around opportunity. Cosgrove asked if that would include the complaint from Commercial Tire. Frieberg indicated that Denver Street is a nice improved street with the big cul-de-sac. Cosgrove asked about transport trucks delivering cars to the dealership. Frieberg indicated that transport trucks delivering cars, after this project is completed, will be directed to the back of Broadway Ford. Cosgrove asked if it is a projected number or a current number, where the traffic study indicated a 400 foot back up of cars on Utah during the peak traffic periods. Frieberg indicated that is a projected number for 2020. Cosgrove stated that part of this sounds like a management problem at Utah. Frieberg provided that the Traffic Study indicated that as time goes by, that the City will need to look at adjusting the signal timing to change the cueing of cars during peak hours on Utah and Broadway. Josephson asked if this project was considered in the original design of the reconstructed facility and if so, why is it only now being brought up, after construction has already occurred. Frieberg indicated that it was not considered in the original design. When the project began, the main objective was to eliminate the portion of Seattle (that has now been vacated). Once the project got moving and Broadway Ford's situation was studied more carefully, it was understood that Broadway Ford wanted more street frontage and that is when the discussion came on for approaching the

City for vacation of Nevada Street. Wimborne asked if there is access to Broadway Ford from the cul-de-sac or is it purely for turn-around purposes. Frieberg indicated there will be driveway cuts for access to Broadway Ford, as well as water, sewer and storm drains in this street. Black asked and Frieberg agreed, that the section that is to be vacated is to be more of a display area for Broadway Ford. Black asked if the landscaping would be on that portion (vacated Nevada Street) as well. Frieberg indicated that the landscape strip will be 20 foot landscaping with 40 foot trees on center all the way down to the property line. Cosgrove asked who owns the parked cars depicted in the photos that staff presented. Frieberg indicated that the cars shown in the photos are cars that are in a staging area for the Broadway Ford service department as well as employee vehicles from Broadway Ford. The new plan would resolve the problem of parking on streets, as all Broadway Ford employee parking would be on the new Broadway Ford site. Wimborne asked how far from Utah the new access to Broadway Ford is located. Frieberg stated that it is approximately 500 feet. The applicant has moved the access as far west as possible without getting into the rail road property.

Swaney asked staff if the Commission's decision on this preliminary plat, whether it be approval or denial, has any impact on the City Council's decision to approve or deny the vacation of Nevada Street, or is it simply an approval or denial of a Preliminary Plat. Beutler indicated that the Commission does not provide a recommendation to the City Council regarding the vacation of Nevada Street. The vacation of Nevada Street is solely a request that would be presented to the City Council. The plan would be that the request for the vacation would accompany a proposed Final Plat. Beutler continued that the issue with this Preliminary Plat is that the configuration is based on whether or not the vacation of Nevada Street occurs. If the vacation of Nevada Street does not occur, the lot would probably just sit in its current state. Karst indicated that he believes that this matter should go before the City Council for a decision on the vacation of Nevada Street prior to coming to the Commission for the approval of the Preliminary and final plat. Karst continued that all of the presentation tonight has been nothing more than a discussion on what to do with the status of Nevada Street. Karst stated that he does not believe there is anything for the Commission to discuss until the vacation issue has been acted upon by the City Council. Beutler stated that the concern would be if the City Council recommended approval of the vacation of Nevada and the street was vacated and would become private property, but the preliminary plat is not in place, then the cul-de-sac would not exist and the street would not function as it should. Karst asked if it is appropriate to discuss as part of the Preliminary Plat, the ramifications of the vacation, or is that also at the City Council level. Beutler indicated it can be part of the discussion as it is part of the Preliminary Plat. Karst indicated that the Preliminary Plat meets the minimum requirements of the City, there is no issue with the way it is being platted. The only question left is whether or not the street would be vacated.

Cramer indicated that the issue is Nevada, which is why you have a Preliminary Plat. A Preliminary Plat is required when you have changes in road patterns or lot configurations. So the Commission will hear arguments about Nevada, and that is appropriate for the Preliminary Plat because that is a planning question. Should this road be closed, does it make sense in terms of planning and access management and there are still points to the Preliminary Plat that make sense for the Commission to consider in terms of whether or not to approve this design. The Commission has several options to consider. You could, after hearing public testimony, table the item until staff can talk to legal about the appropriate timing; or if you believe it is an appropriate move, you can approve the Preliminary Plat, contingent upon vacation of the roadway; or you can deny the preliminary plat. It is ok for the Commission to consider what is happening with Nevada as it is a planning question proposed by this Plat. Karst asked who is benefited by this project (the vacation of Nevada and installation of cul-de-sac), other than Broadway Ford. Cosgrove indicated that staff earlier pointed out the benefit of lessening congestion near Utah and not having the intersection so close to the Utah intersection. Cramer indicated that in terms of individual property owners, this does not benefit anyone else. However, in terms of access management and more attractive

entry to the City there are some upsides from the City standpoint. Cosgrove stated that the bottom line is, this is an old part of the City that is trying to rehab itself and she believes there is an upside to eliminating Nevada, although she is not arguing for or against said vacation of Nevada.

Cramer stated that the traffic counts, during the traffic study, on Nevada for a.m. peak was 27 trips; p.m. peak was 28 trips. A.M. peak covers 7:00 a.m. – 9:00 a.m. and P.M. peak covers 4:00 p.m. – 6:00 p.m. Karst asked how those peak periods are determined in traffic studies. Cramer indicated that it is a standard time frame used by the Institute of Transportation Engineers. Cramer continued to state that generally the focus is on the p.m. peak because the adjacent roadways will be the busiest. Morrison stated that this is a business area with deliveries and trucks going in and out all day long and as such, peak may vary. Karst indicated, in response to Morrison, that if the varied peak times for the businesses using this area were during the lower traffic counts on Broadway, that the potentially higher traffic count at an odd time of day might not impact Broadway as much. Cramer stated that the traffic count for Utah p.m. peak was 816 and the a.m. peak was 574. Cosgrove indicated that does speak to whether or not the existence of Nevada alleviates congestion from Utah at least during Utah's perceived peak hours. Broadway p.m. peak is 3,042 and a.m. peak is 1,866. Black asked with those numbers and all of the letters received about how bad the congestion is on Utah, does the City have plans to adjust or do anything on Utah. Cramer stated that the problem with improving Utah is it is difficult to pick up additional right of way footage to increase road width, as the buildings along Utah were built with zero set back. There is no space to make improvements, short of purchasing and tearing down buildings. Karst stated there is a general traffic problem between the river and freeway, there is really only the one main road, which is Utah. Karst stated that he feels that discussing the vacation of Nevada Avenue is a legitimate discussion from a planning standpoint and he is ready to move forward.

In support:

**Linda Martin, 151 N. Ridge, Idaho Falls, ID 83402.** Martin stated, that we need to remember that this is a redevelopment district and the vacation of Nevada would be an accommodation made. Martin indicated she is a consumer of businesses in this area and uses the light at Utah, Lindsey or River Parkway. Considering that Broadway Ford is in the process of improving this property to the tune of a couple of million dollars, perhaps this is an accommodation that would make sense. If employees and patrons of Broadway Ford figure out that they can go in the front when the new building is finished and the customers can go out the back, or the deliveries can come to the back, and there is already a huge cul-de-sac to help with that aspect, in many respects, the access and safety has already been addressed. Martin stated that it is safer to go to the light. Further Martin added that it does add to the redevelopment and the diversification of the tax base of the property and the City.

**Monte Crnkovich, 980 W. Broadway, Idaho Falls, ID 83402.** Crnkovich indicated that with all the traffic coming out of Utah now, they instruct Broadway Ford's customers to go out the back and onto Lindsey. Crnkovich continued to state that Broadway Ford does approximately 100 service tickets per day and they have trained customers to go out the back and over to Utah or Lindsey and not out the front and onto Nevada. As such, Crnkovich does not anticipate the traffic on Utah increasing that much with the vacation of Nevada. The traffic is already there, it came when Walmart arrived.

**Jeff Freiberg, 946 Oxbow Lane, Idaho Falls, ID.** Freiberg stated that the vacation directly benefits no one but Broadway Ford. The vacation of Seattle, benefited Broadway Ford. The indirect benefits of the vacation of Nevada is public safety and conforming to the policies of the City as far as the Comprehensive Plan, Access Management Plan, and zoning.

In opposition:

**Rocky Deschamps, 690 N. 1100 E Shelley, ID.** (Provided additional documents that have been added to the record.) Deschamps is the Branch Manager for Edge Construction Supply. Deschamps stated he has a loading dock that services a warehouse near the proposed preliminary plat. Deschamps stated his semi's pull down the paved alley and back up to the loading dock. Due to the back up of traffic on Utah, in order to leave the warehouse, the semis have to make a right turn onto Utah and then utilize Nevada to come back out onto Broadway and then head to I-15. The Semis could go back around and come down Lindsay, but the problem with that intersection is Lindsay turns onto Broadway in a right turn only lane, so the semi, once it gets on Broadway has to go across two lanes of traffic to get to the correct lane to continue down Broadway to the Interstate. Most employees park in the back and in the evening they must make a right turn onto Utah, you cannot turn left because traffic is backed up. Employees will also go up, and use Denver to come around and back down Nevada. It would really hurt business and make it difficult for customers coming with long trailers to wait to get back onto Utah turning left, without the use of Nevada. Utah is very busy already and if Crnkovich has 100 service vehicles coming in and out every day, that is a good number right now that are using Nevada that now would possibly be using Utah. Dixon asked why the employees don't turn right out of the back of the property and then turn right on Seattle, right on Lindsay, right on to Broadway, why do they go up an extra block and turn left. Deschamps stated there is no traffic light there. The traffic light at Lindsay takes forever. Dixon asked if there is a right lane only at Lindsay that people can turn right after stopping even though the light is red. Deschamps stated you can, but again, you are going to have to turn right onto Broadway and then immediately transfer to next lane as it is a turn right only lane. Often it is so busy on Broadway you cannot get into that other lane. Cosgrove asked if the giant cul-de-sac alleviates the problem for the delivery trucks. Deschamps stated it does and it doesn't. He stated that there is such a short area before the turn onto Utah and the traffic is usually backed up very far down the road. Cosgrove asked if Deschamps agreed that there were options and people will adapt and that it is an old congested area of the City. Deschamps again stated that the Plan benefits one person and is putting so many other businesses out.

**Steve Wackerli, 1363 N. Holmes, Idaho Falls, ID 83401.** (Submitted letters with map, attached as part of record) Wackerli stated that his family owns many parcels in the area and as such he is representing his family and the employees of Wackerli Auto Center. The map shows 7 buildings identified A-G at 5 different addresses and the majority of them have Utah Ave. issues. When the Wackerli dealership at Broadway and Utah existed even back in the 90's there was not enough parking. They acquired other properties in order to have employee parking that is apart from the public parking. The property purchased at 502 Utah and 480 Utah was mainly used for private parking. Wackerli defined cul-de-sac as no outlet, dead end, restricted use. Wackerli asked if the engineers have done a study of all the effects for all of the accesses for all the land owners and tenants and employees present and future. Wackerli stated that many of the land owners in the area did not get notification as they were beyond the 300 foot requirement and some are tenants and not land owners. Wackerli continued to state that current conditions on Utah are congested as Utah is one of the most heavily traveled commercial roads in town. Between potato trucks, freight trucks, moving trucks, and car traffic vehicles can back up on Utah clear to Chili's, which creates long wait times at the intersection. Wackerli asked who paid for the traffic study, how qualified they were; and if the traffic study was required by the City, why was it only required for 4 hours and then projections given. Wackerli stated that he does not believe it is realistic to state that the traffic now will be the same as in 2020 as stated in the Traffic Study. According to the traffic study it indicates it was done by vacating Nevada Street. Wackerli further stated that his property has been vacant for 6 years and he is intending to move back into the facility again and that will add 40-50 employees, which will change the traffic patterns and traffic count. Wackerli believes the traffic study is very

subjective and saying that there is no impact over the next six years compared to today is unrealistic. The City has already vacated Seattle to benefit one land owner (Broadway Ford). This action has currently created a negative effect on adjacent businesses. Wackerli stated that the City has created a cul-de-sac at the west end of Denver with no outlet. By vacating Nevada, all traffic has to go back to Utah. Closing Nevada is to benefit one land owner (Broadway Ford). Vacating Nevada and creating the cul-de-sac creates another no-outlet and a situation that is unmanageable. Local businesses, employees and customers in the area are forced to redirect their traffic patterns around to Utah. People will find other ways to get around and try to do shortcuts. Many employees and tenants in the area go around and avoid Utah. Public parking in the area is limited. Most employees park on Denver in front of Commercial Tire or on Nevada. There are approximately 30 public parking spots on Nevada for employees and customers at adjacent buildings. By closing half of Nevada, you will eliminate half of the spaces. Many times access to property on the back lot off of Nevada is blocked by either employees or customers of surrounding employers. Closure of Nevada will worsen that problem. Wackerli continued to state that his main building has a small amount of frontage on Broadway, (less than 100 feet). To exit that property you have to make a right turn to get out, then another right turn down Nevada, to go back around to Utah to get where you need to be. UPS requires their drivers to make right hand turns for safety and convenience. By closing Nevada, the next right for that facility would be either to get on I-15 or go to Saturn. There are no other right turns if Nevada is closed. Nevada has been used to unload trucks. Currently under the existing situation, there are car hauling trucks there all the time. Wackerli stated that even in 2009 when he ran an RV business at the location, access out of Utah was a mess. Property at 810 W Broadway has been vacant for 6 years and they cannot get the property rented due to the problem of access getting in and out. If you turn onto Broadway and want to go South or East, you have to cross 3 or 4 lanes of traffic to get where you are going. To travel north on Utah is almost impossible. If Nevada is closed, you would have to go to Famous Dave's, which is also a terrible intersection, cut over to Walmart and then come back over to Utah. Wackerli has not seen any safety studies being done, regarding safety of vehicle traffic, heavy truck traffic, foot traffic, road rage and emergency vehicles. Wackerli asked if there have been any calculations on current property values in the area without the closure, with the closure, future property values if Nevada is closed and future usage of the properties. Broadway Ford has a tremendous amount of frontage on Broadway, Wackerli has very minimal amount. Vacating Seattle benefited Broadway Ford, but by closing Nevada, that allows them more ground and more acreage to function with. Wackerli had a tenant in the back part of the property on Utah and Nevada for about 4 years. That tenant could testify that he always used Nevada because the big trucks would come in with rebar and trailers, down Broadway, through Nevada to unload, and go back out on Nevada to get to the interstate because they could not get out on Utah.

**Wes Wood, 4323 Mason, Ammon, Idaho 83406.** Wood represents the Domino's Pizza Franchise on Broadway. Wood stated he has been operating in Idaho Falls for 26 years and owned the property across from Broadway Ford for 15 years. Wood's drivers use Nevada often. The light to turn left onto Utah is always backed up and so the drivers use Nevada to go across and access all the motels. Wood uses Nevada to go to Commercial Tire, and out to Utah, or access Highway 20 and the northern parts of the City. Wood is in the service business and if they are forced to go to the light it adds 5 minutes to service times. He indicated there are times that the traffic is backed up past where the new Broadway Ford entrance will be. Wood added that you are taking an old part of town and you can't apply new rules to what is already existing. Traffic engineers changed Holmes Avenue and it made 17<sup>th</sup> street worse.

**Dane Watkins, 2242 S. Boulevard, Idaho Falls, ID 83401.** Watkins voiced his concern about Nevada, as he believes it's an important street to the overall progress of this side of the City and this side of the River. Nevada is used a lot at the very top with Commercial Tire. The dealership that has been there about 10 years, and Commercial Tire works a lot with commercial trucks, buses, 5<sup>th</sup> wheel trailers and

long trailers (40ft.). It is a commercial tire shop and they use Nevada to get in and out of the business and on to Broadway. Watkins continued to state that Chili's, Applebee's, and Rad Detail shop use Nevada for the purpose of getting onto Broadway. The area that was closed on Seattle was property that Broadway Ford owned on both sides of the street. However, there is not a land owner or tenant in the area that supports the vacation of Nevada. Everyone is opposed to the vacation to his knowledge. Watkins asked the Commission to look at the big picture, which is, when you go to Broadway and cross the river onto Broadway Bridge, there are 28,000 cars that pass there every day. That is more traffic than anyplace in the City of Idaho Falls and when you put that kind of traffic in this area you have to consider where they are going to go. When you look at Utah Ave., it is the only street that connects all three bridges (John Holes, Broadway and 17<sup>th</sup> Street) that is a lot of traffic on Utah Ave., and it is a major street, and if you close Nevada, it will put more pressure on Broadway and on Utah. If you look at the safety there will be more accidents, it will be harder to get around, it will be harder for employees to park. Watkins believes that Broadway Ford would see an increase in sales by leaving Nevada open. This area is zoned highway commercial, industrial and manufacturing. The whole complex has changed over the last 70 years. The area has changed and been improved, and a lot of things have been positive, but closing Nevada would hurt the majority of businesses and land owners in the area. Dixon asked Watkins if he owned property in the area. Watkins indicated he owns the building for Commercial Tire and his tenants were concerned with the vacation of Nevada.

**Paul Wareing, 1363 N. Holmes, Idaho Falls, ID 83401.** Wareing is a Partner with Steve Wackerli in Wackerli Auto Center. Wareing stated that his business is looking to expand in the area. Nevada is needed in order to expand and improve his business. Many times Wareing has been to that corner of Utah and the road is backed up past any access on Utah. When Wareing goes to Chili's he crosses and goes out Nevada. Some of the trucks that are worked on at Commercial Tire cannot turn around in the cul-de-sac as they are just too big. Broadway Ford is doubling the size of its facility and will probably do twice the business. A 4 hour evaluation of the street with a big chunk closed down does not evaluate what is really going to happen there. What will happen when you put twice as many customers through Broadway service department, they will go out on Utah. Utah is already a problem. Wareing stated he is going to invest millions in the community building new facilities for the Subaru and GMC Cadillac store. But if the street is shut down they will have to look to do it somewhere else, and that just hurts the Wackerli family. The access is needed to have customers. Wareing has bought pickups from Broadway and Nevada is a disaster with how much traffic is already there, and if Broadway Ford is going to double the size and just take it through the same size entrance, it will not work. Nevada has the ability to carry traffic and should not be shut down. In 2 hours 90% of the streets in Idaho Falls, do not carry more than the traffic that was stated in the traffic study on Nevada, but you are not looking to close those streets. Those streets are used to move through town so you do not have to get on the big streets.

**Doug Harmel, 2908 Homestead Lane, Idaho Falls, ID.** Harmel stated that his background is in major project management. Harmel indicated that they try to plan everything out so they know what is going to happen and how it's going to happen and make sure it's a win for everybody. When he was selected to do a study for Fernald which is 400 acre DOE site that was closed out side of Cincinnati that was the exact type of planning that took place for that project. There were business all around it. There were 479 people that owned property adjacent to it. There were a lot of concerns, but ended up cleaning it up and doing a great job. It doesn't work to not plan. It is not good for the tax payer or the business or home owners around. In this case, Harmel asked that people look at this with common sense and logic, and that closing down a road to benefit a use (Broadway Ford), but not the other gainers around it does not make any sense. He's noticed Applebee employees, Chili employees, as well as Commercial Tire employees, park along Nevada. There are times he cannot get out of the gate on the Wackerli complex because of all the cars parked there. If there is a cul-de-sac that is put there, you will not be able to get through it because

there will still be Broadway Ford Employees parking on that cul-de-sac. If you believe the cul-de-sac will be left open in order to service the Wackerli property, it is not going to happen. Many times he has seen people parked in front of the no parking signs.

**Jeff Freiberg, 946 Oxbow Lane, Idaho Falls, ID 83401.** Freiberg indicated that the majority of the testimony given was concerned with the access that they have now. When you close a road down the people that have been using those roads will have to change their habits. For Deschamps, using right turns around to Seattle would benefit him. Traffic signal modifications would be of interest to the City. Everyone here says they use the Nevada access the area, but the traffic studies suggest that there wasn't that much traffic on Nevada. The traffic engineer prepared the study based on the requirements of the City, and it was prepared, reviewed and approved. Freiberg reviewed slides of the improvements through the years at this location. Dixon asked at the time the traffic study was conducted was construction ongoing at Broadway Ford. Freiberg stated that the traffic study was conducted a couple of months ago, and Freiberg does not believe that the construction of the facility had any impact on the traffic study. Freiberg added that in his opinion the traffic that occurred through the traffic study is what it would be during normal business hours and does not believe the study was taken at a point that it would be different than normal times without construction. Karst asked if the traffic counts are taken on several days and then averaged. Freiberg indicated they picked a day during the week and did the count. Cosgrove asked who built the really big cul-de-sac on Denver. Freiberg stated that Broadway Ford paid for the new cul-de-sac. Cosgrove stated that there was planning and forethought in that cul-de-sac to accommodate the needs of the neighborhood. Cosgrove indicated that many of the concerns have been addressed. Freiberg agreed with Cosgrove and stated that Commercial Tire still has access to the back driveway where they do a lot of work as well as access to the front driveway. Freiberg suggested to Watkins that his big trucks either go north to get on Hwy 20 or go to the signal at Utah or Lindsay. Freiberg indicated to Wackerli that people at his building can use the access up the side of his building to the back. For many of the people that use Nevada it will change their driving behavior. The vacation of Nevada is a positive impact for the City especially in regards to the Comprehensive Plan and the Access Management Plan.

Swaney closed the Public Hearing.

Morrison stated that leaving Nevada Street open is not going to inhibit Broadway Ford's business very much, but Morrison believed that the sense of the neighborhood is that they do use the road and it is important to them. Wimborne stated that if you look at the project simply from the Preliminary Plat there are many things that are appealing as it does help improve the entrances to the City with landscaping. Wimborne continued to state that moving the entrance to Broadway Ford away from Utah will help with the congestion, but the issue of vacating Nevada Street is up to the City Council and it is clear that there are some serious issues with Utah. Some of the issues with Utah could be addressed by working on the signals at the intersection of Utah and Broadway and the intersection of Lindsay and Broadway, but the City is going to have to look at those issues as they make that decision and that will be up to the City Council. Dixon indicated that he's heard the light at Lindsay takes forever and really there isn't that much distance on Broadway between Lindsay and Utah and having those lights synchronized is a separate matter that the City can look into, and that might encourage people to use Lindsay and take some of the stress off of Utah. Dixon continued to state that this area is in the middle of redevelopment. The area north of Broadway and west of the railroad has not redeveloped. The area on the southwest side of Broadway and Utah has not redeveloped. There is a large chunk of land on a busy corner and so it seems likely that the area will develop more in the next few years. The construction and redevelopment that Broadway Ford is doing will make the north side start to look better, but until the area west of the railroad tracks redevelops then you really don't have the full effect of improving the entrance way off of the freeway. Dixon stated that he feels that there is a general problem with north/south travel in this area.

Dixon indicated he feels that vacating Nevada is premature at this time until there is additional development in the area, at which time it may make sense to vacate Nevada. Dixon further stated that every property owner in the area, with the exception of a few minor shops is against the vacation of Nevada. Karst commented that there was testimony concerning an improvement in safety if Nevada is vacated, in that it will eliminate left turns from Nevada onto Broadway. Left turns are inherently dangerous, however, if that was a true concern, there would be similar concern for the access in and out of the new Broadway Ford dealership. People will be turning left as they leave the Broadway Ford dealership and turning left as they leave Wackerli's property. Karst stated he appreciates the improvements to the street scape that Broadway Ford is bringing with the project, but does not believe it is a benevolent move, and more a requirement of the City. He does not believe that vacating a 60 foot right of way (which is what Nevada is) is going to be a huge improvement to the street scape along that stretch of road. If Broadway Ford is serious about improving the street scape then they should provide the same landscaping across their property that is east of Nevada, whether Nevada is vacated or not. This entire area has a large chunk of ground that is poorly served by street networks. This issue has been fought with off and on for at least the last 21 years. Karst further stated that any access north off of Broadway into that part of town is valuable even if it only has 28 pm peak trips. The value of Nevada is to local traffic, as it is a convenient shortcut and important to local businesses and those people that utilize it. Cosgrove stated that it is very clear that the local businesses use Nevada to avoid the bottlenecks on Utah. Cosgrove continued to state that it is not the Commission's decision to vacate or not vacate Nevada, but certainly it is intimately tied to the condition that Utah is in. Utah is the real problem in the area and the City has some serious work to do. Cosgrove stated in general she does not have a problem in vacating Nevada, other than Utah does not carry the traffic for the area any more. Karst stated it is not the Commission's call to recommend to the City Council that they do or do not vacate Nevada. Based on the motion that will be presented at this meeting, it will be a recommendation one way or another. If the Motion is to deny the preliminary plat, obviously that implies that the Commission's recommendation is to not vacate Nevada. If the motion is to approve the preliminary plat, then the indication is the Commission supports the vacation. Karst stated that should the City Council decide to vacate Nevada after listening to the transcript of this meeting and holding their own public hearing, then Karst supports the Preliminary Plat as it is presented.

Dixon stated there is a third option and rather than voting for or against the application, the Commission can also vote to table the matter until such time as the City Council resolves the issue of Nevada Ave., at which point in time the action of the Commission would be straight forward. If the City said no to the vacation of Nevada, the application would probably be pulled, and if the City said yes to the vacation of Nevada, then the Plat makes sense. The real decision is whether or not to vacate and that is not in the Commission's power. Cosgrove stated that she agreed with Dixon on tabling the matter. Cosgrove stated that she encouraged all the people in the audience to go to City Council and state their concerns regarding the road planning in the area. Dixon commented that a function of the Commission is to leverage City Council's time by getting the issues out in the open and into the record, and that is a function that has occurred at tonight's meeting. Wimborne agreed with the idea of tabling the matter so as to not have the Commission's decision on the Plat seen as a defacto recommendation on the vacation of Nevada. Swaney indicated that the approach to tabling the motion seems appropriate because the way the preliminary plat is presented it is contingent upon the vacation of the property on Nevada. The determination on the vacation needs to be made first. All people interested in this issue can speak before the City Council and make their case as to whether or not the street should be vacated.

Cosgrove asked staff when the vacation issue would be brought to the City Council. Cramer indicated that normally you would do the right of way vacation in conjunction with the presentation of a Plat. It would

be unusual to vacate right of way without something else in place to show what was going to happen with the vacated property. Cramer stated that he will work out the correct process with the legal department.

**Karst moved to table the matter until such time as City Council has had a chance to deliberate and take action on the request to vacate Nevada Avenue. Cosgrove seconded the motion and it passed unanimously.**

**Business:**

**Final Plat: East Bank Plaza.** Beutler presented the staff report, a part of the record. Cosgrove asked and Beutler confirmed, if you were to overlay the existing plat with the revised Plat, the biggest difference is division into lots. Dixon asked if there is another way to do this, such as a condominium development where you can have individual ownership. Dixon stated that he is worried about Lot 2, with no access to the street, but if it was developed like a condominium that would address all of the property in common. Beutler stated that a condominium could be an option if they were just trying to separate out ownership, but Beutler does not know if that is the entire motivation for the plat. Wimborne asked how the City does enforcement on the shared access agreement. Beutler indicated that the current mechanism would be that an access agreement be written and established in conjunction with the Plat.

**Kurt Rowland, Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls, ID.** Applicant Rowland indicated they are going to vacate the alley and are currently working with the City Legal Department and the City Surveyor to vacate the alley. It is necessary to create an easement for the sewer line going through the alley way. Rowland indicated they are doing covenants code and restrictions that will show a blanket ingress/egress access easement and shared parking. That information will be in place and will be recorded with the Plat. Morrison asked if there are any plans for Lot 2. Rowland indicated that on the master plan, there is a 4500 sq. ft. building that was shown on Lot 2 and 3, the line is going down the common wall. It is one building, not two separate buildings. Dixon asked Rowland if they considered a condominium type of arrangement and if so, why did you decide against it. Rowland stated they met with the City Surveyor and City staff and were informed that the legal department suggested that they'd rather have it platted this way, than a condominium plat. Karst stated that the Commission has considered many properties over the years where the pad sites that are owned by other individuals and their only access is through a shared access agreement. Dixon asked Karst if they owned the pad site. Karst indicated that some owned and some rented. Swaney indicated that the example would be the new Freddy's that was approved by Winco. That is on a pad and it has only access through the Winco parking lot. Dixon asked Swaney if that pad has frontage onto Woodruff, even though the actual access is not onto Woodruff. Swaney stated that it does have frontage onto Woodruff. Dixon stated that in this case there is no frontage for Lot 2. Rowland indicated that a lot of banks do not like to loan money on condominiums. Karst asked for the shared access/shared parking agreement to be recorded on the plat and not just on the CCR's. Rowland stated that he had all that information on the plat and the City Surveyor asked them to remove it as legal did not want that on the plat. Beutler indicated that the opinion from the City Attorney's office is that the private agreement and private easement should not be on the Plat, they should be handled through an easement document. Karst indicated that he can be satisfied with a different way, but his concern is still that the City has no enforcement ability of CCR's. Beutler indicated that they prefer it not just be in the CCR, but in an actual easement document. Dixon indicated that the shared access agreement on the plat or on a separate easement document is necessary and if approved that the approval is contingent upon the idea and agreement that Lot 2 has zero frontage and that fact is approved by City Attorney to ensure that it is legitimate with the zoning ordinance.

**Dixon moved to recommend to the Mayor and City Council, approval of the Final Plat for East Bank Plaza as presented, with the stipulation that the shared access agreement be added to the Plat or on an easement document and that the final approval of the plat is contingent upon approval of zero frontage for Lot 2 by the City Attorney. Josephson seconded the motion and it passed unanimously.**

**Final Plat: Parkwood Meadows Subdivision, Division No. 3, 1<sup>st</sup> Amended.** Beutler presented the staff report, a part of the record. Karst asked for clarification that it is shared access, not shared parking. Beutler indicated it is shared access and the parking lots plan is to be seamless in one. Karst clarified and Beutler agreed that each parcel will be required to have enough parking for their site. Wimborne asked that in the notes on the previous Final Plat (East Bank) there was an indication that there needed to be a condition about including the joint access and parking agreement as part of the plat. That is not included in the remarks for this Final Plat. Beutler indicated the parking is already established and they are proposing to do it already, however it is something that can be memorialized with an agreement.

**Wimborne moved to recommend to the Mayor and City Council approval of the Final Plat: Parkwood Meadows Subdivision No. 3, 1<sup>st</sup> amended, as presented with the Stipulation that the cross access agreement and parking agreement is recorded. Black seconded the motion and it passed unanimously.**

**Miscellaneous:**

**Bonneville County Planning Commission Report.** Swaney reported there was no Bonneville Planning Commission Meeting in November.

Cramer indicated that it is time to do a morning training session which is good for new members and seasoned members. The training session would be on a Friday at 7:00 a.m., if that would work for the members. Cramer will email available dates to Commission members.

Swaney adjourned meeting at 10:00 p.m.

Respectfully Submitted,

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Beckie Thompson, Recorder