HEARING EXAMINER
AGENDA
Thursday, March 14, 2019
5:30 p.m.
City Council Chambers
911 N. Seventh Avenue
Pocatello, ID

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days' advance notice by contacting Skyler Beebe at sbeebe@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

HEARING EXAMINER: Kathleen Lewis

1. Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if there is anything personally or professionally that would not allow an impartial or unbiased decision. Disclose if a site visit was done, location(s) of the visit, and what was seen.

2. Trevor and Lyle Henderson request a variance from the parking and lot size standards for two (2) four-plexes proposed to be constructed at 216 E. Lawton Street. Municipal Code 17.05.570 requires two (2) off-street parking spaces per residential unit which equates to 16 off-street parking spaces and the applicant is proposing 14 spaces. Municipal Code 17.03.240 requires 11,616 square feet of lot size but the lot measures 10,363 square feet (more or less). The property is located within a Residential Commercial Professional zoning district. (ACTION ITEM)

3. Performance Outdoor, represented by Blaze Sign Company, requests an one-sided electronic off-premise (billboard) measuring 12’7” X 22’ and 31 feet in height to be located at 507 E Center Street. The property is located in a Commercial General zoning district. Municipal Code 15.20.240 allows electronic billboard signs in Commercial General zoning districts and neighboring property owners requested a public hearing. (ACTION ITEM)
Hearing Examiner
Staff Report
Variance

Hearing Date: March 14, 2019
File #:19-340

OWNER:
Trevor and Lyle Henderson
410 Yellowstone Avenue, Suite 202
Pocatello, ID 83201

REQUEST: The applicant is requesting variances from the parking standards and lot size standards for the construction of 2 four-plexes at 216 E. Lawton Street. Municipal Code 17.05.570 requires two off-street parking spaces for each residential unit which equates to 16 off-street parking spaces. The applicant is proposing 14 off-street parking spaces. Municipal Code 17.03.240 requires 11,616 square feet but the lot measures 10,363 square feet (more or less) an approximately 11 percent lot size variance.

LEGAL DESCRIPTION: South 65 feet of Lot 5, Block 1, Park Drive

SITE CHARACTERISTICS: Zoning designation: Residential Commercial Professional Property size: The lot measures 10,363 square feet (more or less)
Existing structures: None

SURROUNDING LAND USES AND ZONING:
North: Residential dwellings in Residential Commercial Professional and Residential High Density zoning districts
South: Self-service storage and residential dwellings in Residential Commercial Professional and Residential High Density zoning districts
East: Residential dwellings in a Residential High Density zoning district
West: Vacant lot and residential dwellings in a Residential Commercial Professional zoning district

COMPREHENSIVE PLAN LAND USE MAP DESIGNATION: Residential

PROCEDURES AND NOTICES:
1. In accordance with Municipal Code §17.02.170, §17.02.300(A)(3) and Idaho Code §67-6512, a complete variance application was filed with the Planning and Development Services department at least four weeks prior to the public hearing.
2. The application was scheduled to be heard at the March 14, 2019 Hearing Examiner at a public hearing in accordance with Municipal Code §17.02.300 and Idaho Code §67-6512.
3. Notice of the public hearing was in accordance with Municipal Code §17.02.170 and Idaho Code §67-6512.
   a. Notices were provided to political subdivisions on February 26, 2019.
   b. Notices to adjacent property owners of record were mailed on February 26, 2019.
   c. A sign was placed on the property on February 27, 2019.
d. The agenda and supporting documentation were posted to the City’s website on March 7, 2019.

APPLICABLE LAWS AND PLANS:
1. Municipal Code §17.02.170 and §17.02.300
2. 2015 City of Pocatello Comprehensive Plan
3. Idaho Code §67-6512

Type of Action: Quasi-Judicial. The Hearing Examiner may approve with or without conditions or may deny the application.

Municipal Code §17.02.170(E), "Authority to Grant: The hearing examiner may approve, approve with conditions, or deny an application for a variance. The decision may be appealed by the applicant or other affected persons according to the provisions of Idaho Code Section §67-6521 to the City Council pursuant to the process outlined in Municipal Code Section §17.02.400, Appeals, of this chapter.

Municipal Code §17.02.300 states that variances shall be heard and decided on by the Hearing Examiner with an appeal to City Council.

VARIANCE ANALYSIS:
Municipal Code §17.02.170(F), Criteria for Review. The hearing body shall review the facts and circumstances of each proposal in terms of the following standards and determine whether there is adequate evidence showing that the requested use at the proposed location:

1. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests the variance.

Applicant's response: "We have worked with Contractor and Draftsman to position the buildings and off-street parking spaces and even reduced the size of the buildings to reasonably comply with the strict terms of the ordinance(s)."

Staff analysis: The applicant is proposing 2 four-plexes that have two bedrooms each. They are designed to be 2 apartments up and 2 apartments down. The applicant can meet the strict terms of the ordinance if they built one triplex and one four-plex. That configuration requires 10,164 square feet of lot size and 14 off-street parking spaces. Municipal Code also allows the applicant to construct a 45-foot tall structure that could contain all eight units and thereby meet the parking standards and the applicant would need only the lot size variance.

2. The variance sought must be the result of unusual physical characteristics of the site in question.

Applicant's response: "We are just a little short in the area of the lot."

Staff analysis: The site in question is located in a developed area at the intersection of E. Lawton Street and S. 1st Avenue. It is flat and is surrounded by residences, a self-storage facility and a vacant lot. There are no unusual physical characteristics of the site.

3. The circumstances surrounding the variance request shall be due to an undue hardship as related to the characteristics of the land, and the applicant shall show that, absent a variance, he/she would be deprived of rights commonly enjoyed by other properties in the identical zoning district under the terms of this title.
Applicant's response: "It appears that we have sufficient space but for the configuration we can’t provide the last 2 parking spaces per unit. In the University Area and close proximity to the Campus, not all residents in the units will have 2 vehicles to park in the parking spaces. Having this ‘density’ also provides for ‘walkers’ to utilize the proposed revitalization to the Warehouse District located 4-5 blocks away. This is very good In-Fill!"

Staff analysis: There is no undue hardship as related to the characteristics of the land. The applicants are desirous of building 2 four-plexes where the lot is not big enough. One structure housing all 8 units or two structures housing seven units could be allowed with parking standards met as well.

4. The undue hardship cited as the basis of a variance request did not result from the actions of the applicant, or the current, or a prior landowner, or any of their agents.

Applicant's response: "The current hardship is not a result from the actions of the applicant or the current or a prior landowner or any of their agents."

Staff analysis: There is no undue hardship. The applicant is wishing a configuration to build units than what the size of the lot will allow.

5. The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property.

Applicant's response: "The subject ‘improvement’ is located in a very sparsely populated area of South 1st Street. For many years an older mobile home was located at this address until it became economically un-repairable. It was hauled off as salvage. And for the last decade it has been a vacant lot. A vacant lot that should be put to a higher and better use adding to the Tax Base. The proposed Use would still be Residential. The Buildings would be no higher than the neighbor’s residence to the North. There will be no adverse affects on adjacent/nearby properties."

Staff analysis: Lack of sufficient off-street parking could cause adverse impacts. The area is developed primarily with residential homes with a self-service storage facility directly across Lawton. There are no multi-family housing developments in the immediate area.

PUBLIC COMMENTS: No comments either in support of in or opposition to the application have been received as of the completion of this report.

STAFF CONCLUSION: Staff finds the request does not meet the standards for a variance. If the Hearing Examiner should choose to approve the request staff recommends the following conditions:

1. Approved building permits must be obtained and the four-plexes must meet appropriate standards according to current building codes.
2. All life safety issues must be addressed according to current building codes.
3. All other applicable City Code requirements not herein stated shall be met prior to occupancy of the buildings.

REPORT BY: Terri Neu

REPORT DATED: March 7, 2019

tneu@pocatello.us
208.234.6500

ATTACHMENTS: A. Overhead view of the property
B. Application materials
VARIANCE APPLICATION

Submittal Date: 2/12/19  Meeting Date: 3/14/19  Application #: 19-34D
Staff Assigned: __________  Receipt Date: 2/14/19

Dates for public hearing will not be scheduled until application is deemed complete.

Filing Fee: $400.00 + (4) address labels x $3.00 = $12.00 for a Total Due $412.00

Applicant Information:
Name/Firm: Lyle Henderson  Trevor Henderson
Mailing address: 410 Yellowstone Ave STE 202 Pocatello 83201
Phone (work/cell/home): 208 232 7777 208 236 6477

Representative Information:
Name/Firm: Trevor Henderson
Mailing address: 410 Yellowstone Ave STE 202 Pocatello 83201
Phone (work/cell/home): 208 232 7777 208 236 6477

Project Information:
Zoning District: RCP
Street Address: 216 E. Lawton
Zip: 83201

Legal Description (attach documentation—see C, below):
South 65' Lot 5 BLK 1 Park Drive

Brief Description of Proposed Variance: relief of two parking spaces and lot square footage to allow desired infill of the neighborhood and relief of partial set back to accommodate one handicap parking

THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION TO BE COMPLETE

A. All necessary filing fees must be paid and other required plans and information in support of the application.

B. Two sets of typed, gummed mailing labels with the names and addresses of all property owners which share a common boundary line, minus public right-of-way, with the subject property. A charge of $3.00 per property owner address is required in addition to the application fee. A signed Affidavit of Mailing List must also be submitted (attached).

C. The complete and accurate legal description for the subject property (recorded deed, title report or other legal documentation of ownership) shall be submitted.

D. Two (2) site plans, one (1) measuring 8-1/2" x 11" and one (1) 18" x 24" (or larger), which describes the proposal and contains the following information:
   1. Drawn to scale.
   2. Location of buildings, landscaping, setbacks, parking areas, existing and proposed fencing.
   3. Location of adjoining streets (including any public improvements), alleys, driveways, and property lines.
E. Pursuant to municipal code 17.02.170 variances, all of the following criteria for review must be addressed in a written narrative:

1. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests the variance.
2. The variance sought must be the result of unusual physical characteristics of the site in question.
3. The circumstances surrounding the variance request shall be due to an undue hardship as related to the characteristics of the land and the applicant shall show that, absent a variance he/she would be deprived of rights commonly enjoyed by other properties in the identical zoning district.
4. The undue hardship cited as the basis of a variance request did not result from the actions of the applicant, or the current or a prior landowner or any of their agents.
5. The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property.

F. Precedents. The granting of a prior variance or referencing property developed under prior regulations is not admissible evidence for the granting of a new variance. Each request for a variance shall be judged on its own facts and circumstances.

G. If a representative will be submitting the application, an affidavit, power of attorney, or other document evidencing the right of the representative to appear and submit items on behalf of the property owner is required.

H. Burden of Proof: The burden of proof that the proposed variance complies with all of the variance criteria as described above is the responsibility of the applicant. The applicant must support their case with substantial and competent evidence.

A variance must be established within one (1) year of the granting of the variance. Actual construction of the permitted building shall constitute such establishment. This period may be extended by the staff for an additional six (6) months upon request submitted at least thirty (30) days prior to its expiration (Municipal Code Section 17.02.170(J)).

The approval of this application does not permit the violation of any federal or state codes, any section of the Building Code, or other Pocatello Municipal Codes as adopted. Approval of this land use permit does not exempt applicant from the provisions of the Federal Fair Housing Act or ADA requirements. Further, other conditions, requirements, etc. may be imposed as part of the building permit process.

I hereby acknowledge that I have read this application and state that the above information, including all submitted materials, is correct and I agree to the above terms and conditions. I further agree to abide by any and all conditions the Hearing Examiner and/or City Council may impose on my use of this property. I also understand that non-conformance with these conditions in a timely manner will result in automatic forfeiture of my permit. I am also aware that the applicant or a representative must be present at the public hearing and that the decision on this request will be recorded in the official records of Bannock County.

By signing this application, I hereby consent to allow the City to place a sign giving public notice regarding this application on the subject property during the course of these proceedings.

Signature of Applicant: SBH Project LLC  Date: 11 Feb 2019

Signature of Representative:  Date: 11 Feb 2019
1) We have worked with Contractor and Draftsman to position the buildings and off-street parking spaces and even reduced the size of the buildings to reasonably comply with the strict terms of the ordinance(s).

2) We are just a little short in the area of the Lot.

3) It appears that we have sufficient space but for the configuration we can’t provide the last 2-parking spaces per unit. In the University Area and close proximity to the Campus, not all residents in the units will have 2 vehicles to park in the parking spaces. Having this ‘density’ also provides for ‘walkers’ to utilize the proposed revitalization to the Warehouse District located 4-5 blocks away. This is very good In-Fill!

4) The current hardship is not a result from the actions of the applicant or the current or a prior landowner or any of their agents.

5) The subject ‘improvement’ is located in a very sparsely populated area of South 1st Street. For many years an older mobile home was located at this address until it became economically un-repairable. It was hauled off as salvage. And for the last decade it has been a vacant lot. A vacant lot that should be put to a higher and better use adding to the Tax Base. The proposed Use would still be Residential. The Buildings would be no higher than the neighbor’s residence to the North. There will be no adverse affects on adjacent/nearby properties.
Hearing Date: March 14, 2019

APPLICANT: Performance Outdoor
PO Box 4983
Pocatello, ID 83205

REPRESENTATIVE: Blaze Sign Company
7175 S 5th Avenue
Pocatello, ID 83204

REQUEST: Performance Outdoor, represented by Blaze Sign Company, requests to install a one-sided electronic off-premises sign (billboard) at 507 E Center Street. The proposed sign is measured to be 12'7" X 22' and 31 feet in height.

SITE CHARACTERISTICS: Zoning designation: Commercial General with an Original Townsite Overlay

PROCEDURES AND NOTICES:
1. In accordance with Municipal Code §15.20.240 a complete off-premises sign application was filed with the Planning and Development Services department on February 14, 2019.
2. Notices were sent to property owners and occupants within a 500-foot radius of the property boundaries on February 15, 2019.
3. Two letters in opposition were received requesting a public hearing.
4. The application was scheduled to be heard at the March 14, 2019 Hearing Examiner at a public hearing in accordance with Municipal Code §15.20.240.
5. Notice of the public hearing was in accordance with Municipal Code §15.20.260.
   a. Notices were provided to political subdivisions on February 26, 2019.
   b. Notices to property owners and occupants within 500 feet of the subject site were mailed on February 26, 2019.
   c. The agenda and supporting documentation were posted to the City’s website on March 7, 2019.

APPLICABLE LAWS AND PLANS:
1. Municipal Code §15.20.240
2. 2015 City of Pocatello Comprehensive Plan

Type of Action: Quasi-Judicial. The Hearing Examiner may approve with or without conditions or may deny the application.

MUNICIPAL CODE:
Municipal Code §15.20.240 states,
A. “Off premises/billboard signs shall only be permitted in Office Park, Light Industrial, Industrial, and Commercial General districts. Permits for signs meeting the requirements below may be issued by staff. However, the following additional requirements shall apply to Commercial General Districts:
1. Applicants for signs in Commercial General Districts much provide a mailing list of property owners and tenants within a five hundred (500) foot radius of the property line to whom notice of the application will be sent by the city;
2. A twenty-one (21) day waiting period shall be required prior to sign construction or erection, during which time period any aggrieved person so notified may make a written protest to the Planning and Development Services Department for a hearing before the hearing examiner. A decision of the hearing examiner may be appealed to the City Council within fifteen (15) days of the date of the hearing examiner’s decision;
3. No construction or erection of signs shall be allowed pending the outcome of either hearing;
4. The decision of the City Council shall be final;
5. The review criteria used by the City Council and the hearing examiner shall be as follows:

The proposed sign must be designed to minimize adverse effects on adjoining land.

**Staff analysis:** An electronic billboard near a traffic signal increases the adverse effects on adjoining land. It causes a driver distraction by its very nature. It also has the potential to cause problems with the traffic signal’s operation as well as “backstopping” the signal head making it difficult to differentiate the signal from the sign. (See attached emails from Mike Neville, City of Pocatello Traffic Operations Supervisor, Brian Poole, Idaho Transportation Department, and Corey Krantz, Idaho Transportation Department Traffic Engineer.)

The proposed sign must be designed to be as compatible in appearance and layout with adjacent uses as is practical.

**Staff analysis:** An electronic billboard at this location will overshadow any business signage that is on the building directly to the south. This is not compatible with the appearance of adjacent land uses.

The decision may be appealed by the applicant or other affected persons according to the provisions of Idaho Code Section §67-6521. Said appeal is to the city council pursuant to the process outlined in section §17.02.400, “Appeals.”

**PUBLIC COMMENTS:** No comments either in support of in or opposition to the application have been received as of the completion of this report.

**STAFF CONCLUSION:** Staff finds the proposal does not meet the standards as outlined in Municipal Code §15.20.240. If the Hearing Examiner should choose to approve the request staff recommends the following conditions:
1. Sign must meet standard setbacks for Commercial General zoning districts of 10 feet from any street frontage.

**REPORT BY:** Terri Neu

tneu@pocatello.us

208.234.6500

**REPORT DATED:** March 7, 2019

**ATTACHMENTS:**
A. Application materials
B. Written requests for public hearing
C. Emails from Mike Neville, Brian Poole and Corey Krantz.
APPLICATION FOR AN OFF-PREMISE SIGN PERMIT

Submittal Date: 1-31-19
Hearing Date: ____________
End of 21 Day Waiting Period: 2/18/19

Filing Fee $75.00 + 41 addresses x $3.00 = $123.00 = Total Due $198.00

Sign Contractor Information:
Name: Blaze Sign & Graphic Design
Address: 525 W. Maple
Phone: 208-232-7739
Email: sales@blazesign.com
Zoning: ______ Historic District: Yes ☐ No ☑
Illumination Source: internal

Business/Site Information:
Name: Performance Outdoors
Address: 507 E. Center
Phone: ____________________________
Email: ____________________________
Type of Sign(s): electronic billboard
Dimension of Face(s): 22' x 12'7"

Power Source: Existing ☐ New ☑ If new, Electrical Contractor’s name: ____________________________
(Must be a City of Pocatello licensed electrician)
Height to top of sign: 31’
Setback from property line(s): ____________

Clearance below sign face: 20’

Unipole Construction? Yes ☐ No ☑

Will this sign have cutouts that project beyond the dimensions shown above? Yes ☐ No ☑ If yes, explain: ____________

Is the proposed sign an enlargement of an existing sign? Yes ☐ No ☑

Is the proposed sign located within 30 feet of an existing “on-premise” ground/pole sign? Yes ☐ No ☑

Is the proposed sign located within 1,000 feet of another such sign on the same side of the roadway or street? Yes ☐ No ☑

Is the proposed sign located within 150 feet of another such sign on the opposite side of the roadway or street? Yes ☐ No ☑

Is the proposed sign located within 250 feet (in any direction) of residentially zoned property, designated historic district, park, school, church, cemetery, or government facility? Yes ☐ No ☑

Is there/will there be (with this sign) more than a total of 576 square feet of off-premise sign face within 200 feet of the point of intersection of the curb lines of any two streets? Yes ☐ No ☑

Does the proposed sign meet sight triangle regulations as defined in the Sign Code? Yes ☑ No ☐
THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION

A. A site plan which includes: the site with street locations, lot frontage dimensions, building location(s), landscaping, location of all existing and proposed signage with setback dimensions from property lines, and the dimensions of said signs.

B. Schematic drawings of the proposed sign(s) which indicate dimensions, height, colors, message, type of illumination, and construction materials.

C. Drawing showing footing details.

D. Typed, gummed mailing labels of all property owners and tenants within a 200-foot radius of the proposed sign location, to whom notice of the application will be sent by the City. Following the date of this mailing, a 21-day waiting period shall be required prior to sign construction or erection, during which time any aggrieved person, so notified, may make a written protest to the Planning & Development Services Department for a hearing before the Planning and Zoning Commission.

Hearings before the Planning and Zoning Commission (P&Z) will take place at their next regularly scheduled meeting, for which sufficient time is available to meet statutory notification requirements (i.e., at least 21 days prior to the scheduled meeting date).

A decision of the P&Z may be appealed to the City Council within 15 days of the date of the P&Z decision. No construction/erection of signs shall be allowed pending the outcome of either hearing. The decision of the City Council is final.

The undersigned applicant and/or applicant's representative hereby agree to indemnify, protect, and save the City harmless from all costs, loss, or damage, which may be sustained by reason of the erection, maintenance, use, or removal of the sign(s), and that the sign(s) may be removed as provided in the City ordinances. The approval of this sign does not permit the violation of any section of this or other City ordinances. I/we hereby acknowledge that I/we have read this application and certify that the information provided is correct. Further, I/we understand that it is my responsibility, as the sign contractor, to secure a sign permit prior to commencement of any work including fabrication and installation of said signs. A permit should be available in the City Planning & Development Services Department 5 working days after expiration of all waiting and/or appeal periods specified by the Municipal Sign Code. Further, by my signature below, I acknowledge that any and all conditions will be adhered to and are understood, that all work will be done in accordance with the issued permit, and that I am authorized to do so by the building/property/business owner.

Signature of Sign Owner _______________________________ Date ________

Signature of Sign Contractor _______________________________ Date ________

Signage should be completed within ninety days of obtaining a permit. Permits and exceptions are not transferable.

SEE ATTACHED SIGN PERMIT CHECKLIST FOR CITY'S APPROVAL SIGNATURE AND STAFF COMMENTS AND/OR REQUIREMENTS FOR THIS SIGN PERMIT.

Staff Use Only Below This Line

PERMIT INSPECTION – P & DS

Date: ____________________________   By: ____________________________

Status/Action: ____________________________

SIGN & ELECTRICAL INSPECTION – BUILDING

Date: ____________________________   By: ____________________________

Status/Action: ____________________________

Page 2 of 5

Revised 10/01/16
Shape the future of Google.

Tell us what you think about Google Maps by participating in our user research studies.

SIGN UP

Set a home address

Set a work address

Updated 3 min ago

Light traffic in this area
Faster than usual

Search this area
Dear Terri,

I would like to protest and request a hearing about application (19-328). I see no difference between this application (19-328) and the application we submitted on 1/9/18 which application was denied (see attached). I would like an explanation as to why this permit can be allowed while ours was not, especially given the comments in your denial letter quoting Corey Krantz, Mike Neville and Brian Poole. I am quite certain that I can provide photo images that will show the proposed sign can in someway backstop the traffic signal for some vehicle traveling somewhere on 4th street as you claim ours does. You recall that I provided photographic evidence that the sign on 5th ave backstops the signal there, yet it remains in place and unmodified, suggesting that the backstopping issue is not a problem in that case. Are there two different standard being applied? I have to believe that there must be a way that our location can be made to comply if this proposed location (Permit application 19-328) can qualify for an electronic sign face. If an electronic face can be granted for our location, then I will withdraw this protest.

Sincerely,

Rich
Planning and Development Services Dept,

I am writing to inform you that I protest the proposed placement of the LED sign to be located at 507 E. Center Street. I am the property and business owner at 508 E. Center.

I wish to request a hearing before the hearing examiner.

Mayer Shoe Repair
Business: 208-233-1370  508 E. Center
Cell: 208-237-7853  Pocatello, ID 83201
I still stand by our first decision to deny this request. My basis is not that the sign is behind the signals but that when an LED sign is operating and changing ads will take drivers eyes off the road and signals and to the sign. Is that the message we want to send to drivers? Do we want drivers to be looking at a sign vs signal or roadway at one of our busiest intersections in Pocatello?

We denied the Center street sign for the same reasons.

Please call if you want to discuss.

I am fine with the static sign as it doesn’t change and attract attention as LED signs do.

Brian J Poole

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Good morning! I’m forwarding this email to you in response to the request for an electronic billboard at 507 E. Center Street. We will be scheduling this for a public hearing and I will forward that information to you. Any information you can provide is greatly appreciated.

Terri Neu
Assistant Planner
City of Pocatello
208.234.6500
Website: Pocatello.us

Dear Terri,
I would like to protest and request a hearing about application (19-328). I see no difference between this application (19-328) and the application we submitted on 1/9/18 which application was denied (see attached). I would like an explanation as to why this permit can be allowed while ours was not, especially given the comments in your denial letter quoting Corey Krantz, Mike Neville and Brian Poole. I am quite certain that I can provide photo images that will show the proposed sign can in someway backstop the traffic signal for some vehicle traveling somewhere on 4th street as you claim ours does. You recall that I provided photographic evidence that the sign on 5th ave backstops the signal there, yet it remains in place and unmodified, suggesting that the backstopping issue is not a problem in that case. Are there two different standard being applied? I have to believe that there must be a way that our location can be made to comply if this proposed location (Permit application 19-328) can qualify for an electronic sign face. If an electronic face can be granted for our location, then I will withdraw this protest.

Sincerely,

Rich
Good afternoon. As the billboards are on the State's approaches I would like to defer to their judgment on this.

Kind regards,

Mike Neville
Traffic Operations Supervisor
City of Pocatello
208-234-6194
mnevile@pocatello.us

Distracted Driving. A Billboard's job is to draw attention. This detracts from the signal operation. In particular, when the billboard is competing with the signal for attention and the changing messages. I was at the 5th and Center St Signal just this past week waiting for the signal to turn green, and I was the first in line at the signal. The vehicle to my left did not start moving until after I was through the Clark Street Signal. I believe she was distracted by the Digital Billboard and not paying attention to the signal.

This below picture does not match what was presented in the permit for this Digital Billboard on 5th, near Center and Clark. This is why ITD did not want this Digital Billboard Here.
ITD does not want a Digital Board Competing for the attention of Driver on 4th Street. The Assignment of Right of Way is a very important function that requires a driver's full attention. Although the pictures sketched up show from the ONE perspective that the Digital Billboard does not interfere with the signal, the Driver of vehicle is moving and the perspective angle is a moving target. It looks very different from another location. The proposed Billboard is directly competing with the Side pole Signal.

Signals have multiple redundancies to convey the important information of assigned right of way to a vehicle driver, and are critical when Signals are snow filled, or in flash, or have burned out bulbs. Some vehicles when at a stop bar maybe only able to see a side pole signal. The proposed Billboard is directly competing with the Side pole Signal. As colors are not controlled, there have been colors that are red and or green and could be misconstrued as a signal face.

ITD would ask that this permit on 4th be denied.

ITD would ask that the 5th Ave be re-evaluated as it was not built as originally represented.
--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---
Good morning! I’m forwarding this email to you in response to the request for an electronic billboard at 507 E. Center Street. We will be scheduling this for a public hearing and I will forward that information to you. Any information you can provide is greatly appreciated.

Terri Neu
Assistant Planner
City of Pocatello
208.234.6500
Website: Pocatello.us

From: Rich Kirkham [mailto:rich@richkirkham.com]
Sent: Monday, February 18, 2019 10:13 AM
To: Planning <planning@pocatello.us>
Cc: Kirkham Kirk <kirkham70@gmail.com>; Kirkham Rob <kirkkirkham@gmail.com>
Subject: Protest to Permit application 19-328

Dear Terri,

I would like to protest and request a hearing about application (19-328). I see no difference between this application (19-328) and the application we submitted on 1/9/18 which application was denied (see attached). I would like an explanation as to why this permit can be allowed while ours was not, especially given the comments in your denial letter quoting Corey Krantz, Mike Neville and Brian Poole. I am quite certain that I can provide photo images that will show the proposed sign can in someway backstop the traffic signal for some vehicle traveling somewhere on 4th street as you claim ours does. You recall that I provided photographic evidence that the sign on 5th ave backstops the signal there, yet it remains in place and unmodified, suggesting that the backstopping issue is not a problem in that case. Are there two different standard being applied? I have to believe that there must be a way that our location can be made to comply if this proposed location (Permit application 19-328) can qualify for an electronic sign face. If an electronic face can be granted for our location, then I will withdraw this protest.

Sincerely,

Rich