

OFFICIAL MINUTES

Chairperson Al Heuton called the regular meeting of the City Planning Commission to order on Tuesday, September 5, 2017, at 5:30 PM in the Chambers Room #310 on the third floor of the City & County Government Center. Members present were Tanner Aiken, James Drew, Alan Gregg, Alan Johnson, Lee Ann Pierce, Kristi Tornquist, Eric Rasmussen and Heuton. Absent was Greg Fargen. Also present were City Planner Staci Bungard, Community Development Director Mike Struck, City Engineer Jackie Lanning, Mike McClemans, John Mills, Donald Denure, David Jones, Rick Ribstein, Larry Fjeldos, Kelan Bludorn, Mary and Orren Erickson, Kathy Larson, John Kratochvil, Tom Becker, Shawn Weber, Josh Westwick, Stacy Davis, Jolane Tomhave, and others.

Item #1 – Roll Call

Item #2 – (Gregg/Pierce) Motion to approve the agenda with the removal of item #6c. All present voted aye. MOTION CARRIED

Item #3 – (Tornquist/Aiken) Motion to approve the minutes with an addition to item #7a., “Tornquist requested further clarification on the landscaping requirements.” All present voted aye. MOTION CARRIED.

Pierce recused herself.

Item #5a – Prairie Meadows Inc. has submitted a preliminary plat of Lots 7, 8, & 9, Block 13, McClemans Addition.

(Drew/Rasmussen) Motion to approve the preliminary plat. All present voted aye. MOTION CARRIED.

Item #6a – Prairie Meadows Inc. has submitted a final plat of Lots 7 & 8, Block 13, McClemans Addition.

(Gregg/Johnson) Motion to approve the final plat contingent upon the City Council approval of the Preliminary Plat. All present voted aye. MOTION CARRIED.

Pierce returned to the commission.

Item #6b – Prairie Hills LLC has submitted a final plat of Lot N, 32, and 33, in Block 5, Prairie Hills Addition.

(Pierce/Rasmussen) Motion to approve the final plat. All present voted aye. MOTION CARRIED.

Item #6c - Item removed from the agenda.

Item #6d - RS & DD Investments has submitted a final plat of Lot 100, Block 7, Mathews and Scobey’s Addition.

(Johnson/Aiken) Motion to approve the final plat contingent upon the plat not being filed until the current structures are removed from the property. All present voted aye. MOTION CARRIED.

Drew recused himself.

Item #7a - Alliance Investment Group LLC, CALA LLC, Garrick Properties LLC, R&B Properties LLC, Kyle Shad, Carol Pitts, and Jeffrey Rief have submitted a petition to rezone Lot 3; W50' of Lot 2, excluding the S 66' of the W50' thereof; E45' of Lot 2, excluding S66' of E45'; N100' of Lot 1; S50' of N150' of Lot 1; S60' of Lot 1, S66' of Lot 2, N15' of E100' of Lot 8, S150' of the E100' of Lot 8; N10' of W50' of Lot 8; and N10' of Lot 7, except the N10' of W25' thereof; all in Block 3 of Hill Park Addition, also known as 1125, 1114, 1118 and 1124 6th Street; 517 and 521 12th Avenue; and 1125, 1119, 1115 5th Street, from a Residence R-2 Two-Family District to a Planned Development District with an underlying Business B-2 District.

(Gregg/Aiken) Motion to approve the rezone request from a Residence R-2 Two-Family District to a Planned Development District with an underlying Business B-2 District. Tornquist voted no. All others vote aye. **MOTION CARRIED.**

(Pierce/Johnson) Motion to approve the 20' front yard setback along 6th Street. The required front yard setback in a B-2 District is 25'. All present voted aye. **MOTION CARRIED.**

(Gregg/Aiken) Motion to approve the 21' side yard setback along 12th Avenue. The required side yard setback in a B-2 District is 25'. All present voted aye. **MOTION CARRIED.**

(Pierce/Rasmussen) Motion to approve the 48' building height. The ordinance allows for a 45' building in a B-2 District. Tornquist voted no. All others voted aye. **MOTION CARRIED.**

(Gregg/Rasmussen) Motion to approve the elimination of a 40' landscape buffer which is required when abutting a residential district. Tornquist voted no. All others voted yes. **MOTION CARRIED.**

(Gregg/Rasmussen) Motion to approve the Initial Development Plan as submitted. Tornquist voted no. All others voted aye. **MOTION CARRIED.**

Drew returned to the Commission.

(Tornquist/Johnson) Motion to adjourn to move to another room.

(Tornquist/Aiken) Motion to reconvene.

Item #8a – OPEL Properties LLC has submitted a petition for amendments to the Final Development Plan within a Planned Development District on Lots 1-3, Block 4, Folsom Addition, also known as 126 Main Ave South.

(Pierce/Johnson) Motion to approve the amendments to the Final Development Plan.

(Pierce/Drew) Amendment to the original motion to require that there be seasonal vegetation along the fence line. The motion as amended was voted on. All present voted aye. **MOTION CARRIED.**

(Tornquist/Aiken) Amendment to the amended motion to relocate the chiller from the Main Avenue side of the building. The amended motion as amended was voted on. Tornquist voted aye. All others voted no. **AMENDMENT FAILED.**

(Tornquist/Rasmussen) Amendment to the amended motion to require screening around the chiller. Pierce voted no. All others voted aye. **MOTION CARRIED.**

The main motion as amended was voted on. All present voted aye. **MOTION CARRIED.**

Item #8b – The City of Brookings has submitted ordinance amendments to Section 94-399 pertaining to Landscaping.

(Tornquist/Aiken) Motion to table. All present voted aye. **MOTION CARRIED.**

Item #8c – The City of Brookings has submitted ordinance amendments to Section 94-398 pertaining to Fences, Walls, and Hedges.

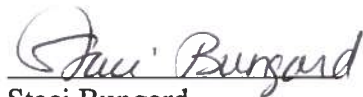
(Tornquist/Aiken) Motion to approve the ordinance amendments.

(Gregg/Rasmussen) Motion to table. All present voted aye. **MOTION CARRIED.**

Item #8d – The City of Brookings has submitted ordinance amendments to Section 94-407 pertaining to Intersection Safety Zone.

(Rasmussen/Aiken) Motion to approve the ordinance amendments. All present voted aye. **MOTION CARRIED.**

The meeting was adjourned.



Staci Bungard
City Planner



Al Heuton, Chairperson

OFFICIAL SUMMARY

Chairperson Al Heuton called the regular meeting of the City Planning Commission to order on Tuesday, September 5, 2017, at 5:30 PM in the Chambers Room #310 on the third floor of the City & County Government Center. Members present were Tanner Aiken, James Drew, Alan Gregg, Alan Johnson, Lee Ann Pierce, Kristi Tornquist, Eric Rasmussen and Heuton. Absent was Greg Fargen. Also present were City Planner Staci Bungard, Community Development Director Mike Struck, City Engineer Jackie Lanning, Mike McClemans, John Mills, Donald Denure, David Jones, Rick Ribstein, Larry Fjeldos, Kelan Bludorn, Mary and Orren Erickson, Kathy Larson, John Kratochvil, Tom Becker, Shawn Weber, Josh Westwick, Stacy Davis, Jolane Tomhave, and others.

Item #5a – McClemans is requesting a preliminary plat of three residential lots in the McClemans Addition in a R-3A District located along 9th Avenue South. Tornquist asked for clarification of the wetland requirements. Bungard explained that the City doesn't review this, the Corp of Engineer's does this review and the applicant has provided a letter to the City from the Corp. Bungard explained that the City does still require a drainage plan.

Item #6a – This is a final plat of two residential lots that went through the preliminary platting approval tonight. The preliminary plat would need to be approved by the City Council prior to this final plat being filed.

Item #6b – The applicant is seeking Final Plat approval of three lots in "The Landing" development in the Prairie Hills Addition. This development was approved in 2010. The lots represent the foundation perimeter of each twin home and one lot that will provide common area.

Item #6d – The applicant is seeking final plat approval to replat eight residential lots into one for the purpose of redevelopment. There are currently three residential homes and several accessory structures on the lots. The applicant would like to construct an apartment building on this lot. Denure explained that they are planning to move the houses and structures off of the lot starting within the next week or two. The final plat would not be filed until the current structures have been removed.

Item #7a – This is a request to rezone a parcel of land to a Planned Development District with an underlying B-2 District. The property is currently zoned R-2 Two-Family District and there are seven residential homes occupying the area. Bungard explained the Planned Development District and how it is used to offer flexibility from the requirements to allow for efficient and well-planned urban development. The plan of the applicant is to remove the houses and to build a 52,185 square foot multi-use building. This building would be 4 stories high with commercial space on the first floor and 71 efficiency and one bedroom residential units on the remaining floors, and a drive-thru. The building will be 48 feet in height which exceeds the regulations of the B-2 District. The applicant is proposing 131 parking spaces which includes some underground parking. The proposed parking and drive isles meet City requirements. The applicants are requesting flexibility to locate the building 20' from the north property lines and 21' from the east property line. The B-2 District requires 25' setback. In addition they would need a variance from the 40' landscaping area requirement abutting the residential land to allow for parking in the buffer area. David Jones told the board that they, the applicants, have spoken with many people regarding their concerns with this project. They have neighbors that are willing to sell them portions of their lots to allow for this development. This current proposal has increased green space and parking which was a concern of neighbors and commission members. Jones indicated that they would like to keep all the parking at the back of the building to make this building aesthetically more pleasing. Jones also indicated that they could meet the 25' setback, but they chose to add additional green space to the front of the building along 6th Street and move the parking to the rear so they are requesting the variance to the front yard setback. Jones noted that they are currently planning for three egresses and they could get by with two but feel that the additional exits could benefit with traffic flow on 12th Avenue.

Larry Fjeldos, resident of Brookings who raised his family here and has seen Brookings change through many stages, stated that he looks forward to what the City of Brookings is going to be. He feels that for years there have been many things that have stood in the way of Brookings growing, such as drainage. He appreciates the option of the PDD District and that it allows for flexibility and allows the Commission to put time and thought in to the plan. He was concerned about some of the questions that the commission has had in regards to the building height and the landscaping. But now that the commission has looked at these things, and the developers have made adjustments to their plan, he would like the City to move forward and think about the benefits of this development. Revenue and an increase in sales tax makes sense economically as the city would benefit from these. He stated that 6th Street is transforming in to something different, with the traffic and new buildings. And with this, the buildings along 6th Street are going to need to change. Fjeldos would like to see a nice building like this in Brookings. Fjeldos feels that the city can no longer move out, so it has to move up and down.

Kelan Bludorn, Best Choice Realty, explained that he was part of the development of The Lofts on Main Avenue and that he is in full support of this project. Bludorn stated that the city needs to look ahead and see that there is a land shortage. Bludorn feels that Brookings is going to continue to grow and with the density issue and the increase in population of Brookings, we need to consider growing up since there is no room to grow out. Additionally, due to the curb appeal of these properties along 6th Street and 12th Avenue, something needs to be done to improve the look of this area. Bludorn feels this proposal is a good use of the land along 6th Street, and the developers have a nice design.

Heuton read a letter which was received from the Brookings Chamber of Commerce. The Chamber supports community and business growth within the Brookings area and this development demonstrates the vision and growth that will positively impact the Brookings local economy. This project will also add density around the downtown business district. The location of The Lofts is ideal as people will be able to walk, bike or drive to local restaurants, retail stores and other experiences.

Mary Erickson asked if 1115 and 1119 were going to be rezoned? Bungard stated that it will only be about 10 feet on the north end of those lots. Erickson is wondering if a fence will still be required. Heuton stated "yes" that will come in to effect in a future motion. Erickson would also like the commission to keep in mind the integrity of the neighborhood. Orren Erickson is concerned that there has been a change to the buffer between this development and his properties. He is also concerned that a business may come in to this development that will be open 24 hours and cause traffic throughout the night.

Kathy Larson remembers the similar project that took place on 6th Street and 13th Avenue and that there has been traffic issues on 13th Avenue ever since. Larson is concerned about the safety issue for the kids and bicyclists on 13th Avenue. She feels that these large buildings are ruining the aesthetics of these residential areas. She is concerned about the height and the closeness of this building to the surrounding properties. Larson is against this rezoning request. She wants people in the neighborhoods to feel safe.

Heuton read a letter which was received from Jay Larson. Larson is most concerned about the safety with additional traffic in this neighborhood. He is also concerned about drainage issues that have recently come about in this area. Larson noted that street, sidewalk and curb maintenance during the snow season is more complicated due to recent developments and this proposal will only make things more difficult. The tall buildings will only make for more problems with snow, ice and rain as the reduction in sun exposure will cause more icing. Additional parking on the streets will cause issues with traffic flow and safety.

John Kratchovil doesn't feel that this proposal fits in the area. Kratchovil noted several properties, large businesses, that meet the buffer between the commercial building and the residential lots. He feels that the proposal should also have to meet the setback requirements. Kratchovil wonders if the future Comprehensive Plan which is being worked on, includes removing current residential properties and rezoning them. He feels that if the commission approves this request, that they are setting a precedence for future requests.

Tom Becker feels that a decision shouldn't be made by the commission until a study has been done to show what impact traffic will have on this area if this proposal is granted. Becker is asking that the commission and

city consider completing a traffic study. And if the study shows that there will not be any concerning areas, then the commission knows they are making a good decision based on all the information needed.

Heuton explained that there was a public open house regarding the future of 6th Street with the consultants that the City hired. He asked that Tornquist brief those in attendance regarding discussions held during the open house. Tornquist reminded everyone that the Comp Plan is not yet complete, but discussion included mixed uses along 6th Street. And the area that is in question tonight is actually being considered for mixed uses, but the south end of the block will remain residential. Pierce noted that several discussions have been had with the comp plan committee regarding the Medary to 22nd Avenue area. This area will not remain as a residential area in the next 20 years. This area has already started converting over to a B-2 District. Tornquist stated that the heights of buildings has also been discussed at length. And that design features that move the building away from the street are things to look at. Struck noted that the consultants did look at this proposal. From a scale perspective off of 6th Street, there were some discussions about extending the parking area. The consultants do actually feel like the applicants are providing too much parking for this development. Larson asked if the consultants looked at the neighborhood 1 block south of 6th Street. Struck explained that the consultants were looking at just the north side of this block and leaving the south side of the block as residential.

Johnson was originally concerned about all the variance requests that will come along with this request. But with the changes that the applicants have made, he feels this project has moved along and improved greatly. He feels that parking restrictions being applied, would be a good plan. He feels the look of the building is great and 6th Street is turning in to commercial, and away from residential, and this area along 6th Street will probably never go back to residential.

Gregg also approves of the changes that have been made by the applicants. He feels that sooner than later, 6th Street is going to become commercial. He feels that the setbacks that the applicants are providing are sufficient. And the height restrictions are going to need to be adjusted at some time, to allow the City to grow.

Aiken feels the zoning choice that the applicants are requesting is appropriate for this area. He appreciates the additional parking that the applicants are proposing, the additional landscaping and the setback off of 6th Street.

Rasmussen asked if leaving the zone R-2 Residential Two-Family with a parking lot would be allowed. Struck stated "no."

Pierce appreciates the plan of the applicants, but she is still concerned about the parking on 5th Street. She also wonders if the developers could soften the look of the parking lot.

Tornquist also agrees with the look of the project. And is in agreement that this area is going to become a mixed-use area.

Heuton feels that this proposal is a high quality, visually appealing project. He also recalls many discussions regarding the land issue and not being able to expand out, so this type of density is needing to be looked at. And a project like this needs to be looked at for the idea of growing up and increasing density. He appreciates the coordination of the mixed uses. Heuton indicated that the applicants have moved the building back which he greatly appreciates since the setback off of 6th Street was a major concern of his. The wear and tear of the residential structures is getting beyond the point of repair, so this development would be an improvement to the area. And with the housing shortage in Brookings, especially near the campus area, this project will help. The landscaping issue and the parking have both been issues to Heuton, and he feels that adequate parking is very important. There is currently on-street parking near this project, and he doesn't feel that that would need to be removed.

Questioning was called by Rasmussen.

Erickson's are not in favor of the elimination of the 40' landscape buffer between this development and the lots zoned residential. They also feel the size of the building should have to be adjusted so this variance wouldn't need to be requested. Mr. Erickson feels the commission is setting a precedence in the wrong way by granting this variance. Mrs. Erickson is wondering where the fencing will be installed for the buffer. Bungard explained

that along the B-2A zone, the developers are planning for a natural buffer. But portions of the remaining parking areas are going to be abutting the residential areas and buffering hasn't been determined yet as this will happen at final development plan stages.

Larson feels that granting this variance is completely unacceptable and she is not in favor. Taking away the buffer and abutting directly up to someone else's personal property is not right.

Jones stated that they did do research around town to see how many businesses, that abut a residential area, have the 40' landscape buffer. Jones noted that they didn't find many properties that met this requirement. They are just asking for what others in town have. Jones explained that they would apply a buffer, probably a 6' fence, but they are also considering completing a natural buffer in some areas.

Pierce asked what the buffer requirements will be along 5th Street. Bungard stated that the requirements could be set during the IDP approval process.

Heuton reviewed the uses that will be allowed in the Business B-2 Zoning District. All of the B-1 uses are eligible in the B-2 District. He is concerned about hotel use, parking facility or lot, drinking establishment, telecommunications tower, and extended stay hotels in the B-1 permitted uses. Additionally he is concerned about grocery supermarket, gas dispensing station, automobile sales, community center, drinking establishment, and telecommunications towers in the B-2 permitted uses. Under the permitted special uses, Heuton is concerned about citizen's drop-off for recycles, and public library or museum. Additionally the conditional uses that he has a concern with are automobile service station, repair garage, freight handling, domestic abuse shelter, church, outdoor sales, and broadcast towers. Gregg would like to keep the telecommunication towers to be allowed as these will include the small cell towers that are currently being installed around town. Tornquist wondered if brewpubs and carwashes under the permitted special uses should also be removed. Aiken thinks that a brewpub use could be allowed since these establishments usually are not open late at night. Struck asked if the commission is eliminating the ability to have a restaurant that serves beer and wine? Heuton feels that a drinking establishments refers to a bar. Pierce wondered where eating establishments are covered under any of these uses. Struck noted that eating establishments are included under retail services.

Heuton likes the looks of the building in the rendering that was provided. He wondered what the outside materials of the building would be? Drew indicated that the construction materials used on the east, west and back are all brick with the corners wrapped with brick to the top. And the middle section being an architectural wood along with the rear of the building.

Heuton pointed out the fencing and landscaping that is being proposed. On the west side there will be a 6 foot cedar fence plus additional trees at certain locations. And the west side of the overflow parking lot currently is planned to have a fence plus some additional tree plantings will be implemented. Aiken feels that the fencing along 5th Street needs to meet the setback for safety reasons. Heuton feels that the landscape triangles along 5th Street and at the intersection of 12th Avenue, the landscaping needs to be a small berm. Heuton also suggests that some grasses or other things be planted along the buffer area to make these areas blend in to the neighborhood. Pierce would like the south side of the overflow parking lot and the east side to look nice and better fit into the neighborhood. Rasmussen asked what the reason was for the outlet on 5th Street. Drew noted that they are willing to negotiate this and take it out if the commission preferred it. Aiken would appreciate if they would look at something other than a cedar fence along the west side and would like them to maybe look at something that was vegetative and would buffer some of the sound.

Drew returned to the Commission.

Item #8a – In 2015, the Loft's on Main were approved as a PDD. The applicant is asking to construct a patio area in conjunction with their brewpub. The required greenspace area will decrease by approximately 10 percent. City staff deems this proposal as a major change to the exterior of the building which is warranting a minor amendment to the Final Development Plan. Shawn Weber, the brewpub owner/ operator, explained that they recently received approval to add a brew pub to The Loft's. They would like to add an outdoor patio to the building. Pierce asked if some greenery/shrubbery could be planted along the fence. Weber explained that they are willing to do this to conform to the commissions requests. Tornquist suggested that the planters could be on

the top of the pillars to not allow for the planters to take away from the area. Aiken asked if the patio would abut the sidewalk. Weber stated yes. Bungard noted that this zoning district has a zero foot setback in the front. Pierce suggested that they incorporate seasonal vegetation along the fence line. Tornquist asked if the chiller could be moved to another side of the building? Weber explained that the chiller is best placed here due to the fact that the tanks are located close by. Weber asked if there would be a type of buffer that the commission would recommend he plant to buffer this area? Johnson stated that the chiller is going to need a type of buffer that allows for air movement, such as a lattice type fencing. Pierce feels that the attraction of a brewpub is the process.

Item #8b – Pierce is concerned about “Section b, Landscape plans” – 1. Except for single family and two family uses. She feels that the ag district should also be exempt.

Additionally, “Section c, Landscaping standards” – 3. Minimum tree size. She feels that item c1. “Conifer trees may only be planted on the perimeter of the site” should be removed since the only place we have problems with conifer tree plantings is in parking lots. And maybe in Section c3-4 Interior parking lot landscaping it could state that conifer trees cannot be planted in parking lots.

Item #8c – Staff has reviewed the current ordinance and is proposing amendments to the ordinance to try to balance neighborhood privacy needs with safety concerns keeping a clear sight distance triangle. Currently fences, walls and hedges can only be 30 inches in height in the front yard. Unless it is a slotted fence that is 70 percent open, then the height restriction is 42 inches in the front yard. Staff is proposing an amendment to allow fences, walls and hedges to be a maximum height of 4 feet in the front yard. However in the sight distance triangle, the fence, wall or hedge will need to be 30 inches or less unless it is 70 percent open then it may be up to 42 inches in height. Heuton clarified that the site triangle includes the right-of-way intersections and the alley.

Josh Westwick, 502 9th Avenue, received a letter from the City regarding the height of his hedge. He purchased this house a year ago and had/has never heard of this issue until recently. He feels that the amendments to the site triangle ordinance should itself take care of the safety issue. Westwick has spoken with several residents in Brookings they were never aware of the ordinance or they had not yet been contacted by the City that they needed to take care of the hedge in their yard. Westwick is in favor of an amendment to this ordinance. However, he feels that the amendment being proposed for Section 94-407, Intersection Safety Zones, addresses the safety issues that City Staff are concerned about. He also feels that the word “hedges” should be removed entirely from Section 94-397 upon the approval of the amendments to the site triangle ordinance Section 94-407. Westwick feels that if a resident abides to the site triangle ordinance, then the hedge height in a front yard becomes irrelevant and should not be a concern to the city unless the hedge is hanging over the sidewalk. And if a height needs to be attached to the ordinance, then he feels that the height should be 72 inches.

Westwick feels the current ordinance and even the proposed amendments have a negative impact on his quality of life. He also feels that the lowering of the hedges will have a negative impact on his residence. Westwick feels that there are benefits to hedges. They provide greenery, oxygen, privacy, they reduce noise and provide habitat for birds and other species. Hedges also provide charm and character to properties in the historic districts.

Westwick was told by city staff that the current ordinance mandates that homeowners are not allowed to have plants, shrubs or bushes that are more than 30 inches in height in front of the house line, regardless if it is a hedge or not. He asked if this is currently included in the hedge ordinance. Struck stated that vegetation of fences, walls and hedges pertains to only the front yard. So if you have landscaping materials, such as taller plants or grasses, they are not considered a hedge. Westwick asked if a standalone bush was considered part of a hedge. Struck stated that they look at the continuous vegetation that could create a solid structure. Westwick wondered if homeowners are allowed to plant gardens in their front yards, and if so, is this attached to the hedge ordinance. Struck stated that they are allowed at this time as long as it doesn't fit under the definition of a hedge. Westwick questioned what the definition of a low lying tree was. Struck explained that if someone were to plant evergreens at a distance that could grow together, this would be considered a hedge.

Westwick feels that the hedges on his property are not a safety concern and he shouldn't be required to lower his hedges, other than those that are in the site distance triangle. Heuton asked if there would be a 'grandfathering' process with this. Struck explained that the City will not be going through a grandfathering process as it would be nearly impossible to keep track of this. Drew asked Westwick what he thinks would be a good height for hedges. Westwick feels that 48 inches is too low and that 72 inches would be a good height in areas of the yard that do not affect the safety of others.

Jolane Tomhave also received a letter from the City. She appreciates the safety side of the ordinance at the site triangles and near the driveways. She hadn't thought about the safety side of it and she appreciates that the city brought this to her attention. She has trimmed the hedges on her property in the site areas but doesn't agree with the ordinance for the remaining hedges. Staci Davis, 510 9th Ave, explained that they have a hedge that goes along an alley way between her house and the alley. When they purchased the house 4 years ago, they weren't aware of this ordinance. Since they purchased their property, they have trimmed and lowered the hedge, but she doesn't agree with a height restriction to hedges unless it is in the site triangle. Tomhave stated that there are benefits to having greenery. The greenery does provide as a buffer from sound and dust. But also provides a habitat for birds. She would like to know what the benefits to cutting down the hedges would be. She would like to see that the hedges remain taller, other than in the safety areas.

Heuton has always been concerned that fences, walls, and hedges have always been lumped together. Tornquist wonders why the ordinance doesn't state anything regarding hedges hanging over the sidewalk. Struck explained that this is enforced in a different ordinance. Pierce is empathetic to the vegetation concerns, but the safety concerns are a bigger issue to her.

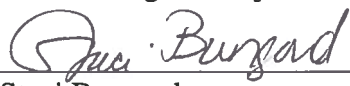
Drew asked where the City Staff came up with the 48 inches height. Struck explained that City staff completed research on other cities to see what they were using. Struck also noted that some best practice examples noted that the lower height was a benefit to neighbors as they could see into their neighbors yard and notice if things were out of the ordinary. He also noted that hedges should not be removed from the ordinance. Hedges can become a bigger barrier than a fence or wall. Bungard stated that the 48 inch rule in the front yard is a pretty common height nationwide. Pierce commented that the ordinance, the way it is written, could be interpreted differently.

Aiken is concerned about the properties that may have a deep, front yard. These hedges may not be a safety concern on these lots, and these people may have to remove a large amount of their hedge and it wouldn't be necessary.

Tornquist asked how tall a fence or hedge could be if it wasn't in the front yard. Bungard explained that as long as the fence or hedge is not in the setback area, then it can be at any height that the property owner would like.

Item #8d – No discussion.

The meeting was adjourned.


Staci Bungard
City Planner


Al Heuton, Chairperson