

**PLANNING COMMISSION WORKSHOP
MINUTES**

July 21, 2009

Vice Chairman Charles Wilson called the meeting to order at 6:15 p.m.

Present: Vice Chairman Charles Wilson, Member Joe LaCascia and Member Michael Ho-Shing. Also present were City Planner Gene Kniffin, Code Enforcement Officer Kathy Delp and City Clerk Patricia Jackson. Mr. Robert Nuss arrived at 6:50 p.m. Absent: Chairwoman Wanda Fred.

The workshop was turned over to Gene Kniffin, City Planner.

Gene briefly went over the Government in the Sunshine Laws. Public meetings are held in the “daylight”; any business conducted that has to do with the public have to be advertised, has to be noticed, open to the public, and anything that takes place has to be recorded. Nothing can be discussed between members in private (emails, calls, meetings, etc.) regarding the Commission and what may be taking place; an email forwarded to each member is a violation of the Sunshine Law, even if it is on a personal computer when used for public business. Gene advised the Commission needs to be very careful of this as several people have been prosecuted. You can socialize, but you cannot discuss Planning Commission business while doing so. Member Ho-Shing feels he needs to respond since it is directed at him. Member Ho-Shing advised he had a discussion with the City Manager and what was represented is not the full transaction of the email. He then discussed an email that was sent to Patricia; Gene advised nothing was wrong with the email other than copying it to everyone. The Planning Commission can communicate any time with staff via email; however, you cannot include the entire Commission with that email.

Review of Land Development Regulations

Gene advised we left off with Section 2.03; however, he made notes the Commission was going to make suggestions on fences and asked if anyone brought anything regarding fences. Member Ho-Shing broadened his scope and defined what a fence is and what purpose is provided. There are a number of functions it provides for the residents as well as for the city in general; two of which are security and safety. What he sees evolving with our approach to fencing is we essentially could get ourselves locked into a situation which is not necessarily what we wanted. If everybody puts up a fence, you will have a canyon of fences. He has thought about this carefully, and there is no way we can legislate good design; we need to allow people to come up with creative solutions, create diversity and interest, encouraging expression and creativity of expression, encourage use of planting and green design incorporated in the fence. He feels the City has an obligation to further the interest by providing incentives. What kind of incentives would you provide if the homeowner goes a little above and beyond the basics of providing a

fence? He feels a fence has to be looked at on an individual basis, and also it has to be looked at in context to where a fence is going (he gave an example). At this point Gene asked if that would include commercial, and Mr. Ho-Shing responded it would. Mr. Ho-Shing then referred to Section 2.02.09 (D), pertaining to berms; he suggested in some cases you may want to include a berm, and that could be an interesting thing depending on appeal and setback. To start legislating a particular height without context could be more restrictive than it needs to be. Gene suggested that height should be more around something manmade rather than vegetative. Member LaCascia understands with Mr. Ho-Shing's background why he would be motivated to take what he knows and incorporate it into the land regulations; however, what we have to remember is land regulations primarily are for the safety of the public. In the absence of any regulations on fences, if you look at fence height it talks about the visibility triangle, plantings and berms that are interfering for the most part with movement within a sub-division. Fences have to be safe, and they (regulations) don't get into the beautification (he understands where Mr. Ho-Shing is coming from). He doesn't know if land regulations would be the place to try and impose creativity; it is subjective, while safety is something that can be defended. Gene advised public safety has to come first. Gene's thought is to have something in the middle; there is nothing wrong with being creative, but in the backyard you wouldn't want to have a tin fence, and in the front yard you have to consider safety (visibility, etc.). With commercial property, there are some businesses that require fencing for security purposes; however, you have to have uniform legislation. Some discussion took place regarding beautification, but keeping limitations on height, etc. Member Ho-Shing feels it should be subject to review. Gene had a brief discussion regarding fencing of developments, and if you had developments for two miles and they all put up fencing it would create a tunnel; however, people in developments want security. Gene feels you can have fencing and landscaping, and it would come under the review process. Discussion took place regarding site plan review of residential fences; it would be impracticable; you have to have regulations. Discussion also took place concerning site plan reviews of commercial and planned sub-divisions. Vice Chairman Wilson feels what we are looking at enforceable things, which would be height, setbacks and triangle of visibility; something that is measurable. More discussion took place about developments. Gene asked Mr. Ho-Shing if he would add an "H" or refine the other. Mr. Ho-Shing responded that under "D" he would add some type of wording such as: "depending on the scope of work, depending on the context. He would add an "H" with wording such as: "While the intent of this is to create diversity and create interest and is subject to review. Gene suggested that Mr. Ho-Shing write something down between now and the next meeting that can be discussed.

Mr. Ho-Shing then asked about the penalties on page 12 – how do you rationalize \$500 per day (he missed this at the last meeting when it was discussed)? The penalty portion says it shall not exceed \$500 per day. Discussion took place regarding penalties; however, nothing was changed on this.

Section 2.02.10—Building Heights and Limitations

Nothing was changed under this section; however, someday it will have to be addressed based on zoning classifications.

City Clerk Jackson then reviewed the minutes from the past workshop with the Commission and

Section 2.03.00 is where they were to begin after fences. Gene advised the workshop has to stop at 7:00 p.m. for the regular scheduled Planning Commission meeting.

Section 2.03.01—Temporary Tents

Vice Chairman Wilson asked other than the Church (which the tent is now removed), has there been an issue with tents. Gene advised there has not; when they find out the restrictions, they pull a permit, put up, take them down and are gone. Nothing was changed with this Section.

Section 2.03.02 – Sale of Alcoholic Beverages

This was postponed in order to give the Commission an opportunity to review this on line (Chapter 6 in the Code of Ordinances) and familiarize themselves with the regulations.

Section 2.03.03 – Height Limitations Near Airports

Gene advised we have an airport, and even though it is not within our city limits, it does affect us. Height limitations are set by the FAA, and he doesn't know if we will be able to do too much on that.

Nothing was done with this section.

Section 2.04.00 – Establishment of Districts

Gene advised the Zoning Districts are listed here. He will bring those maps in, along with more current maps. This will get into zoning, and the maps will show you where these areas are. Member LaCascia thinks this will be one of the most important decisions we can make in terms of visioning because we have had that conversation before. If we have a vision to go into this direction, we would possibly have to reclassify some of those lines to move in the direction we see the visioning going. We had talked about changing some of those lines, if our visioning collectively was to embrace more and more of a particular type of classification. Gene advised it will be an extensive discussion and will probably take more than one meeting. He then referred to the tables on pages 26-33, and advised this gives the criteria that you will put into the districts you will be discussing. There are things you may want to change, or leave the same. This is an area you may want to spend some time, makes notes and get suggestions so that when we start these discussions we will be able to stay organized and on tract. Member LaCascia asked at what point and to what extent do we get into discussion with what we hear, or establish what we want and take into consideration what the citizens request? Gene advised this will be more than one meeting, and each of you need to do an extensive review and take notes so that when we do meet, we can have an organized discussion. Gene advised there will be public hearings on this; it will be an amendment to the Land Development Regulations (land use). Member Ho-Shing asked how you define an unit. Kathy Delp advised there are definitions in the back, and that is what we go by.

Vice Mayor Wilson advised we have to move on; the meeting was adjourned at 7:06 p.m.

Patricia R. Jackson, City Clerk

Charles Wilson, Vice Chairman

