

Meeting Minutes
New Prague Planning Commission
Wednesday, August 23, 2017

1. Call Meeting to Order

The meeting was called to order at 6:36 p.m. by Chair Nuhring with the following members present: Matt Goldade, Bob Gilman, Amy Jirik and Dan Meyer. All members were present.

City Staff Present: Ken Ondich – Planning / Community Development Director

2. Approval July 26, 2017 Regular Meeting Minutes

Commissioner Meyer noted that a correction should be made on the minutes because Vice Chair Gilman called the meeting to order and not Chair Nuhring as he was actually absent.

It was moved by Goldade, seconded by Gilman, to approve the July 26, 2017 regular meeting minutes as submitted. Motion carried (5-0).

3. Old Business

**A. Concept Review #2 of Zoning Ordinance Amendment for Fences
City of New Prague, applicant**

Planning Director Ondich presented the staff report. He stated that at the May Planning Commission meeting a fence variance was reviewed and recommended for approval for an older corner lot to have a 6' tall privacy fence along the side lot line adjacent to public right of way and the Planning Commission indicated that they wanted to review the ordinance for possible changes. He stated that in 2005 a fence ordinance amendment was made to allow 6' tall fences up to the rear corner of an attached garage but not to allow fences 6' tall within 30' of road right of way. He stated that in 2010 and 2011 fence amendments were discussed to allow taller fences along roadways. The Planning Commission did not move forward with changes and did not hold a public hearing. He stated that regardless of fence height amendments that other changes are needed to the ordinance. He stated that the staff report contained information about the 2011 research conducted pertaining to fences and that pictures were also provided. He stated that the same discussion and materials were reviewed at the July 26, 2017 Planning Commission meeting but two members were absent so a full discussion did not occur. He stated that since last month's meeting that he also had been informed by Utilities General Manager Bruce Reimers that there are clearance requirements from electrical boxes that should be included in the fence ordinance as well.

Commissioner Goldade stated that at the July meeting he was vocal about not allowing taller fences, but thinks that possibly 6' tall chain link fences or fences that are not privacy fences might be acceptable within the 30' distance from public right of way.

Commissioner Jirik asked how many variances were issued for fences in the past year.

Planning Director Ondich stated that the only fence variance issued in the past year was for the home by the strip mall but that other fence variances had been issued for 6' tall fences within 30' of the ROW.

Commissioner Jirik asked if the City requires fence permits for fences.

Planning Director Ondich stated that due to not requiring surveys for fences that the City attorney advised a few years ago to stop issuing fence permits as too many neighbor disputes over fence placements had occurred. He stated that fences still need to meet all the ordinance requirements, but no permit is issued. He stated that it has been working well with only minor situations arising out of fences improperly installed.

Commissioner Jirik asked for clarification on the 2' clear zone versus 5' clear zone language in the ordinance.

Commissioner Gilman asked how a gated community would be allowed if this ordinance remained in place.

Planning Director Ondich stated that it would not be allowed with fences within the 30' area from public right of way and that was likely the intent of the ordinance when written so as to prevent those situations from occurring where roadways feel disconnected from the adjacent homes.

Commissioner Gilman stated that he believes there is still a variance process in place for review on a case by case basis of the ordinance stays at 4' tall fences within 30' of a road right of way.

Commissioner Meyer stated that some dogs do need over 4' tall fences and noted that having the code change versus requiring a variance to exceed the 4' tall would make it easier for property owners and not have to fight with their neighbors.

Commissioner Gilman stated that granting variances along 10th Ave. SE for taller fences could open up the City to many requests for taller fences.

Commissioner Meyer noted the situation with a fence along 10th Ave. SE which is only 4' tall and which has apple trees planted adjacent were people walking by pick apples because it is taller than the fence.

Chair Nuhring stated that 10th Ave. SE is a busy street and noted that the east side of the road are walkout homes that are located above the elevation of the street. He stated that the fences would not block the appearance of homes actually being there like has

occurred on County Road 37. He stated that he would be willing to hear variance requests on a case by case basis.

Commissioner Jirik asked about requiring vegetation to be planted with fences if over 6' tall.

Planning Director Ondich stated that the City's ordinance does not allow trees or shrubs in easement areas and that would push the fences back into the yards albeit not as far as the current 30' setback from public right of way.

Commissioner Gilman stated that it's not as big of a concern with directional boring versus open ditch construction.

Chair Nuhring stated that standards for setbacks to electrical boxes should be included.

Planning Director Ondich stated that he would insert language from the utility department into the drafted ordinance language.

Commissioner Jirik stated that she is not against 6' tall fences, but can see that variances reviewed on a case by case basis can work. She stated that she could go either way on the amendment. She finally suggested that the amendment should provide language that fencing in easements could also have the residents incur costs for removal. She asked staff if trees could be determined to be fences.

Planning Director Ondich stated that the zoning ordinance definition would not currently consider trees or shrubs as fences and that he would suggest not changing the definition as trees and shrubs provide a nice appearance over fences along roadways. He stated that he would revise the ordinance amendment language as discussed.

4. New Business

A. None

5. Miscellaneous

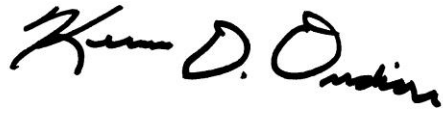
The following miscellaneous items were reviewed as information only:

- A. Monthly Business Update – Planning Director Ondich provided the Monthly Business update to the Planning Commission that had been provided to the EDA earlier in the month.
- B. Planning Application Fee Increases – Amy Jirik suggested that the fees for Planning Applications be reviewed and considered for increases.

6. Adjournment

A motion was made by Goldade, seconded by Meyer, to adjourn the meeting at 7:20 p.m. Motion carried (5-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kenneth D. Ondich". The signature is written in a cursive style with a large, stylized "K" and "O".

Kenneth D. Ondich
Planning / Community Development Director