



Draft Planning Commission Minutes, 8-12-13
Excerpt from Public Hearing Item 4a

Public Hearing: *Zoning Text Amendment – Landscape Requirements*

Johnson began his presentation by explaining the purpose of the Zoning Text Amendment. The ordinance is intended to update and relocate the landscaping provisions in the City Code to Article 6 – Environmental Performance Standards. This ordinance addresses size requirements, requirements for perimeter and interior of parking areas, provides a baseline for instances when screening is required, and requires financial security to ensure performance of landscape plan. This ordinance was reviewed by the Planning Commission on July 22nd. The Planning Commission asked for clarification and had inquiries. Staff made 2 proposed changes to this ordinance based on those inquiries. If the proposed landscaping ordinance is approved, Staff is proposing to remove the existing landscaping provisions with a future house-cleaning amendment of the Subdivision Ordinance, OP Ordinance, and Site and Building Review Ordinance. Staff hopes to complete this amendment in September.

Williams suggested that the word borders be added along with islands and medians. He also suggested that coniferous be added for perimeter parking lot. Larson thought that coniferous trees take up too much space and could interfere with parking.

Williams asked about the difference between the 6 foot height for evergreens and 8 foot for fences. Johnson stated that the more restrictive provision of the city Code always applies. In instances where these two ordinances, screening and fence, conflict, the more restrictive applies.

Dodson asked who reviews the landscape plans. Johnson responded that Staff reviews plans for conformance to City ordinances. However, Staff recommends that final plans be reviewed by a certified landscape architect or arborist in order to provide greater expertise in species selection and location.

Public hearing opened at 7:25 pm.

Greg McGrath, 1509 15th Street Court North, stated that it is important that the City review these plans as mistakes were made in his development on the implementation aspect. He noted that what was approved in the final plans was not actually planted. The Planning Commission felt it is important to make sure that the landscape plan is enforced.

No written comment was received.

Public hearing closed at 7:37 pm.

Morreale would like to see something in the Code to hold the developer to their landscape plans. Williams stated that the proposed ordinance already requires a financial security. Dodson does not feel that it is sufficient and asked for further explanation about how the City enforces the approved plans. Johnson stated that the ordinance is strong enough, and where the City needs to focus greater care and energy is in the implementation of the development improvements. The City is now only accepting a letter of credit instead of performance bonds and the oversight needs to be stronger than it has in the

past. He noted that the Staff and Council are committed to ensuring performance when it comes to development.

Morreale wants to put a timeline of 2-3 years before the responsibility of replacement and maintenance becomes the homeowners. Dodson is concerned about CIC type development. Sometimes the developer turns over responsibility before the association knows what they are doing. He would like to see a timeline of 2 years before the developer can turn it over to an association.

Williams wants to know if boulevards are the responsibility of the City or property owner. Johnson stated that boulevards are the responsibility of the homeowner.

Morreale asked what happens if there is an act of God, such as a powerful storm that damages plant materials. Johnson stated that the contingencies of performance for the landscape plan would be spelled out in the developer's agreement. Alternatively, if the storm occurred 2 years after installation, it would be the homeowner's responsibility. Johnson further stated that 2 years is the industry standard and it would be burdensome to hold the financial security for many years beyond the suggested timeframe.

Morreale asked what would happen if a storm went through and many, many boulevard trees are taken out. He asked how the City could play a role in assisting property owners with tree replacement. Johnson noted that some Cities have tree planting programs that target locations within the community in greatest need of additional plantings.

Williams proposed language to be added in the reasons for landscape section of "to provide visual softening of, especially, urban development". He further suggested that we check with the City attorney regarding the 2 year standard. Williams also suggested that we add language under the financial security that states adequate security must be retained to ensure performance for at least 2 years after the installations have been completed.

M/S/P: Morreale/Larson, move to recommend approval of the Landscape Requirements Ordinance with amendments, subject to legal review by the City Attorney: **Vote: 6-0. Motion Carried.**