Planning Commission Meeting Agenda,

Monday, June 7, 2021 - 6:00 PM Cologne Community Center, 1211 Village Parkway

Vision Statement

The City of Cologne is a vibrant small town that respects its heritage, embraces its future and offers a high quality of life for all who live, work and visit our community.

Chairperson: Larry Revering
Commissioner: Bernie Shambour
Commissioner: Carol Szaroletta
Commissioner: Vickie Selness
Commissioner: Jennifer Brewington

NOTE: AGENDA ITEMS ARE APPROXIMATE AND SUBJECT TO CHANGE ACCORDING TO LENGTH OF DISCUSSION. TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE ARRIVE AT 6:00 PM.

- 1. CALL MEETING TO ORDER & ROLL CALL
- 2. PLEDGE OF ALLEGIANCE
- 3. ADOPT AGENDA
- 4. OLD BUSINESS
 - a. Freedom Storage Response to City Council Request
 - i. Bernie Shambour Memo
 - ii. Jenn Brewington Memo
 - iii. Chapter 153 Cologne Zoning Code
- 5. NEW BUSINESS
 - a. May 3, 2021 Planning Commission Minutes
 - b. Potential Ordinance Change Discussion
 - i. Bernie Shambour Memo
 - ii. Jenn Brewington Memo
 - iii. Jenn Brewington Recommendations
- 6. ANNOUNCEMENTS
- 7. ADJOURN

The Freedom Storage site has applied for one building permit in 2012 for their initial ministorage building.

Since 2012, the Freedom Storage parcel has:

- Constructed additional mini-storage building units.
- Expanded the property with additional structures and parking lot hard surface to the point of covering over 90 percent of the land area.
- Installed a number of additional halogen lights (none of these are of Flat Fixture 90 Degree Cut-Off design).
- Expanded use of property to outdoor storage; including industrial equipment and regular ingress-egress of such equipment at all hours.

Issues:

Expanded use of property beyond C3 Zoning; without Planning Commission review nor issuance of building permits. No site plan reviews that would typically include a lighting plan, screening fence plan, surface water management plan.

City Planner position on Freedom Storage Property:

Cindy Nash, Cologne City Planner sent a memorandum dated April 1st to Cologne City Administrator Jesse Dickson that included aerial photos and the following statement: "It is clear that use of the site has intensified between 2016 and 2020as evidenced by the aerial photos".

Cindy Nash also included in the memorandum under **C-3 Zoning District**: "the use of the word *buildings* in the name of the permitted land use suggests that the rental storage should be within buildings. However, other uses within the C-3 General Commercial District like have outside storage as part of their use which suggests that *outside storage may be acceptable for uses in this zoning district.*

In sum, to date Cindy Nash has not made any recommendation on steps forward to address the issues raised on the Freedom Storage property for Outside Storage, Glare from lights, Noise, Fencing, and Surface Water Management.

Recommendation:

The Cologne Planning Commission should advise City Council to direct the City Administrator to work with the City Planner to contact the Freedom Storage property owner advising of expanded use of their parcel over a period of years without obtaining various permits for such expanded use. Further, Freedom Storage should be required to submit a site plan and work with the City to get their property in compliance with City

and Ordinance Codes. The City will need to define specific action items for m Storage in this endeavor.			

Cologne:

153.064 GLARE: Glare or illumination from any source of lighting from any use shall be aimed or deflected away from adjoining property and public rights of way, except street lighting and traffic signals.

95.18 (U): Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel and one footcandle when abutting any commercial or industrial parcel.

Freedom Storage:

- C-3 General Business- Current business is permitted use based on current zoning
 In compliance with city ordinance
- Glare: Lighting is deflected from adjoining property (per discussion and measurements from Jesse and Mayor Lein)

In compliance with city ordinance

- Fencing meets the requirements of eight feet
 In compliance with city ordinance
- I recommend fully shielded fixtures (see illustration and notes below)

What is a fully shielded light fixture?

SHIELDING: A fully shielded (full cut-off) light fixture has a solid barrier (cap) at the top of the fixture in which the lamp (bulb) is located. The fixture is angled so the lamp is not visible below the barrier (no light visible below the horizontal angle).

https://fhdarksky.com/information/what-is-shielding/



City of Cologne Chapter 153 Zoning Code

Chapter 153: Zoning Code

§ 153.064 GLARE.

Glare or illumination from any source of lighting from any use shall be aimed or deflected away from adjoining property and public rights of way, except street lighting and traffic signals.

■§ 95.18 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

(W) Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one footcandle when abutting any commercial or industrial parcel; and

§ 153.038 C-1 CONVENIENCE COMMERCIAL DISTRICT.

- (A) Purpose. In addition to the purposes stated in § 153.002, it is intended that the C-1 District provide limited convenience commercial uses near major intersections and residential neighborhoods. It is also the purpose of the C-1 District to minimize the impacts which may exist between dissimilar land uses.
 - (B) Permitted uses. Self-service gasoline station and convenience store.
 - (C) Special requirements.
 - Except for gas pumps, all operation shall be conducted within the principal building.
 - (2) No automobile service, repair, maintenance, sale or storage shall be permitted.
- (3) Where abutting a residential district, a screen wall or fence eight feet in height and having 90% opacity shall be required along the common property line between the uses.
 - (4) Parking and maneuvering areas shall be paved and curbed.
- (5) The site shall be planned so as not to allow water from a permitted car wash to run into a public street or accesses thereto. A drainage system shall be installed subject to the approval of the city.
 - (6) Pump islands and canopies shall conform to yard requirements or a minimum of 30 feet from a street right-of-way whichever is greater.
 - (7) Parking for employees, customers and stacking shall be provided in accordance with other provisions of this chapter.
 - (8) Artificial lighting shall be accomplished so as to have no direct light source visible from a public street or a residential district.

(Ord. 150, passed 2-22-2000; Ord. passed 3- -2007)

No Special Requirement Provisions allow for Outdoor Storage.

- (A) Purpose. In addition to the purposes stated in § 153.002, it is intended that the C-2 District provide for the unique layout and character of a traditional central business district with retail and professional office functions and other mixed uses.
 - (B) Permitted uses.
- (1) Retail sales conducted within structures, but excluding automobile and motorized equipment sales, truck stops, gasoline and fuel sales, drive-through restaurants and adult-oriented businesses.
 - (2) Repair and service conducted within structures, but excluding automobile and motorized equipment repair.

Permitted uses provide no provisions for outdoor storage.

■§ 153.040 C-3 GENERAL COMMERCIAL DISTRICT.

- (A) Purpose. In addition to the purposes stated in § 153.002, it is intended that the C-3 District provide opportunities for retail and service business uses which require larger development sites, highway visibility or highway access.
 - (B) Permitted uses.
 - (1) Retail sales and service, but excluding adult-oriented businesses.
 - (2) Automobile and motorized equipment sales and service.
 - (3) Farm implement sales and service.
 - (4) Building supply sales and storage yards.
 - (5) Daycare centers.
 - (6) Funeral homes and mortuaries.

Permitted uses provide no provisions for outdoor storage.

№§ 153.069 OUTSIDE STORAGE.

All products, materials and equipment, except as specifically provided in this chapter, shall be stored within permitted structures, except for the following:

- (A) Agricultural products, equipment and appurtenances owned by the owner of the property and used on the property on which they are kept.
- (B) A maximum of three licensed and operational motor vehicles per residential dwelling unit, parked on the permitted driveway area.
- (C) A maximum of one of the following may be stored outside of a structure for more than 48 hours on any residential parcel, provided also they are stored on the permitted driveway area.
 - (1) Boat (must be on a trailer).
 - (2) Camper.
 - (3) Motor home.
 - (4) Snowmobile (maximum of two on one trailer).
 - (5) Personal watercraft (maximum of two on one trailer)
 - (6) Motorcycle.
 - (7) Trailer.

Warren's property is not zoned Mixed Use nor Industrial. Even if this property were; any site plan review would likely require additional landscaping (especially in a Shoreland Overlay District) as well as as provisions for "screening" where such use is contiguous with Residential properties.

- (D) Clothes lines, antennae, air conditioners, outdoor grills, play equipment, ornaments and monuments.
- (E) Temporary storage of materials and equipment during construction and landscaping.
- (F) Storage of products, materials and equipment, excluding rubbish or junk, which is necessary to an approved business operation in a commercial or industrial district, and which is completely screened from adjoining properties and rights-of-way. The site plan review process is required to determine the appropriateness for storage permitted in this section, surfacing required for the storage area and the screening required.
- (G) Outside display of vehicles, equipment and merchandise for direct sale to consumers when such outside display is customary and necessary to the trade and is a permitted use within the zoning district. The site plan review process is required to determine the appropriateness of the storage or display proposed, surfacing required for the display area and any additional landscaping or screening which may be required.

Planning Commission Meeting Minutes

Monday, May 3, 2021 - 6:00 PM Cologne Community Center, 1211 Village Parkway

VIRTUAL MEETING URL: https://us02web.zoom.us/j/4240249600

To access the meeting through your telephone, dial (312) 626-6799 and enter meeting ID #424 0249 600

Vision Statement

The City of Cologne is a vibrant small town that respects its heritage, embraces its future and offers a high quality of life for all who live, work and visit our community.

Chairperson: Larry Revering
Commissioner: Bernie Shambour
Commissioner: Carol Szaroletta
Commissioner: Vickie Selness

Commissioner: Jennifer Brewington

NOTE: AGENDA ITEMS ARE APPROXIMATE AND SUBJECT TO CHANGE ACCORDING TO LENGTH OF DISCUSSION. TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE ARRIVE AT 6:00 PM.

1. CALL MEETING TO ORDER & ROLL CALL

Chairperson Revering called the meeting to order at 6:00 PM with Commissioners Brewington, Selness, Shambour and Szaroletta present via Zoom. Also present via Zoom were City Administrator – Jesse Dickson, City Clerk – Michelle Morrison, City Planner Cindy Nash, Mayor Matt Lein and Councilmember Nathan Kells.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Motion by Commissioner Brewington to adopt the agenda as presented, second by Commissioner Szaroletta. Motion carried unanimously.

4. NEW BUSINESS

a. April 5, 2021 Planning Commission Minutes

Motion by Commissioner Szaroletta to approve the April 5, 2021 minutes as presented, second by Commissioner Brewington. Motion carried unanimously.

b. Cindy Nash, Collaborative Planning

i. Freedom Storage Response Letter

Cologne Resident Nancy Williams submitted a written document to City Staff asking for response for alleged zoning violations at Freedom Storage. City Planner, Cindy Nash, was sent the document and asked to provide written response. Ms. Nash prepared a memo in response to Ms. Williams concerns and reviewed the document with the Planning Commission. After discussion, Commissioner Shambour suggested that the Planning Commission meet with the City Council members and Cindy Nash at the Freedom Storage site to review all complaints and determine next steps. It was the consensus of the Commissioners to move forward with that plan.

5. ANNOUNCEMENTS

6. ADJOURN

Motion by Commissioner Szaroletta to adjourn at 6:50 PM, second by Commissioner Shambour. Motion carried unanimously.

Respectfully Submitted:	Attest:				
	- 				
Michelle M Morrison, City Clerk	Larry Revering, Chairperson				

https://www.volt.org/Geteducated/Trespass.html

Benefit #4: Light Trespass Reduction

Light Trespass is the poor control of outdoor lighting that crosses property lines and detracts from property values and our quality of life.

Summary of the Problem:

Light trespass is easy to identify. It occurs when unwanted light shines on our property or in our windows. When a bright, uncontrolled lighting installation occurs near residential areas, the tranquility of the nighttime environment is disturbed and the quality of life diminished. Light Trespass is the most common source of citizen complaints.

Click here for a serious example of light trespass.



Comments on Light Trespass:

Fortunately, light trespass is easily controlled by using full cut-off fixtures and reasonable illumination levels. Full cut-off fixtures keep the light down on the ground, where it is needed, instead of being cast to the side or in the sky, where it is wasted.

It is amazing to many that builders use decorative acorn lights for general area lightning. These fixtures may look good in the daytime, but they have no control over the direction of the light. Most of the light never makes it to the ground where it can help people see the road or sidewalk. In this case, the light trespass is not caused by a commercial enterprise or poor street lighting, it is caused by the builder of the residential neighborhood!

Click here for an example of residential light trespass created by acom lighting fixtures.

https://www.volt.org/Geteducated/Trespass.html



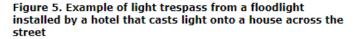
What is light trespass?

Light trespass occurs when **spill light** is cast where it is not wanted. Light trespass is somewhat subjective because it is difficult to define when, where, and how much light is unwanted. An example of light trespass is when spill light from a streetlight or floodlight enters a window and illuminates an indoor area. Figures 4 and 5 depict examples of light trespass. The light trespass shown in Figure 4 would be significantly reduced if a shield were placed on the luminaire. In Figure 5, the floodlight on the hotel casts light on the home across the street. Proper aiming of the floodlight and shielding would significantly reduce the light trespass shown in this example.



Figure 4. Example of light trespass

Source: David Fernández-Barba, Dep. d'Astronomia i Meteorologia, Universitat de Barcelona, SPAIN









Glare and light trespass are of special concern when installing floodlights. The Commission Internationale de l'Eclairage (CIE) provides design guidelines on the siting and aiming of floodlights (CIE in press). One objective when the lighting is installed is to ensure that, to the extent practicable, direct view of the bright parts of the floodlights is prevented from positions of importance at eye-height on neighboring properties. Where possible, shielding should be considered. To determine the mounting height of luminaires, the CIE suggests the following considerations:

- Higher mounting heights can often be more effective in controlling spill light, because floodlights with a more controlled light distribution (i.e., narrower beam) may be used, and the floodlights may be aimed in a more downward direction, making it easier to confine the light to the design area.
- · Lower mounting heights increase the spill light beyond the property boundaries. To illuminate the space satisfactorily, it is often necessary to use floodlights with a broader beam and to aim the floodlights in directions closer to the horizontal than would occur when using higher mounting heights.
- · Lower mounting heights make bright parts of the floodlights more visible from positions outside the property boundary, which can increase glare.

Figures 9 and 10 show how a higher mounting height compares to a lower mounting height for providing a given amount of light.



Figure 9. Floodlight at a higher mounting height with narrow

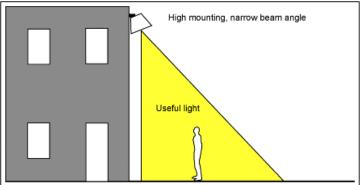
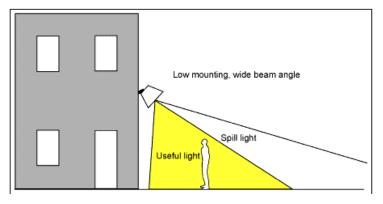


Figure 10. Floodlight at a lower mounting height with wider beam angle, resulting in more spill light



Description:

Mini storage-Many self-storage facilities rent units that are attached to one another, rather than being stand-alone units. This is an aspect that seems to justify the term "mini-storage"—each unit has its own locking door, but many units share walls, and some even have open space at the top for venting air.

Outdoor storage spaces are spaces where you can keep larger items, such as vehicles, RVs, or boats. Typically fenced in area.

Example:

- a) Such outdoor storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the board of commissioners when applying for a special land use permit.
- b) The outdoor storage area shall be screened from view of neighboring residential uses, residential districts, and/or the public right-of-way and public waters with landscape buffers (trees, hedges, plantings, or a combination thereof) shall be installed adjacent to and across from all residential areas.
- c) Outdoor storage areas shall be paved or surfaced with crushed stone to control dust. Permitted paving surfaces include asphalt, cobblestone, paver block, or concrete. Pervious pavement materials may be permitted subject to review and approval by the city engineer.
- d) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences. (Link to city lighting ordinance)
- e) Night lighting and security lighting shall be sensitively designed to ensure no off-site neighboring parcels and that the overall intensity of the site lighting is not unreasonably intrusive on the use of adjoining property.
- f) The applicant shall include a list of items that will be stored outdoors as part of the conditional use permit application. Storage of debris, trash, garbage, junk, hazardous waste, or items not related to the principal use of the site is prohibited.

Lighting:

No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- a) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (½) foot candle measured at the closest property line of any permitted or conditional residential use, and five (5) foot candles measured at the street curb line or nonresidential property line nearest the light source.
- b) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- c) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or

- visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- d) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- e) Pole mounted lighting. Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40 percent of the horizontal distance of the light pole from the property line.
- f) Lights mounted to buildings or structures. Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than the height of the building or structure at the place where the lighting is attached, nor higher than 40 percent of the horizontal distance of the light from the property line, whichever is less.
- g) Lighting of building façades or roofs shall be located, aimed, and shielded so that light is directed only onto the façade or roof.

Light trespass occurs when spill light is cast where it is not wanted. An example of light trespass is when spill light from a streetlight or floodlight enters a window and illuminates an indoor area.

International Dark Sky Association Model Lighting Ordinance: https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF

What is a fully shielded light fixture?

SHIELDING: A fully shielded (full cut-off) light fixture has a solid barrier (cap) at the top of the fixture in which the lamp (bulb) is located. The fixture is angled so the lamp is not visible below the barrier (no light visible below the horizontal angle).

https://fhdarksky.com/information/what-is-shielding/

What is cutoff lighting?

cutoff angle - The angle of light distribution from a luminaire, measured upward from nadir, between the vertical axis and the first line at which the bare source (lamp) is not visible. direct uplight - Light emitted upward by a luminaire.

https://www.blancocountynightsky.org/guideliness.php

Suggested changes for lighting:

General provision. Any lighting used to illuminate a structure, an off-street parking area, or other area in an industrial district shall be arranged so as to deflect light away from any adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

- a) No light source or combination thereof which casts light on a public street shall exceed one foot-candle (meter reading) as measured from the right-of-way of said street nor shall any light source or combination thereof which casts light on adjacent residential property exceed five tenths (0.5) foot candle) foot candles (meter reading) as measured at the property line.
- b) All luminaries shall have a cut off angle equal to or less than 70 degrees.
- c) No light which is flashing, revolving or otherwise resembles a traffic-control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.
- d) Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40 percent of the horizontal distance of the light pole from the property line.
- e) Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than the height of the building or structure at the place where the lighting is attached, nor higher than 40 percent of the horizontal distance of the light from the property line, whichever is less.
- f) Night lighting and security lighting shall be sensitively designed to ensure no off-site neighboring parcels and that the overall intensity of the site lighting is not unreasonably intrusive on the use of adjoining property.
- g) Building materials with high light reflective qualities should not be used in construction of buildings where reflected sunlight or artificial light would throw intense glare on adjacent areas or streets.
- h) Landscaping shall be the preferred means of screening emission of light and glare to nearby properties but should be supplemented where necessary by solid or other sight and glare barriers.

At Property Lines Including	Minimun	1	Maximum	
Rights-of-Ways	Footcandles		<u>Footcandles</u>	
At property line abutting a residential use	None		0.5	
At property line abutting an office or institutional use	None		1.0	
At property line abutting a commercial or light industrial use	None		1.5	
Off-Street Parking Lots	Minimum Footcandles	Average Footcandles		Maximum Footcandles
Residential areas	0.5	2		4
Office-professional areas	1.0	3		6
Commercial areas	2.0	6		12
Light industrial areas	1.0	4		8

Source: Illuminating Engineering Society of North America

Suggested changes for outdoor storage:

- a) Such outdoor storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the board of commissioners when applying for a special land use permit.
- b) The outdoor storage area shall be screened from view of neighboring residential uses, residential districts, and/or the public right-of-way and public waters with landscape buffers (trees, hedges, plantings, or a combination thereof) shall be installed adjacent to and across from all residential areas.
- c) Outdoor storage areas shall be paved or surfaced with crushed stone to control dust. Permitted paving surfaces include asphalt, cobblestone, paver block, or concrete. Pervious pavement materials may be permitted subject to review and approval by the city engineer.
- d) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences. (Link to city lighting ordinance)
- e) Night lighting and security lighting shall be sensitively designed to ensure no off-site neighboring parcels and that the overall intensity of the site lighting is not unreasonably intrusive on the use of adjoining property.
- f) The applicant shall include a list of items that will be stored outdoors as part of the conditional use permit application. Storage of debris, trash, garbage, junk, hazardous waste, or items not related to the principal use of the site is prohibited.