

Planning Commission Meeting Agenda

Tuesday, July 6, 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**
- 5. NEW BUSINESS**
 - a. June 7, 2021 Planning Commission Minutes**
 - b. PUBLIC HEARING: 218 W Lake Street IUP Amendment Application**
 - i. September 8, 2020 IUP**
 - ii. Collaborative Planning IUP Amendment Memo**
 - iii. Resolution 21-08 Amending 218 W Lake Street IUP**
 - c. Potential Ordinance Change Recommendations**
 - i. Bernie Shambour Memo**
 - ii. Jenn Brewington Memo**
 - iii. Jenn Brewington Recommendations**
- 6. ANNOUNCEMENTS**
- 7. ADJOURN**

Planning Commission Meeting Minutes,

Monday, June 7, 2021 - 6:00 PM

Cologne Community Center, 1211 Village Parkway

Vision Statement

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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. Also present were City Administrator – Jesse Dickson, City Clerk – Michelle Morrison and City Planner Cindy Nash.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

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

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**

It was the consensus of the Commissioners to discuss each issue with Freedom Storage individually in determining any violation to existing City Ordinance.

LIGHTING: The Commissioners discussed the existing ordinance in relation to glare and nuisance, discussing at length the subjectivity of glare. Administrator Dickson reviewed the light meter readings he had obtained at various locations around the site, noting all were within City Ordinance limits. Discussion was had on steps that the property owner has already taken to reduce the negative effect of the lights while still

providing the security he desired. After discussion, by a show of hands, it was agreed 4-1 that there was no violation to the existing lighting ordinance at the property. Commissioner Shambour clarified that he was dissenting noting the objectivity of one's definition of "glare". After further discussion it was the consensus of all Commissioners to recommend to the property owner that additional shielding of lights on the north side of the property, while not required, would be appreciated by neighbors.

OUTSIDE STORAGE, SCREENING: City Planner Cindy Nash explained that the property is currently Zoned C-3 – General Commercial and noted that as such outside storage could be allowed. In previous memo's Ms. Nash has pointed out that use had expanded over the past several years, and because of that the Commissioners could ask for a Site Plan Review. Ms. Nash shared that requiring a site plan would be at a significant cost to the property owner and before making that request, the Commissioners should discuss what the intent would be. The Commissioners discussed the property at length noting that in their opinion the property is well maintained and orderly, that given the nature of the surrounding property with higher elevations, even a fence would not hide the entire property from sight lines. At the conclusion of discussion, it was the consensus of the Planning Commission to take no action related to the Outside Storage and a Site Plan Review Request. The Commissioner's also asked the City Administrator to communicate to the property owner that while not required, additional screening on the north property line fence would be recommended, with the Planning Commission reviewing any changes prior to installation.

5. NEW BUSINESS

a. May 3, 2021 Planning Commission Minutes

Motion by Commissioner Shambour to approve the May 3, 2021 minutes as presented, second by Commissioner Brewington. Motion carried unanimously.

b. Potential Ordinance Change Discussion

As the Old Business discussion continued to 7:00 PM it was the consensus of the Commission defer any discussion on ordinance changes to a future meeting.

- i. Bernie Shambour Memo**
- ii. Jenn Brewington Memo**
- iii. Jenn Brewington Recommendations**

6. ANNOUNCEMENTS

7. ADJOURN

Motion by Commissioner Szaroletta to adjourn at 7:00 PM, second by Commissioner Selness. Motion carried unanimously.

Respectfully Submitted:

Attest:

Michelle M Morrison, City Clerk

Larry Revering, Chairperson



PO Box 120, 1211 Village Parkway
Cologne, MN 55322
(952) 466-2064
www.colognemn.com

Planning and Zoning Application Form

GENERAL REQUIREMENTS – Please read before completing the application.

The City will not begin processing an application that is incomplete. You will be notified within seven business days if your application is not complete. Applications deemed complete will be submitted to the City Planner for review. The City Planner will notify the applicant if additional information or modifications are necessary. The applicant is responsible for all information necessary to describe the land use/development request and may be required to submit additional information to fully explain the aspects unique to the request that may not appear on this application. Applicants are encouraged to review the applicable City Code (available at City Hall) related to their request.

Fees and escrow are due at the time an application is submitted (or the application will be considered incomplete). Fees and escrow are listed on the attached sheet. Please note that the applicant is responsible for all planning, legal, engineering, publication, notification, and other expenses related to the application.

Certain applications, such as variances and sign permits, require Planning Commission consideration. Please check with the City Clerk to determine if your application requires Planning Commission consideration. If so, your completed application must be submitted four weeks prior to a regularly scheduled planning commission meeting. Completed applications that are submitted within four weeks of a regularly scheduled planning commission meeting may be considered at the next regularly scheduled meeting if time constraints allow, otherwise they will be considered at the following regularly scheduled meeting.

APPLICANT INFORMATION

Applicant(s) Derek Jensen - Jensen Decorative Concrete

Property Owner(s) – (if different from applicant) Warren Drissin

Property Street Address 218 W. Lake Street
Cologne, MN 55322

Applicant Mailing Address (if different from property address)

519 W. Elm Street Norwood, mn 55368

Applicant Telephone (952) 210 - 2692 (day) () - (eve)

Applicant Fax No. () - E-mail jensendecorativeconcrete@gmail

Applicant is: ☐ Owner ☒ Contractor ☒ Other Agent

Type of Request(s):

☐ Site Plan Approval (Bldg permit may also be needed)

(Include Site Plan Review Requirements document)

☐ Variance

(Include Variance Addendum document)

☐ Building Alterations/Additions

(Bldg permit needed)

☐ Other _____

☐ Zoning Ordinance Amendment

(Include Zoning Amendment Information document)

☐ Sign Permit

(Include Sign Permit Addendum document)

☒ Interim Use Permit

(Include Interim Use Permit Information document)

☐ Preliminary Plat ☐ Final Plat ☐ Lot Division/Combination

****Please attach a site plan showing existing and proposed features, including setbacks.****

Brief description of request

Interim Use ~~AMM~~ Permit modification

Has a similar request on the subject site or any part thereof been previously sought? Yes

If yes, when? early 2020

Access to property _____

Project description and background (attach additional sheet(s) if necessary) New building and lighting

I agree that all fees incurred by the City resulting from the review of this request are my responsibility and I will pay them in a timely manner.

Signature of applicant(s) Derek J. Jansen Date 6/4/2021

If Property Fee Owner is not the applicant, the Applicant must provide written authorization by Property Fee Owner in order to make application.

Signature of owner Warren signed previous Application Date 6/4/2021

*****FOR CITY USE ONLY*****

Appl. Fee & Escrow \$ _____ Amount Paid \$ _____ Date _____ Ck # _____

Completed Application Received on _____ by _____

Current Zoning _____ Existing Land Use _____ Proposed Land Use _____ PID 40- _____

Legal Description _____

Site Plan

~ for ~ Derek Jensen
218 Lake Street W.
Cologne, MN 55322



0 20 40
SCALE IN FEET

PROPOSED IMPERVIOUS COVERAGE:

EXISTING BUILDING:	1,198 S.F.
GRAVEL SURFACE: (ALL TO BE REMOVED)	NA
EXISTING CONCRETE: (NORTH OF R/W LINE)	2,192 S.F.
PROPOSED CONCRETE DR (NORTH OF R/W LINE)	3,693 S.F.
PROPOSED TRUCK GARAGE:	4,800 S.F.
PROPOSED OUTSIDE STORAGE:	3,174 S.F.
IMPERVIOUS TOTAL:	15,057 S.F.
PROPERTY AREA:	35,703 S.F.
IMPERVIOUS COVERAGE:	42.2 %

DESCRIPTION OF PROPERTY AS PROVIDED BY OWNER:

Commencing at a point 100 feet West of the Southeast corner of Outlot No. 2, Village of Cologne, according to the plat thereof on file and of record in the Office of the County Recorder of Carver County, Minnesota, on the South line thereof; thence running Westerly along the North line of U. S. Highway No. 212 and following contour of said highway to a point of intersection on the West line of Conrad Street in the Village of Cologne; thence running Northerly along said West line of said Conrad Street also known as the Westerly line of said Outlot No. 2, to a point 140 feet distance and at right angles from the North line of said highway; thence Easterly parallel to the North line of said highway a distance of 140 feet therefrom to a point 100 feet West of the Easterly line of said Outlot No. 2; thence Southerly 140 feet to the place of beginning situated in Outlot No. 2, Village of Cologne.

EXCEPTING THEREFROM that portion thereof lying within the following described property:

Commencing at a point 100 feet West of the Southeast corner of Outlot No. 2, Village of Cologne according to the plat thereof on file and of record in the office of the County Recorder of Carver County, Minnesota, on the South line thereof; thence running Westerly along the North line of U. S. Highway #212, a distance of 200 feet, thence running North 140 feet, thence running Easterly parallel to the North line of U. S. Highway #212 a distance of 200 feet to a point 100 feet West of the East line of said Outlot No. 2; thence South 140 feet to the place of beginning.

Subject to County State Aid Highway No. 36 and easements of record.

REVISED: 06/07/21 - PROPOSED TRUCK GARAGE, OUTDOOR STORAGE,
CONCRETE DRIVES, IMPERVIOUS SURFACE.

REVISED: 09/02/20 - FENCE

REVISED: 08/13/20 - FENCE

REVISED: 08/12/20 - GRAVEL PARKING, FENCE, IMPERVIOUS COVERAGE

REVISED: 07/09/20 - BOUNDARY, IMPERVIOUS COVERAGE

I hereby certify that this survey was prepared by me
or under my direct supervision and that I am a duly
licensed Professional Land Surveyor under the laws
of the State of Minnesota.

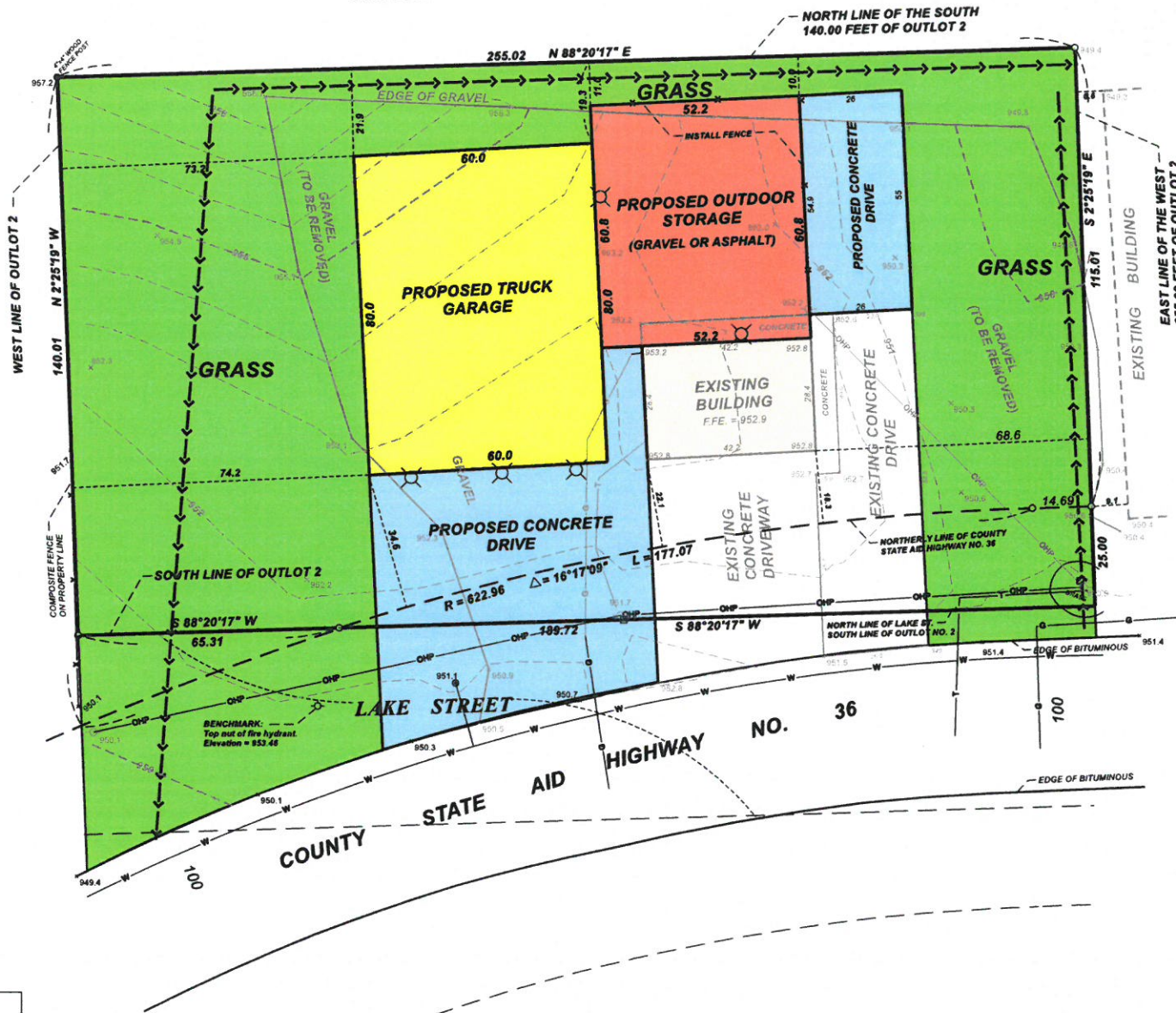
Steven V. Ische 22703 06/26/20
License No. Date

PROJ. #1804-00

LEGEND

- Found Iron Monument
- Set 1/2" X 14" rebar marked with cap number 22703
- × Spot Elevation
- ⊕ Fire Hydrant
- ⊖ Power Pole
- ⊕ Overhead Power Line
- Curb Stop
- Telephone Pedestal
- W— Watermain
- G— Gas Line
- T— Telephone Line
- Contour Line
- ⊕ Proposed Light
- Direction of Surface Drainage

LAKESIDE ADDITION



PREMIER
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203
Victoria, MN 55386
952-443-3010

Collaborative Planning, LLC

Memorandum

To: Planning Commission
From: Cindy Nash, AICP, EDFP
Date: July 6, 2021
Subject: 218 Lake Street West – Interim Use Permit (Amendment)

Overview of Request

The subject property is a parcel of record consisting of approximately .82 acres. The property is zoned C-2 Central Business District.

An Interim Use Permit was previously granted to this property (copy included in packet). The applicant was not in compliance with that permit, and has requested an amendment to the IUP in order to address future growth of the business including the construction of an additional building. A proposed site plan has been provided.



Outside storage is shown on the site plan inside the fenced area. No outside storage would be permitted in any other areas on the site as they would not be screened.

The site plan identifies an existing building (no expansion proposed), concrete driveway, a new building, fenced outdoor storage area, additional concrete area, and open space/yard.

The property is located in the shoreland overlay district, and a variance was previously granted to permit impervious surface not to exceed 52.1% of the site. The proposed site plan is in compliance with that variance.

Recommendation on Interim Use Permit

If the Planning Commission recommends that the Interim Use Permit be approved, staff recommends that it be subject to the following conditions:

1. This IUP amends and replaces the IUP granted in Resolution #20-19 granted on September 8, 2020.
2. The only use permitted for the Subject Property is masonry construction trade business or showroom. No other use of the property is permitted except those as permitted in the Cologne Zoning Ordinance as amended from time to time.
3. The site must be maintained in compliance with the Site Plan prepared by Premier Land Surveying, LLC and dated June 7, 2021. Areas that are not specified as being either building, concrete driveway, or outside storage shall consist of grass, trees, bushes or other landscaping no later than July 31, 2023.
4. Hours of operation shall not be earlier than 6:30 a.m. and later than 6:00 p.m. Monday through Friday. Saturday hours shall not be earlier than 8:00 a.m. nor later than 2:00 p.m. No operating hours on Sundays or legal holidays are permitted.
5. No outside storage is permitted except for within the area to be enclosed by the fence, and not until a fence surrounding the outside storage area has been constructed. All operations and storage of parts and materials shall be conducted within the building or fenced area as shown on the site plan. Outside storage that may be within the fenced area would include parts, attachments, equipment, materials or any other items that are not affixed to the ground provided that the outside storage is kept in a manner and condition that is in compliance with city ordinances. Outside storage does not include employee, customer or company vehicles which must be in compliance with Condition #7 and #9, but these vehicles may be parked inside the fenced outside storage area.
6. Prior to construction of the fence, a building permit for a fence shall be submitted to the City for review and approval. The fence shall be in the location shown on the Site Plan.
7. Customer, employee and company vehicles may be parked outside the building either on the cement driveway in front of the building or on the gravel areas. Not more than 10 company vehicles may be permitted to be parked outside. A company vehicle can be a truck, trailer, dump truck, etc. A truck with trailer attached counts as 2 company vehicles.
8. A building permit must be secured for the new building prior to construction. In addition, architectural elevations for the proposed building shall be submitted for Planning Commission and City Council review and approval.
9. In the event that the proposed new building is not constructed by July 31, 2023, the existing gravel on the western side of the site where the proposed building and the proposed concrete area are shown on the site plan shall be removed and grass or landscaping shall be installed in its place not later than July 31, 2023. By July 31, 2023, all employee, customer and company vehicle parking

shall be either inside of buildings, or located on the concrete areas to the south and east of the buildings as shown on the Site Plan.

10. The exterior lights existing on the property on July 6, 2021 are approved. No additional lighting is permitted to be installed on the property without first submitting a lighting plan to the City for review. Review of a lighting plan shall occur in a manner specified in the Zoning Ordinance, as amended from time to time.
11. The use and site shall be in compliance with all requirements of the zoning ordinance, as amended from time to time.
12. The use and site shall maintain compliance with all noise and nuisance related ordinances of the City Code, as may be amended from time to time.
13. The use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.
14. Disposal and handling of all waste and hazardous materials shall be done in conformance with law.
15. A lapse of one year during which the premises are not used for the purposes provided for in this permit shall cause the permit to expire and be of no further consequence.
16. This Interim Use Permit shall terminate on July 6, 2026. If this type of use is still eligible to be permitted as an interim use under city ordinances near the time of expiration of this permit, the applicant may apply for a new interim use permit.

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 21-08**

**A RESOLUTION AMENDING AN INTERIM USE PERMIT FOR 218 LAKE
STREET WEST**

WHEREAS, the City of Cologne is a Minnesota Municipal Corporation, duly organized and authorized to conduct its affairs under the laws of the State of Minnesota; and

WHEREAS, Jensen Decorative Concrete, Inc, a Minnesota business corporation (the “Applicant”) is the proposed purchaser of certain real property located in the City of Cologne, State of Minnesota, located at 218 Lake Street West (the “Subject Property”); and

WHEREAS, Warren R. and Ann Marie Dressen are the owners of the Subject Property; and

WHEREAS, the City Council adopted Resolution #20-19 on September 8, 2020 approving an Interim Use Permit (“IUP”) for the Subject Property; and

WHEREAS, the Applicant has submitted an application to amend IUP #20-19; and

WHEREAS, the Planning Commission of the City did on July 6, 2021, conduct a public hearing in relation to the Applicant’s request for an interim use permit; and

WHEREAS, the Planning Commission of the City did on July 6, 2021 recommend approval of the interim use permit to the City Council; and

NOW, THEREFORE, BE IT RESOLVED the interim use permit is subject to the following conditions:

If the Planning Commission recommends that the Interim Use Permit be approved, staff recommends that it be subject to the following conditions:

1. This IUP amends and replaces the IUP granted in Resolution #20-19 granted on September 8, 2020.
2. The only use permitted for the Subject Property is masonry construction trade business or showroom. No other use of the property is permitted except those as permitted in the Cologne Zoning Ordinance as amended from time to time.

3. The site must be maintained in compliance with the Site Plan prepared by Premier Land Surveying, LLC and dated June 7, 2021. Areas that are not specified as being either building, concrete driveway, or outside storage shall consist of grass, trees, bushes or other landscaping no later than July 31, 2023.
4. Hours of operation shall not be earlier than 6:30 a.m. and later than 6:00 p.m. Monday through Friday. Saturday hours shall not be earlier than 8:00 a.m. nor later than 2:00 p.m. No operating hours on Sundays or legal holidays are permitted.
5. No outside storage is permitted except for within the area to be enclosed by the fence, and not until a fence surrounding the outside storage area has been constructed. All operations and storage of parts and materials shall be conducted within the building or fenced area as shown on the site plan. Outside storage that may be within the fenced area would include parts, attachments, equipment, materials or any other items that are not affixed to the ground provided that the outside storage is kept in a manner and condition that is in compliance with city ordinances. Outside storage does not include employee, customer or company vehicles which must be in compliance with Condition #7, but these vehicles may be parked inside the fenced outside storage area.
6. Prior to construction of the fence, a building permit for a fence shall be submitted to the City for review and approval. The fence shall be in the location shown on the Site Plan.
7. Customer, employee and company vehicles may be parked outside the building either on the cement driveway in front of the building or on the gravel areas. Not more than 10 company vehicles may be permitted to be parked outside. A company vehicle can be a truck, trailer, dump truck, etc. A truck with trailer attached counts as 2 company vehicles.
8. A building permit must be secured for the new building prior to construction. In addition, architectural elevations for the proposed building shall be submitted for Planning Commission and City Council review and approval.
9. In the event that the proposed new building is not constructed by July 31, 2023, the existing gravel on the western side of the site where the proposed building and the proposed concrete area are shown on the site plan shall be removed and grass or landscaping shall be installed in its place not later than July 31, 2023. By July 31, 2023, all employee, customer and company vehicle parking shall be either inside of buildings, or located on the concrete areas to the south and east of the buildings as shown on the Site Plan.
10. The exterior lights existing on the property on July 6, 2021 are approved. No additional lighting is permitted to be installed on the property without first submitting a lighting plan to the City for review. Review of a lighting plan shall occur in a manner specified in the Zoning Ordinance, as amended from time to time.

11. The use and site shall be in compliance with all requirements of the zoning ordinance, as amended from time to time.
12. The use and site shall maintain compliance with all noise and nuisance related ordinances of the City Code, as may be amended from time to time.
13. The use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.
14. Disposal and handling of all waste and hazardous materials shall be done in conformance with law.
15. A lapse of one year during which the premises are not used for the purposes provided for in this permit shall cause the permit to expire and be of no further consequence.
16. This Interim Use Permit shall terminate on July 6, 2026. If this type of use is still eligible to be permitted as an interim use under city ordinances near the time of expiration of this permit, the applicant may apply for a new interim use permit.

Adopted and approved by the City Council of the City of Cologne on a vote of ____ ayes and ____ nays effective on the 6th day of July, 2021.

Approved:

Matt Lein
Mayor

Attested:

Michelle Morrison
City Clerk

M/_____

Lein_____

Szaroletta_____

Kells_____

S/_____

Bruss_____

Lenzen_____

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 20-19**

**A RESOLUTION APPROVING AN INTERIM USE PERMIT FOR 218 LAKE
STREET WEST**

WHEREAS, the City of Cologne is a Minnesota Municipal Corporation, duly organized and authorized to conduct its affairs under the laws of the State of Minnesota; and

WHEREAS, Jensen Decorative Concrete, Inc, a Minnesota business corporation (the "Applicant") is the proposed purchaser of certain real property located in the City of Cologne, State of Minnesota, located at 218 Lake Street West (the "Subject Property"); and

WHEREAS, Warren R. and Ann Marie Dressen are the owners of the Subject Property; and

WHEREAS, the Planning Commission of the City did on August 3, 2020, conduct a public hearing in relation to the Applicant's request for an interim use permit; and

WHEREAS, the Planning Commission of the City did on August 3, 2020 recommend approval of the interim use permit to the City Council; and

NOW, THEREFORE, BE IT RESOLVED the interim use permit is subject to the following conditions:

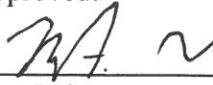
1. The only use permitted for the Subject Property is masonry construction trade business or showroom. No other use of the property is permitted except those as permitted in the Cologne Zoning Ordinance as amended from time to time.
2. Hours of operation shall not be earlier than 6:30 a.m. and later than 6:00 p.m. Monday through Friday. Saturday hours shall not be earlier than 8:00 a.m. nor later than 2:00 p.m. No operating hours on Sundays or legal holidays are permitted.
3. No outside storage is permitted except for within the area to be enclosed by the fence, and not until the fence has been constructed. The fence shall be not less than 10 feet from the north property line. All operations and storage of parts and materials shall be conducted within the building or fenced area as shown on the site plan. Outside storage does not include employee, customer or company vehicles which must be in compliance with Condition #4. Outside storage that may be within the fenced area would include parts, attachments, equipment, materials or any other items that are not affixed to the

ground provided that the outside storage is kept in a manner and condition that is in compliance with city ordinances.


4. Customer, employee and company vehicles may be parked outside the building either on the cement driveway in front of the building or on the gravel area on the east side of the building. Not more than 10 company vehicles may be permitted to be parked outside. A company vehicle can be a truck, trailer, dump truck, etc. A truck with trailer attached counts as 2 company vehicles.
5. The site must be maintained in compliance with the Site Plan prepared by Premier Land Surveying, LLC and dated September 2, 2020. Areas that are not specified as being either building, concrete driveway, or gravel shall consist of grass, trees, bushes or other landscaping. The Site Plan may not be amended unless a new Site Plan is approved in conformance with city ordinances. The gravel shown as being removed shall be removed and replaced with sod not later than October 31, 2020. The fence may be constructed at any time but a building permit must be obtained and no outside storage is permitted until the fence is installed.
6. The use and site shall be in compliance with all requirements of the zoning ordinance, as amended from time to time.
7. The use and site shall maintain compliance with all noise and nuisance related ordinances of the City Code, as may be amended from time to time.
8. The use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.
9. Disposal and handling of all waste and hazardous materials shall be done in conformance with law.
10. A lapse of one year during which the premises are not used for the purposes provided for in this permit shall cause the permit to expire and be of no further consequence.
11. No lights are permitted on the west side of the building and the existing light in that location must be removed by September 30, 2020. The lights existing on the south side of the building shall be brought into compliance with the City Zoning ordinance not later than September 30, 2020 or shall be removed. No lights may be installed on the property without first submitting a lighting plan to the City for review and approval.
12. This Interim Use Permit shall terminate on September 8, 2025. If this type of use is still eligible to be permitted as an interim use under city ordinances near the time of expiration of this permit, the applicant may apply for a new interim use permit.

Adopted and approved by the City Council of the City of Cologne on a vote of 5 ayes and 0 nays effective on the 8th day of September, 2020.

Approved:


Matt Lein
Mayor

Attested:


Michelle Morrison
City Clerk

M/ Bruss

S/ Szaroletta

Lein yes

Szaroletta yes

Kells yes

Bruss yes

Lenzen yes

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.

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 lighting. 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 acorn lighting fixtures.](#)

[Click here for a serious example of light trespass.](#)



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

Figure 5. Example of light trespass from a floodlight installed by a hotel that casts light onto a house across the street



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 beam angle, resulting in less spill light

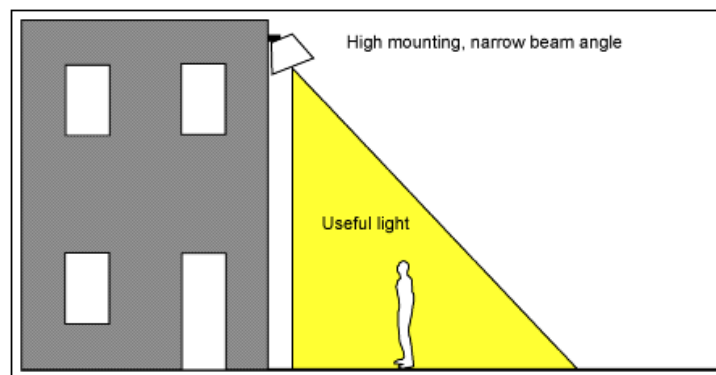
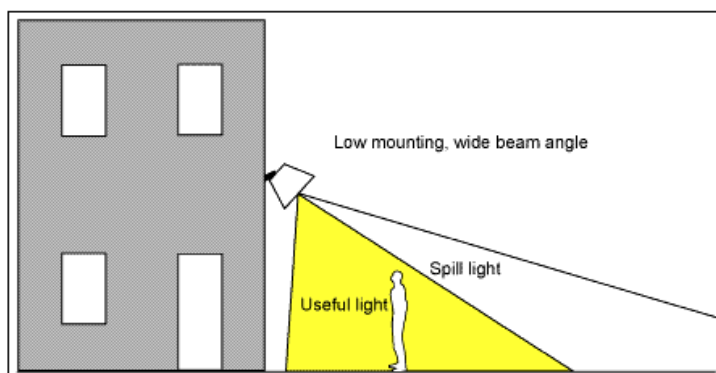


Figure 10. Floodlight at a lower mounting height with wider beam angle, resulting in more spill light



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 Rights-of-Ways	Minimum Footcandles	Maximum Footcandles	
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.