

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, MARCH 18, 2009**  
**7:00 P.M.**

**1. CALL TO ORDER/ROLL CALL**

Chairman Lucking called the meeting to order at 7:00 p.m.

Members Present: Chairman Lucking and Commission members David Paeper and Todd Palmberg

Absent: Commissioners John Beal and Mark Spiers

Others Present: Council Liaison Tom Fletcher, City Attorney Mark Kelly and Zoning Coordinator Gus Karpas.

**2. APPROVE AGENDA**

Commissioner Paeper moved to accept the agenda for tonight's meeting. Commissioner Palmberg seconded the motion. Motion carried 3-0.

**3. MINUTES OF February 18, 2009.**

Commissioner Paeper moved to approve the minutes of February 18, 2009. Chairman Lucking seconded the motion. Motion carried 3-0.

**4. LIAISON REPORT**

Council Liaison Fletcher updated the Commission on the issues surrounding the status of the Southshore Senior Center, dock and sewer fees and said the Council re-appointed Commissioner Mark Spiers and Chairman Pat Lucking. He said the Council reviewed the ordinance amendment request by the Lakeshore Market and determined it was not in the best interest of the community to amend the ordinance for the requested use, though they were willing to work with the applicant for some limited food service on the site.

He said the Council has directed the Commission to review the ordinance as it pertains to height.

The Council also discussed the issue of exterior lighting and the potential need to change the existing ordinance to address issues that may currently be overlooked. Council Liaison Fletcher said he has personally received comments regarding concerns about flood lighting, holiday lighting beyond the holiday season and lighting on the lakeside of properties. He's also heard that some lighting is necessary for security and others have said the current ordinance is adequate to regulate lighting.

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**5. PUBLIC HEARINGS**

None

**6. OTHER BUSINESS**

**OUTDOOR LIGHTING ORDINANCE** – Discuss potential amendment of the city ordinance to create comprehensive regulations for outdoor lighting.

Zoning Coordinator Karpas said the City Council was approached by residents concerned the lighting on their neighbor's property negatively impacted their property. They have asked that the City consider an amendment to its ordinance to further restrict outdoor lighting.

He said he researched ordinances from adjacent communities to gauge how they regulated outdoor lighting on residential properties and provided the information to the Council. Council discussed this issue at their March 3<sup>rd</sup> meeting and directed Staff to place this item on tonight's Planning Commission agenda.

He said he supports a change in the ordinance which clarifies the issues related to outdoor lighting provided it is written in a manner that takes into the account the development pattern in some of our neighborhoods, more specifically the fact that we have very densely developed area along Fairview Street and Greenwood Circle.

Chairman Lucking said he reviewed the ordinances and aside from the City of Excelsior's ordinance, the ordinances were very similar, including Greenwood's.

City Attorney Kelly said the General Regulations in Section 1140 applied to all zoning districts, but more regulatory language was created about nine years ago for the C-2 District.

Chairman Lucking heard there were some issues related to Bean's Marina in the C-2 District. Zoning Coordinator Karpas said the concerns were currently being addressed under the existing ordinance.

Chairman Lucking felt Greenwood's ordinance was vague and read it out loud for the Commission. He asked about the use of a light meter. Council Liaison Fletcher said he owned a meter and recently used it to address a complaint brought to the Council. He said he took measurements throughout the property and found only one area near the boathouse that was out of compliance due to some holiday lights attached to the roof.

Chairman Lucking wanted to look at Excelsior's ordinance to if there were provisions that could be applied in Greenwood. He acknowledged that the language geared towards commercial uses may not be helpful. He feels a lot of

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the lighting issues in Greenwood are tied to holiday lighting. He said the city needs to define holiday lighting and set limitations on it. Commissioner Paeper didn't think it would be too difficult to define holiday lighting.

Commissioner Palmberg felt holiday lighting could fall under the existing ordinance and be measured by the foot candle standard.

Chairman Lucking noted the intensity measurement in Excelsior's ordinance was a lesser threshold.

Commissioner Palmberg asked what the core issues the city was trying to address with the ordinance amendment. Chairman Lucking said mostly holiday lighting and some miscellaneous other issues.

Chairman Lucking described an incident where realtors marking a house next to his left all the interior lights on over the weekend and the impact it had on his property. Commissioner Palmberg feels that provisions in Excelsior's ordinance would have addressed that issue.

City Attorney Kelly said he liked subdivision C-2, regulating new fixtures and subdivision E, method of measuring light intensity and felt they would be helpful in regulating lighting in the city. He agrees holiday lighting is an issue, but defining holiday may be more complex than the Commission thinks. He said the city can rely on a definition regulating "common" holidays or try and venture into a more complex definition which may not be enforceable. He said the city might want to regulate the number of day and hours of illumination of holiday lighting.

Chairman Lucking agreed that subdivisions C-2 and E would be helpful, but also would like to see some regulations against lights that are left illuminated around the clock for multiple days. He suggested a maximum of three days.

Commissioner Palmberg asked why the city cared. He said it's not uncommon for people to leave lights on while they are out of town. He feels it is more important for the city to establish a method for measuring intensity and apply to year around regardless of the type of lighting.

City Attorney Kelly commented that some provisions in the enhanced ordinance applicable to the C-2 zone could be transferred so it applies to all zoning districts. He used the examples of the requirement for down cast and full cut off fixtures. He said a requirement that fixtures come into compliance as they are replaced would help, though there would still be some uses that would take some time, such as the Old Log Theatre.

Commissioner Paeper asked about regulating lake side lighting. City Attorney Kelly said for the most part the city could keep the basic measurement requirement but measuring intensity beyond the shoreline would be difficult. Council Liaison Fletcher said that even though the lighting may not violate the

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foot candle measurement doesn't lessen the impact on a neighboring property. Chairman Lucking said he wanted to be careful because he didn't want to unreasonably limit a person's use of their property.

Commissioner Paeper said he sees value in adding a clause to the ordinance requiring new fixtures to comply with the ordinance. This may lessen the issues over time.

Chairman Lucking felt aside from the language in subdivisions C-2 and E, there would be no other language from Excelsior's ordinance he would add. City Attorney Kelly suggested the addition of language contained in subdivision F-1A, requiring the light source to be hooded or controlled as not to light adjacent properties.

Chairman Lucking would like to give Commissioners Beal and Spiers an opportunity to make their feeling known regarding lighting before drafting an ordinance for public hearing.

Council Liaison Fletcher commented that the existing ordinance already limits the visibility of a light source onto an adjacent property, which, in essence, makes all holiday lighting illegal. He said the Commission needs to consider issues like this as they draft amendments to the ordinance. He said that a foot candle measurement of .5 foot candles is not a lot of light and the Commission may want to consider adopting a lesser standard.

City Attorney Kelly commented that the provisions regulating lighting in the C-2 District should also be moved to regulate lighting in the C-1 District.

The Commission will discuss this item at their April 15<sup>th</sup> meeting.

**VARIANCE APPLICATION AND QUICK REFERENCE DOCUMENT** - Review a new Variance application and new quick reference handout for zoning regulations.

Zoning Coordinator Karpas said the attached documents were hybrids from those currently being used by the cities of Deephaven and Woodland.

The proposed variance application includes references to the State Statutes in terms of the criteria that must be met and includes a checklist of required information.

City Attorney Kelly said he would like the opportunity to massage the language on the application to make the questions more direct, forcing applicants to address the specific criteria related to hardship.

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Chairman Lucking commented the quick reference guide was similar to what was previously used by the city and something he has been looking to be included with the building permit for a number of years. He discussed other documents such as general building code regulations and a zoning map that he would also like to see included with the building permit.

The Planning Commission discussed some discrepancies between the zoning map and the established zoning districts in the ordinance. City Attorney Kelly said the districts were established about twelve years ago, but the map was never amended to reflect the changes. Zoning Coordinator Karpas said he would discuss the issue with the City Engineer and try to get updated maps.

Council Liaison Fletcher asked if the Commission was opposed to using the variance application, as is, until the final version is drafted. Commissioner Paeper felt it would be better to wait until the final version is complete.

This item will be further discussed at the April 15<sup>th</sup> meeting.

**MISCELLANEOUS**

The Commission discussed various concerns about the use of the Lakeshore Market property, including the sale of vehicles, the signage and the addition of impervious surface above what is permitted.

City Attorney Kelly discussed the enforcement options available to the city and said that each violation must be documented. He will work with staff to address the violations on site. One way of addressing issues in the future would be to adopt a licensing process for convenience stores, requiring annual review.

**7. PLANNING COMMISSION LIAISON**

There will be no representative from the Planning Commission at the April 7<sup>th</sup> City Council meeting.

**8. ADJOURN**

Motion by Commissioner Palmberg to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 8:15 p.m.

Respectively Submitted  
Gus Karpas - Zoning Coordinator