

REQUEST FOR CITY COUNCIL ACTION

Agenda Date: **11/10/2014**
Agenda Item: 13.e

Department Approval



City Manager Approval



Item Description: Adopt an Ordinance amending §1011.11.E Parking Lot Lighting of the Roseville City Code (**PROJ0017, Amdt 21**)

There is no mandated deadline due to City Staff initiated request.

GENERAL INFORMATION

Applicant: Roseville Community Development Department

Type of Request: Zoning Ordinance text amendments

LEVEL OF CITY DISCRETION IN DECISION-MAKING

Action taken text amendment to the Zoning Ordinance is **legislative**; the City has broad discretion in making land use decisions based on advancing the health, safety, and general welfare of the community.

1 **BACKGROUND & PLANNING DIVISION RECOMMENDATION**

2 Substantial updates to Roseville's Zoning Code, which were the focus of much of the Planning
3 Commission's efforts in 2010, were approved by the City Council on December 13, 2010, and
4 became effective when the ordinance summary was published in the Roseville-Little Canada
5 Review on December 21, 2010. Since that date the Planning Division has been monitoring the
6 many different nuances of this broad document, with one such item being parking lot lighting.

7 During a recent review of an industrial redevelopment, the Planning Division found a slight
8 discrepancy between two sections of the Zoning Ordinance that regulate parking lot lighting:
9 §1011.11.E (Parking Lot Lighting in the Property Performance Standards chapter) and
10 §1019.11.I (Lighting in the Parking and Loading Areas chapter).

11 The discrepancy staff encountered is that §1011.11.E requires a minimum of .9 foot-candles in
12 general parking and pedestrian areas and a full foot-candle in vehicle use areas, while §1019.11.I
13 supports a 0.4 to 1.0 foot-candle range.

City Code §1011.11.E (Parking Lot Lighting) states the following:

E. Parking Lot Lighting: The following standards for on-site lighting of parking lots shall be required for all uses.

1. Fixtures: Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare unless decorative and utilized for pedestrian safety.

2. Minimum Lighting Levels: Energy efficient lighting systems shall be employed for all exterior lighting. Minimum lighting levels, measured at a height of 5 feet above the grade, for parking facilities shall be as follows:

a. Covered Parking Facilities (Day):

- i. General parking and pedestrian areas: 5 foot-candles
- ii. Ramps/corners: 10 foot-candles
- iii. Entrances/exits: 50 foot-candles
- iv. Stairwells: 20 foot-candles

b. Covered Parking Facilities (Night):

- i. General parking and pedestrian areas: 5 foot-candles
- ii. Ramps/corners: 5 foot-candles
- iii. Entrances/exits: 5 foot-candles
- iv. Stairwells 20 foot-candles

c. Open Parking Areas:

- i. General parking and pedestrian areas: 0.9 foot-candle
- ii. Vehicle use areas: 1 foot-candle

City Code §1019.11.I (Lighting) states the following:

I. **Lighting:** Required parking areas for six or more vehicles shall provide an average horizontal illumination between 0.4 and 1.0 foot-candle. The average horizontal illumination in all parking ramps shall be 1.0 foot-candle. Any illumination, whether affixed to a building or otherwise, within a lot in any residential district, shall not be permitted to beam beyond the lot lines wherein it is located.

Original Proposed Amendment before the Planning Commission

Staff discussed the issue with a few lighting consultants and found they preferred the range found in §1019.11.I because it supports adequate lighting for pedestrians and vehicles, whereas §1011.11.E could be considered excessive, especially in the vehicle use areas near a building. The requirement in §1011.11.E could also cause unwelcome light spillage onto other properties.

§1011.11.E.2.c. Open Parking Areas:

- i. General parking, Vehicle use areas, and pedestrian areas: ~~0.9 foot-candle~~ 0.4 to 1.0 foot-candle
- ii. ~~Vehicle use areas: 1 foot-candle~~

50 **PUBLIC HEARING AND PLANNING COMMISSION ACTION**

51 At the duly noticed public hearing of October 8, 2014, no citizens were present to address this
52 matter, but Commissioners did have a couple of questions of the Planning Staff. Specifically,
53 Commissioners desired clarification regarding the two code requirements and a better
54 understanding of parking lot lighting in general and whether a range was necessary.

55 The City Planner attempted to clarify the two Code requirements and provided the Planning
56 Commission with some brief background information regarding his review of other municipal
57 codes and his experience with the professionally created plans he has reviewed and approved in
58 the past (see Attachment A).

59 After discussion, the Planning Commission voted 5-0 to recommend approval of a revised
60 amendment as stipulated below:

61 §1011.11.E.2.c. Open Parking Areas:

- 62 i. General parking and pedestrian areas: ~~0.9 foot-candle~~ **0.4 minimum foot-candle**
63 ii. **General parking**, ~~V~~**ehicle use, and pedestrian** areas: **0.4 to** 1 foot-candle

64 **SUGGESTED CITY COUNCIL ACTIONS**

65 **Adopt an Ordinance approving the Text Amendment to §1011.11.E.2.c.** of the City Code, as
66 recommended by the Planning Commission, based on the comments and findings in the staff
67 analysis and the Planning Commission recommendation of October 8, 2014 (Attachment B).

68 **ALTERNATIVE ACTIONS**

- 69 **a. Pass a motion to approving revised Text Amendments to §1011.11.E.2.c and §1019.11.I**
70 **(Lighting).** Since the Planning Commission hearing/meeting, the Planning Division staff has
71 reviewed the minutes and the existing Code sections to determine whether there is a better
72 approach that what we or the Planning Commission recommended. Based on that review it
73 appears that §1019.11.I is largely redundant and can be eliminated with minor changes to
74 §1011.11.E.2.c.i. The option supported is to recommend elimination of **§1019.11.I** and
75 revise **§1011.11.E.2.c.i** to read as: **General parking**, ~~V~~**ehicle use, and pedestrian** areas:
76 **0.4 to** 1 foot-candle. Such a change eliminates potential ambiguities between to two Code
77 sections in the future (Attachment C).
- 78 **b. Pass a motion to table the item for future action.** Tabling this item does not affect the 60-
79 day action deadline established in Minn. Stat. §15.99, since it does not apply to City initiated
80 items. The Planning staff, however, would seek specific direction of such an action.
- 81 **c. Pass a motion, to deny the requested approvals.** Denial should be supported by specific
82 findings of fact based on the City Council's review of the application, applicable zoning
83 regulations, and the public record.

Prepared by: City Planner Thomas Paschke - 651-792-7074 | thomas.paschke@ci.roseville.mn.us
Attachments: A: Draft PC Minutes B: Draft ordinance1
C: Draft ordinance2

EXTRACT OF THE MINUTES OF THE OCTOBER 8, 2014,
ROSEVILLE PLANNING COMMISSION

b. **Project File 0017-Amendment 21**
Request by the Community Development Department to amend certain requirements contained in Roseville Zoning Code, Section 1011.11.E.2.c.I (Open Parking Area) pertaining to parking lot lighting

Chair Gisselquist opened the Public Hearing at 6:46 p.m., and reviewed the protocol for Public Hearings and subsequent process.

City Planner Thomas Paschke reviewed the focus of this consideration of text amendments to parking lot lighting that came up recently during staff analysis of an industrial use project. Mr. Paschke advised that staff also compared various codes from other communities for flexibility and consistency purposes, as detailed in the staff report.

Mr. Paschke advised that this potential text amendment had been identified as staff reviewed current code language related to parking requirements for an industrial use area with only truck traffic and limited pedestrian traffic near a loading dock. Mr. Paschke noted that, since there was currently an across the board standard, it became evident that text amendments would be amenable to provide more flexibility and ranges for various uses as each case was reviewed on a case by case basis with safety in mind.

Discussion

Prompted by Member Daire, discussion included foot candle definitions and standards; standards established so very little light left the site (e.g. no more than 0.50 foot candle at property line) as detailed in lines 51-52 of the staff report; changes only for open parking lots, with no changes proposed for parking structures through this text amendment; lighting to address pedestrian versus vehicular use areas and how to ensure the utmost safety with multiple use parking lots or where pedestrians may be; and staff review of each project via their site plan and lighting plan and standards where pedestrians may be walking as well as along the periphery, that each area be lit accordingly for safety.

Further discussion included minimum foot candles for parking structures versus other parking situations; and depending on how a specific site functioned related to safety and pedestrian traffic.

Member Murphy noted the text in the staff report (City Code Section 1019.11.E – Parking Lot Lighting – lines 11 – 31) stated specific numbers and “average minimums” versus the “range” addressed in lines Section 1019.11.I - Lighting – lines 32-37 of the staff report.

Member Daire opined that reading that interpretation of that particular requirement could range from 0.40 to 0.90 for a range of vehicular uses.

Chair Gisselquist suggested that the initial text was perhaps intended to be broader versus the specifics called out later in the current text.

Mr. Paschke responded that he was not sure why one place had a range versus a number for minimum lighting levels.

Chair Gisselquist closed the Public Hearing at 7:00 p.m., no one spoke for or against.

Member Boguszewski opined that, if the overall goal of this requested text amendment was to bring disparate guidelines into compliance, and the first original range was acceptable when current code was written, he was amenable to replacing the language as

recommended by staff even though different. Member Boguszewski stated that he understood there was some discrepancy with the minimum referenced in the lead paragraph, and found it interesting that current City Code language stated an average illumination range of 0.40 to 1.00, while also including an average versus range clause. Member Boguszewski opined there were many inherent things that interested him in how they resulted over time, and while unsure of whether that made him more or less comfortable, he was in agreement that any disparities should be eliminated. Specific to Member Daire's comments, Member Boguszewski stated that understood them to indicate that any disparity should be eliminated in the final version.

Member Daire reviewed his rationale for determining the minimum level for safety and appropriate depending on the case and/or location. However, Member Daire expressed puzzlement about open parking, pedestrian areas, and their safety as vehicles pulled in and out, and how lighting would affect that. Member Daire advised that, generally speaking, he was concerned about foot candles at the edge of a parking facility or property and that they not exceed 0.50, while still considering a higher candle within the parking or pedestrian domain itself. Member Daire clarified that he was not objecting to the range, only to addressing the minimum for safety, while addressing any potential for stray light going into adjacent properties.

Specific to that question, and for staff's response, Member Boguszewski questioned if these candle numbers had been discussed and were supported by lighting consultants for their preferred range; and if they were supportive of the proposed language based on a safety range or not.

Mr. Paschke responded that staff reviewed lighting requirements for other municipalities, with several of them including similar ranges at 0.40, and others with other types of minimum standards, but all addressing maximums to not exceed a certain foot candle at the property line and designs other than the City of Roseville's current code allowed.

Member Daire stated that he didn't want to get into a situation where the City could become liable due to proscribed minimums if a pedestrian was hit in a parking lot.

Mr. Paschke advised that he could not address liability issues; but based on his experience, he had yet to review a plan requesting the bare minimum for lighting, with requests typically seeking to achieve maximums and remain brightly lit 24/7. Mr. Paschke reviewed the rationale for suggested language for a minimum 0.40 candle for some commercial or industrial properties where the only pedestrians are workers, and that particular use – under current code language – were still required to install additional standards to achieve higher minimum standards for their dock area when it was deemed unnecessary since there was no public coming or going there or needing additional safety compared to a retail strip mall where it was appropriate and necessary to make certain appropriate pedestrian lighting was incorporated to and from the site as well as within the site itself. Mr. Paschke noted that most of those commercial developments would design accordingly with more lighting rather than only the minimum.

Since most developers over-lighted versus under-lighting, with those lighting aspects receiving negative input from neighborhoods, Chair Gisselquist opined that this proposed text amendment provided flexibility as outlined by staff.

Mr. Paschke advised that the most recent plan reviewed by staff for a dock area and several employee parking areas provided for a minimum of 0.70 candle; thus staff's

proposed range from 0.40 to 1.0 foot candle to allow greater flexibility but lower the minimum as appropriate depending on the specific use.

MOTION

Member Gisselquist moved, seconded by Member Cunningham to recommend to the City Council, text amendments to Roseville City Code, Section 1011.11.E (Parking Lot Lighting), specifically sub-section c.i and ii, as submitted by the Planning Division and stated in the project report dated October 8, 2014.

Member Murphy expressed his continued concern in having language stating that 0.4 foot candle was a “range” when the statement was for a “minimum;” opining that it didn’t make sense; and offered a friendly amendment to change the wording accordingly.

Amendment

Member Murphy moved, seconded by Member Cunningham to recommend to the City Council, text amendments to revise the proposed wording to read as follows:

Section 1011.11.E (Parking Lot Lighting”

2.c.i “General parking and pedestrian areas: 0.40 minimum candle”

AND

Section 1011.11.E.2.c (Open Parking Areas)

i “General parking, Vehicle use areas, and pedestrian areas 0.4 to 1.0 foot candle.”

Member Murphy clarified that the intent of his amendment was to identify Section 2 (lines 16-31) as a minimum, with language of line 30 clearly identified as a minimum number rather than a range.

Discussion

Discussion included how to measure candle feet and their range based on the location of an engineer and light meter, but depending on the grade and ranges of that fluctuation; additional lighting to bring certain spots up to a minimum; and flexibility for individual measurements clearly interpreted as minimums.

Amendment

Ayes: 5

Nays: 0

Motion carried.

Original motion as amended

Ayes: 5

Nays: 0

Motion carried.

City of Roseville

ORDINANCE NO. ____

AN ORDINANCE AMENDING SELECTED TEXT OF TITLE 10 ZONING ORDINANCE
OF THE ROSEVILLE CITY CODE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to revise the requirements for parking lot lighting.

SECTION 2. §1011.11.E Parking Lot Lighting, is hereby amended as follows:

E. Parking Lot Lighting: The following standards for on-site lighting of parking lots shall be required for all uses.

1. Fixtures: Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare unless decorative and utilized for pedestrian safety.

2. Minimum Lighting Levels: Energy efficient lighting systems shall be employed for all exterior lighting. Minimum lighting levels, measured at a height of 5 feet above the grade, for parking facilities shall be as follows:

a. Covered Parking Facilities (Day):

- i. General parking and pedestrian areas: 5 foot-candles
- ii. Ramps/corners: 10 foot-candles
- iii. Entrances/exits: 50 foot-candles
- iv. Stairwells: 20 foot-candles

b. Covered Parking Facilities (Night):

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- i. General parking and pedestrian areas: ~~0.9 foot-candle~~ **0.4 minimum foot-candle**
- ii. **General parking, vehicle use, and pedestrian** areas: **0.4 to** 1 foot-candle

SECTION 3. Effective Date. This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed this 10th day of November, 2014

City of Roseville

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SECTION 2. §1019.11.I Lighting, is hereby eliminated in its entirety as follows:

~~I. **Lighting:** Required parking areas for six or more vehicles shall provide an average horizontal illumination between 0.4 and 1.0 foot candle. The average horizontal illumination in all parking ramps shall be 1.0 foot candle. Any illumination, whether affixed to a building or otherwise, within a lot in any residential district, shall not be permitted to beam beyond the lot lines wherein it is located.~~

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