



Memorandum

November 9, 2017

TO: Planning and Zoning Commission
Julie Couch, Town Manager

FROM: Israel Roberts, AICP
Planning Manager

SUBJECT: **COMMERCIAL PLANNED DEVELOPMENT TEXT AMENDMENTS
(CASE #ZT2017-01)**

BACKGROUND: This is a request for approval of two text amendments to the (CPDD) Commercial Planned Development District code relating to land use permission for temporary batch plants and lighting requirements. Applicant: Town of Fairview (**ZT2017-01**)

STATUS OF ISSUE:

TEMPORARY CONCRETE BATCH PLANTS: Under the original version of the CPDD code, temporary uses were permitted upon approval of a (TUP) Temporary Use Permit. When the newest version of the CPDD was established in 2014, temporary uses were not addressed within the code nor within the land-use matrix appendix. As the CPDD area continues to grow and develop, the need to allow the use of a temporary concrete batch plant, is essential to ensure efficient construction timelines.

Currently, the Comprehensive Zoning Ordinance allows temporary concrete batch plants within the (RE-1) One-Acre Ranch Estate District (added in August 2015), (GB) General Business District, and the (PC) Planned Center District upon the approval of a (CUP) Condition Use Permit.

The proposed amendment to the CPDD code, would add “Temporary Concrete Batch Plant” upon approval of a Major Warrant, within the Urban Transition and Urban Village sub-districts only. Temporary concrete batch plants would not be permitted within the Neighborhood Edge and Neighborhood General sub-districts. Permanent “batching and manufacturing plant” will still remain prohibited within all sub-districts of the CPDD. As with any Major Warrant request, conditions of approval may be included with the recommendation. For example, in previous CUP requests, the number of days, hours of operation and separation requirements, were all factors in determining the appropriateness of the CUP application.

LIGHTING: In an effort to seek the International Dark-Sky Association’s (IDA) Dark-Sky Community Designation the Town Council approved for town staff to draft an amendment to the Town’s commercial district form based code lighting section. The redlined changes to the lighting section and the definitions section attached to this memorandum reflects three changes the IDA recommended to town staff in order to meet current IDA lighting requirements. Those changes are:

- 1) define what alternative decorative fixtures are;
- 2) establish a maximum lumens per developed acre for unshielded lighting, and;
- 3) establish a maximum lumens per fixture for upward lighting.

Alternative decorative fixtures, a term which currently exists in the form based code has been defined as outdoor light fixtures that don’t comply with the full cut-off fixture requirement and haven’t specifically been addressed in the form based code. Alternative decorative fixtures are considered unshielded lighting which require the approval of a Minor Warrant. Town staff recommends the maximum lumens per developed acre for unshielded lighting approved through a minor warrant be 20,000 lumens and that upward lighting be restricted to a maximum of 1,000 lumens per fixture. These maximum lumens recommendations have been studied and tested by town staff to ensure there will be no adverse impact to commercial development, while at the same time meeting the IDA’s requirements.

RECOMMENDATION: Staff recommends **APPROVAL** of the suggested amendments to the (CPDD) Commercial Planned Development Code as presented:

1. Appendix 2: Land Use, Industrial uses, shall be amended as follows:

General Use Category	Specific Use Type	Neighborhood Edge & Neighborhood General	Urban Village	Urban Transition
Manufacturing and Production	Temporary concrete batch plans		MajW	MajW

MajW – Major Warrant

2. Article 5 Lighting, Mechanical and Utilities and Article 7 Definitions shall be amended at shown on the attached revision.

ATTACHMENTS:

- Revised Article 5 Lighting, Mechanical and Utilities



ARTICLE 5 LIGHTING, MECHANICAL AND UTILITIES

5.1 INTENT

5.1.1 Intent

It is the intent and general purpose of this article to provide a level and consistency of lighting that supports pedestrian activity and promotes safety, and to reduce the visual impact of mechanical equipment on the Public Realm.

5.2 STANDARDS

5.2.1 Lighting

(a) Average Lighting levels within public rights-of-way and pedestrian areas in the Sub-Districts will meet the following averages —

Table 5.1 Lighting Levels

Land Use	Average Minimum Lighting Level	Average Maximum Lighting Level
a. Residential Sidewalks	2 foot-candles (fc)	3 foot-candles (fc)
b. Retail Sidewalks	3 fc	5 fc
c. Parking Areas	1 fc	2 fc
d. Street Intersection	2 fc	3 fc
e. Street Centerline	1 fc	2 fc
f. Urban Public Open Space or Walkway	1.5 fc	3 fc

(1) Average light levels along the sidewalk may be achieved through a combination of both pedestrian-level lights up to 12 feet in height and building-mounted lighting.



- (2) Alley lighting will be located on garage walls facing the alley and will be limited to a maximum of two carriage light fixtures mounted at about 7 feet in elevation, and not exceeding the equivalent of 100 watts each. These lights will be shielded to direct light downward and must be on a timer or photoelectric switch.

(b) Lighting Elements

- (1) The following lighting elements will be permitted: incandescent, color-corrected LED (3000 – 4000 Kelvin), metal halide or halogen. The following lighting elements will not be permitted: flood, cobra head (unless LED), HID – mercury vapor and sodium vapor, high pressure sodium and fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures).
- (2) All outdoor lighting will be approved by the Town as part of the Development Plan Application. Street lights must use common style fixtures along the same street types. Full cut-off fixtures will be required along streets and green belts. Alternative decorative fixtures may be approved within interior blocks and pedestrian corridors as Minor Warrants. Alternative decorative fixtures approved as Minor Warrants shall not exceed 20,000 lumens per developed acre. Downward lighting of buildings, signs and vegetation will be preferred. Upward lighting may be approved as a Minor Warrant as accent lighting with lower wattages. Upward lighting approved as a Minor Warrant shall not exceed 1,000 lumens per fixture.
- (3) Neon, as a lighting source and as a sign, may be permitted with a Minor Warrant in Urban Village Sub-Districts.

(c) Screened Lighting Source. All lighting will be focused downward (except as provided for in b.2 above) or narrowly focused on its intended target such as signs, parking and pedestrian walkways and public open space. Glare from any lighting source will not be directly visible from public view or from a residential unit.

(d) Light levels at adjoining residential property lines. A maximum average of 1 foot candle is allowed at property lines which are shared with residential uses. Up to 2 foot candle may be approved by Minor Warrant. This does not apply to street rights-of-way and trails which are owned by the Town.

5.2.2 Screening of Equipment.

- (a)** Mechanical, communications and service equipment including satellite dishes and vent pipes will be screened from public view by parapets, walls, fences, dense evergreen foliage or other approved means.



(b) No air conditioning units or meters will be visible from a public street or Open Space.



ARTICLE 7 DEFINITIONS

As used in this PDD, the following terms have the meanings ascribed to them, unless the context clearly indicates otherwise.

Accessory Building: a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use. For example, a residential Accessory Building could be a garage, a garden shed, or greenhouse.

Alley: a vehicular passageway usually located to the rear of lots providing access to service areas and parking, and containing utility easements. Alleys will generally be paved with drainage by inverted crown at the center or with roll curbs at the edges.

Alternative Decorative Fixture: Any outdoor light fixture that doesn't comply with the full cut-off fixture requirement and hasn't specifically been addressed in this PDD code. Alternative decorative fixtures are considered unshielded lighting.

Amenity Zone: the band between the back of curb and the sidewalk which contains such things as street trees, pedestrian scale lighting, street furnishings and bicycle parking.

Attached Green: a public open space which is located between a residential property and a street with adjacent homes facing the open space. An attached green is less than a block in length. Onsite residential parking, addressing and mail distribution is generally oriented along a Mews Alley.

Avenue (AV): a thoroughfare of high vehicular capacity and low speed. Avenues are short distance connectors between urban centers. Avenues may be equipped with a landscaped median. Avenues become collectors upon exiting urban areas.

Block Face: the aggregate of all the building facades on one side of a block. The Block Face provides the context for establishing architectural harmony.

Block: the aggregate of private lots, passages, rear lanes and alleys, circumscribed by thoroughfares.

Boulevard (BV): a thoroughfare designed for high vehicular capacity and moderate speed. Boulevards are long-distance thoroughfares traversing urbanized areas. Boulevards are usually equipped with slip roads buffering sidewalks and buildings. Boulevards become arterials upon exiting urban areas.

Building Face: an exterior building wall. For the purposes of this PDD, it is one which is visible from a public street, alley, or public trail or open space and subject to the standards herein.