

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: January 11, 2012
RE: Lighting Code Review

The next P&Z meeting will be a work session dedicated to the lighting code. There are varying opinions regarding the lighting code and it would be beneficial to have a general discussion to try and establish a common direction for the update.

It is proposed that we start with a review of the existing LDC lighting standards and discuss directions and changes that may be supported by the P&Z. Please take a look at the existing LDC standards that are include in the packet and be prepared to have generalized discussion that will help direct the draft lighting standards forward. Your packet also contains my memo dated December 14th providing a lighting summary and the draft lighting section from the LDC update.

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**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 1/5/2012**

**DATE: WEDNESDAY, JANUARY 11, 2012
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.**

- 7:00pm**
- I. CALL TO ORDER**
 - II. PLEDGE OF ALLEGIANCE TO THE FLAG**
 - III. CONSIDERATION OF THE DECEMBER 21, 2011 MEETING MINUTES**
 - IV. EXCUSE COMMISSIONERS SZYMANSKI AND LARSON**
 - V. UNSCHEDULED CITIZENS**
 - VI. COUNCIL UPDATE**
 - VII. COMMISSIONER COMMENTS**
 - VIII. PLANNING STAFF UPDATE**
 - IX. ADJOURN TO WORK SESSION**

WORK SESSION

I. LIGHTING STANDARDS - LAND DEVELOPMENT CODE UPDATE

**TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL
NEEDS ARE REQUESTED TO CONTACT THE CITY OF GUNNISON
COMMUNITY DEVELOPMENT DEPARTMENT AT 641.8090**

This agenda is subject to change, including the addition or deletion of items at any time. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are posted at City Hall and on the City website at www.cityofgunnison-co.gov. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

**ALL PLANNING & ZONING COMMISSION MEETINGS
ARE USUALLY BROADCAST LIVE ON LOCAL CABLE CHANNEL 15**

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MEMBERS	PRESENT	ABSENT	EXCUSED
Bob Beda, Chair			X
Dusty Szymanski	X		
Erich Ferchau	X		
Stu Ferguson	X		
Carolyn Riggs	X		
Greg Larson	X		
Councilor Ed Seymour			X

OTHERS PRESENT: Community Development Director Steve Westbay and Planner Andie Ruggera

CALL TO ORDER AT 7:01 PM BY VICE-CHAIR GREG LARSON

PLEDGE OF ALLEGIANCE TO THE FLAG

CONSIDERATION OF THE DECEMBER 14, 2011 MEETING MINUTES

Commissioner Stu Ferguson moved to approve the December 14, 2011 meeting minutes as presented.

Commissioner Dusty Szymanski seconded the motion.

Roll Call Yes: Greg, Dusty and Stu

Roll Call No:

Roll Call Abstain: Erich and Carolyn – were not present at the December 14th meeting.

Motion carried

PUBLIC HEARING AND POSSIBLE ACTION: ZA 11-3, submitted by the Church of the Good Samaritan, requesting a Text Amendment to the LDC to allow retail sales establishments, subject to Conditional Use review, in the Industrial zone district.

Vice-Chair Greg Larson opened the public hearing at approximately 7:02 p.m.

Proof of publication was shown for the record.

Planner Andie Ruggera reviewed the process for a Text Amendment to the LDC. The applicant is requesting an amendment to Table 15.70.030 (Schedule of Uses – Commercial/Industrial Zone Districts) allowing retail sales establishments within the Industrial zone district, subject to Conditional Use review.

Cathie Elliot, representing the applicant, stated the Church owns property at 304 South 10th Street and operated a thrift store (Opportunity Shop) at the site since the 1960’s. Ms. Elliot stated a Conditional Use permit was issued for the retail sales use in 1966 with the conditional that if the property was sold the Conditional Use would be void. The applicant is asking for the Text Amendment to allow the new owner of the property to continue the retail sales use.

Dwight Weaver, who resides at 811 West New York Avenue, stated he has no objection to the Text Amendment request.

Jesse Weaver, potential buyer of the property at 304 South 10th Street, stated she is planning on buying the property if retail use is allowed.

Planner Andie Ruggera reviewed the application, discussed the staff observations and review standards for a Text Amendment and provided the following pros and cons of the request:

Supporting observations for the Text Amendment include:

- Diversification of the sales tax base;
- Opportunity for additional business development;
- Historic use in the Industrial district includes a retail component. Retail sales in the Industrial district have been geared toward professional sales operations (i.e., electrical service supplies, rental companies, airport retail component);
- Traffic impacts of small-scale retail will be minimal; and
- Many modern codes promote mixed use development.

Opposing observations include:

- Reduction of the availability of land to fulfill the purposes of the Industrial district and the availability of land for true industrial uses in the future;
- Possible competition with the CBD;
- Possible neighbor conflicts because of activities that may not be compatible with retail use; and
- It could increase traffic.

Commissioner Dusty Szymanski stated that allowing retail sales in the Industrial district could be of value. The Opportunity Shop is established in the Industrial district and it makes sense to continue that use. He doesn't see a lot of people wanting to do retail in the Industrial district.

Commissioner Erich Ferchau stated that he thinks businesses that are going to thrive in this area are not going to take away from the Commercial and CBD districts. He thinks the Text Amendment request is good.

Commissioner Stu Ferguson stated he thinks the request is really appropriate and makes good sense. He has no concern at all about using up the Industrial space and thinks the Text Amendment allows opportunity for businesses. Commissioner Ferguson stated for the record that he thinks having uses subject to Conditional Use approval is very appropriate.

Vice-Chair Greg Larson closed the public hearing at approximately 7:15 p.m.

Commissioner Stu Ferguson moved to recommend approval, to City Council, Text Amendment application ZA 11-3, to allow retail sales establishments within the Industrial zone district, subject to Conditional Use review, based on the following findings of fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this Text Amendment application complies with the review standards for Text Amendments (*LDC*, Section 15.150.050).
3. The Planning and Zoning Commission finds that the proposed Text Amendment allows retail sales establishments in the Industrial zone district, subject to Conditional Use review.
4. The Planning and Zoning Commission finds that Conditional Use review will ensure the compatibility of surrounding uses and that adequate parking is provided.
5. The Planning and Zoning Commission finds that commercial-oriented businesses with accessory retail sales are currently located in the Industrial zone district.

6. The Planning and Zoning Commission finds that this Text Amendment promotes the diversification of the sales tax base and increases opportunity of new business development.
7. The Planning and Zoning Commission finds that retail uses will likely be limited to smaller businesses with minor traffic demand.
8. The Planning and Zoning Commission finds that the amendment is consistent with the purposes of the Industrial zone district because future retail uses will likely be small niche-market businesses.
9. The Planning and Zoning Commission finds that based on the findings cited above, the approval of this text amendment protects the community's health, safety and welfare.

Commissioner Carolyn Riggs seconded the motion.

Roll Call Yes: Dusty, Erich, Greg, Carolyn and Stu

Roll Call No:

Roll Call Abstain

Motion carried

PUBLIC HEARING AND POSSIBLE ACTION: CU 11-3, submitted by the Church of the Good Samaritan, requesting operation of a retail sales establishment within the Industrial zone district.

Vice-Chair Greg Larson opened the public hearing at approximately 7:16 p.m.

Proof of publication was shown for the record.

Planner Andie Ruggera reviewed the process for a Conditional Use application and stated the applicant is requesting a Condition Use to operate a retail use (thrift store) at 304 South 10th Street. The legal description is Lots 1 through 3, Block 37, West Gunnison Amended, City and County of Gunnison.

Cathie Elliott, representing the applicant, stated they are looking for a Conditional Use permit to allow retail sales at 304 South 10th Street. Ms. Elliott stated they acknowledge the findings of fact and conditions listed in the staff report.

Commissioner Stu Ferguson asked if any of the conditions pose a hardship for the applicant. Cathie stated there was no hardship.

Commissioner Dusty Szymanski inquired on the landscaping requirements and asked if the proposed use follows the dimensional standards of the Industrial zone district. Director Steve Westbay stated yes.

The Commission asked if outdoor storage should be addressed with this request. Director Westbay stated that outdoor storage could be addressed with this application if the Commission wishes to.

Vice-Chair Greg Larson closed the public hearing at approximately 7:25 p.m.

Commissioner Stu Ferguson moved to approve Conditional Use Application CU 11-6, submitted by Church of the Good Samaritan to operate a retail use (thrift store) in the Industrial district, based on the following findings of fact and conditions:

FINDINGS OF FACT:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record;

and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.

2. The Planning and Zoning Commission finds that the applicant has submitted, in conjunction with this Conditional Use request, an application for a Text Amendment to the LDC, to allow retail sales establishments in the Industrial zone district, subject to Conditional Use review.
3. The Planning and Zoning Commission finds that this Conditional Use application is for the operation of a retail use (thrift store) in the Industrial zone district.
4. The Planning and Zoning Commission finds that the thrift store is compatible with the neighborhood.
5. The Planning and Zoning Commission finds that seven off-street parking spaces are required by the *LDC* and nine spaces are indicated on the site plan.
6. The Planning and Zoning Commission finds that 562.5 square feet of live cover landscaping is required on the site.
7. The Planning and Zoning Commission finds that the thrift store must be inspected by the Building Official and Fire Marshal to ensure fire and life safety requirements.
8. The Planning and Zoning Commission finds that the thrift store will not be a detriment to the community's health, safety and welfare as long as the following conditions are fulfilled:

CONDITIONS:

1. Landscaping on the site shall meet the requirements of the *Land Development Code*.
2. The structure shall be inspected by the Building Official and Fire Marshal to ensure fire and life safety requirements prior to opening.
3. This Conditional Use shall only be valid upon approval of Text Amendment to the *LDC*, ZA 11-3, to allow retail sales establishments in the Industrial zone district, subject to Conditional Use review.

Commissioner Dusty Szymanski seconded the motion.

Roll Call Yes: Erich, Carolyn, Greg, Dusty and Stu

Roll Call No:

Roll Call Abstain

Motion carried

UNSCHEDULED CITIZENS. There were none.

COUNCIL UPDATE. Director Steve Westbay stated the Council evaluated City Manager Ken Coleman and were pleased with his performance.

COMMISSIONER COMMENTS

Commissioner Erich Ferchau moved to excuse Councilor Ed Seymour and Commissioner Bob Beda.

Commissioner Dusty Szymanski seconded the motion.

Roll Call Yes: Stu, Carolyn, Greg, Dusty, and Erich

Roll Call No:

Roll Call Abstain

Motion carried

PLANNING STAFF UPDATE. Director Westbay updated the Commission on recent department activity:

- The Planning and Zoning Commission has done great job over the last year and a lot has been accomplished;

- Would like to see the LDC update completed in 2012;
- There has been a lot of discussion on the Discover Center and the project will probably move forward in 2012.

ADJOURN. Vice-Chair Greg Larson adjourned the meeting at approximately 7:38 p.m.

Greg Larson, Vice-Chair

Attest:

Andie Ruggera, Secretary

1. Single-Family and Duplex Residence. Landscaping required for a single-family or duplex residence shall be installed within one year of its initial date of occupancy.
 2. Other Uses. Landscaping required for all other uses shall be installed within six months of its initial date of occupancy, excluding the months of October through April.
- E. Irrigation for Live Cover. That portion of the landscaped area which is live cover shall be provided with an adequate means of irrigation for the type of plants installed. The use of city irrigation water is encouraged.
- F. Maintenance. All vegetation shall be healthy at the time of its installation and shall remain alive or shall be replaced.
1. Land Owner Responsible. Maintenance of landscaped areas shall be the responsibility of the land owner.
 2. Replacement. Landscaping which does not survive shall be replaced within three months, or during the next planting season. The replacement vegetation shall be similar in size and type to the vegetation which did not survive, so the integrity of the approved landscape plan is preserved. (Ord. 1-1997 § 1; Code 1997 § 15-9-5).

15.90.060 Illumination standards.

- A. Purpose. This section establishes standards for controlling light and glare which would create a nuisance, detract from the use or enjoyment of adjoining property or cause traffic hazards to motorists, so that intense glare or direct illumination is not visible.
- B. Standards. The following standards shall apply to all exterior lighting on private property within the city of Gunnison:
1. Not Directly Casting. All exterior lighting shall be designed, located and adjusted so that the illuminating device does not cast light directly on adjacent residential properties or rights-of-way, except for alleys.
 2. Parking Area Illumination. All parking areas intended for night use in commercial and industrial districts shall be illuminated to allow for their safe use. Such lighting shall be directed inward onto the property and away from adjoining property, so as to avoid unreasonable illumination or glare upon adjoining properties.
 3. Light Poles. Light poles shall be set back from adjacent property zoned for or used for residential purposes a distance equal to the height of the pole. The maximum height of any light pole (excluding road lights and traffic safety lights) shall be 20 feet; however, poles of a lower height which are more compatible in scale with pedestrians are encouraged.
 4. Residential Area Lighting. Light sources in residential areas shall be of a down-light type, with indirect-, diffused-, or shielded-type luminaries, except for seasonal lighting for holidays, which may use bare, low-watt bulbs. Lighting in residential areas shall not be permitted to shine directly onto adjacent properties. (Ord. 1-1997 § 1; Code 1997 § 15-9-6).

15.90.070 Fences.

- A. General Applicability. All fences over six feet in height require a building permit and must be constructed in conformance with the International Building Code. Fences eight feet in height must also comply with the setback requirements for structures in the various zoning districts.
- B. Standards.
1. When fences are on a corner lot, the height and material used along the frontage, side street or alley shall be such that it will not impair visibility of intersecting traffic and/or pedestrians. In residential districts, no fence shall be constructed over 36 inches in height for the first 25 feet from the corner, along the frontage or side street. Such fences shall have an opacity of not more than 50 percent.

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: December 14, 2011
RE: Summary Discussion - Draft *Lighting Code*

During the P&Z evening field trip to observe outdoor lighting several differing ideas were expressed. These ideas and viewpoints range from not regulating outdoor lighting to finding an approach that regulates lighting in a manner that provides safety but does not increase glare to neighbors and limits casting of light into the night sky. This memorandum provides an overview of the concerns related to lighting and it discusses a performance-based lighting standard that was developed by the Illuminating Engineering Society in cooperation with the International Dark-Sky Association.

Concerns over outdoor lighting have been documented for at least the past 50 years, and in the late 1990's outdoor lighting regulations became very prevalent; these regulations were primarily at the bequest of astronomers, but recently there has been a significant amount of research regarding impacts to wildlife and humans. This year the American Medical Association (AMA) is considering a resolution supporting light pollution and glare reduction efforts. The draft AMA resolution states that light pollution is strongly suspected as a link to suppressed melatonin, a human hormone that plays a role in regulating biological rhythms including sleep and reproductive cycles. Research links melatonin suppression to reduced immune system function and is considered to increase cancer rates.

Review of industry standards was a very prudent approach used in the development of the *Sign Code*. Therefore, staff conducted a review of the lighting industry standards to gain a better understanding of contemporary trends to consider in the development of the City's *Lighting Code*. The Illumination Engineering Society of North America (IES) is the leading professional organization in the field of lighting and is the source for lighting knowledge, expertise and published standards. The IES focuses on advancing research of solid state lighting sources (light emitting diodes); humans' perception of light as they age; and, the effects of light on human health, to name a few.

A rather unique partnership has been formed between the IES and the International Dark Skies Association (IDA). For the past three years these organizations have worked together to establish a *Model Lighting Code*. Historically, the IES and private industry have complained that lighting ordinances were not based on new technologies and Dark Skies advocates disregarded safety and necessary lighting for different type of land uses. These groups have worked to create performance-based outdoor lighting regulations that consider many issues, including:

- providing good visibility;
- choosing luminaries that address the aesthetic needs of the application;
- controlling light emitted into the night sky that can cause sky glow or light pollution;
- creating a safe and secure area;
- reducing discomfort and disabling glare;
- minimizing light trespass onto adjacent properties; and,
- selecting an energy effective system.

The *IDA-IES Model Lighting Ordinance* was published in June 2011. The model ordinance includes four different lighting zones. The four zones range from very dark areas such as open spaces, to highly illuminated areas such as heavy industrial yards. Any or all of the zones may be included in local codes, depending upon local need. The *Ordinance* also establishes standards for non-residential land uses and residential neighborhoods. A major component of this new *Model Lighting Code* addresses the

Backlight/Uplight/Glare (BUG) component of outdoor lighting. In essence, the *Model Code* sets measureable standards for BUG and also establishes a total maximum lumen allowed on a site.

The prescriptive approach does not emphasize the mandate of full-cutoff fixtures. Rather, it prescribes standards that may allow a certain amount of BUG if appropriate. For example, car sales lots can be lighted in a manner that allows car display areas to be viewed at night and in residential areas, garden lights or architectural accent lighting is permitted.

Certainly the *IDA-IES Model Lighting Ordinance* contains directions that seem to be pragmatic, but in the staff's view the *Model Code* is too complex. However, if the general idea of this *Model Code* seems to be appropriate, staff will work to develop a more simplistic framework to use in the City's *Lighting Code* update.

If you would like to view the *IDA-IES Model Lighting Ordinance* it can be found at the following link. If any P&Z member would like to view a hardcopy of this document please contact the planning staff and we will produce and deliver it to you.

http://www.ies.org/PDF/MLO/MLO_FINAL_June2011.pdf

§4.9 OUTDOOR LIGHTING

A. Applicability. All new development shall comply with the standards of this section.

1. Buildings and structures lawfully existing as of the effective date of this section, may be redeveloped, renovated or repaired without modifying outdoor lighting in conformance with this section, provided there is no increase in gross floor area in such building or structure or impervious area on the site.
2. Where a building or structure existed as of the effective date of this section, and such building is enlarged in gross floor area or impervious area on the site by 10 percent or 2,000 square feet, whichever is less, outdoor lighting as specified in this Section shall be provided.
3. **Exemption.** The following shall be exempt from the outdoor lighting requirements of this section:
 - a. Fixtures (luminaries) utilizing incandescent lamps (bulbs) with less than 1,000 initial lumen output.
 - b. Public recreational playfield lighting; and
 - c. Lighting with more than 1000 initial lumen may be allowed with an active or activated motion sensor.

B. Prohibited Light Sources. The following light fixtures and sources shall not be used within the City where the direct light emitted is visible from adjacent areas:

1. low-pressure sodium and mercury vapor light sources;
2. cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
3. searchlights and other high-intensity narrow-beam fixtures.

C. Design Requirements. Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

1. **Fixture (Luminaire).** The light source shall be concealed and shall not be visible from any street rights-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures.

2. **Fixture Height.** Lighting fixtures shall be a maximum of 20 feet in height within parking areas and at driveway intersections.
3. **Light Source (Lamp).** Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.
4. **Mounting.** Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.
5. **Limit Lighting to Periods of Activity.** The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Director to conserve energy, provide safety and promote compatibility between different land uses.

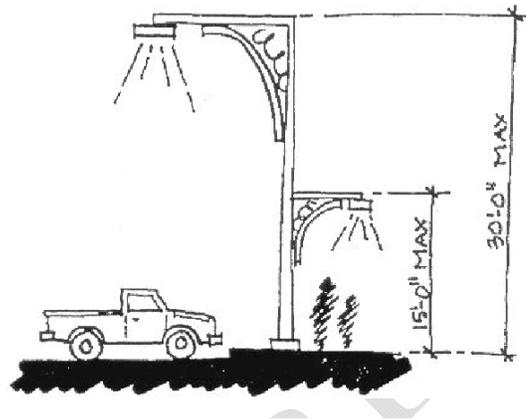


FIGURE 19 LIGHT FIXTURE HEIGHT

D. Specific Standards. Cut sheets for all lighting fixtures (luminaries) to be installed on-site or on adjacent streets shall be required as follows:

1. **Street Lighting.** A street light standard of 25 feet mounting height shall be installed at all street intersections, at the end, cul-de-sacs and at intermittent spacing necessary to produce a minimum of 0.6 maintained foot candles for collector streets and 0.4 maintained foot candles for local streets with uniformity ratio not exceeding 3:1. Luminaries shall have minimum 175 watt high intensity discharge lamps.
2. **Security Lighting**
 - a. Building-mounted security light fixtures shall not project above the fascia or roof line of the building and shall be shielded.
 - b. Security fixtures shall not face a residential property.
 - c. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.
3. **Accent Lighting.** Only lighting used to accent architectural features, landscaping or art may be directed upward.
4. **Canopy Area Lighting.** All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

5. Entrances and Exits in Nonresidential and Multifamily Development

- a. All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multifamily residential buildings, shall be adequately lighted to ensure the safety of persons and the security of the building.
- b. Exterior light fixtures shall be mounted no higher than 20 feet above the doorway, deck, walkway, driveway, or other occupied areas, or the highest grade point immediately adjacent to the light fixture.

6. Off-street Parking Area Lighting

- a. Off-street parking areas shall be required to provide adequate lighting during nighttime hours of operation.
- b. Parking and security lighting within 25 feet of the property boundary shall not be greater than 15 feet in height and may be subject to buffering mitigation measures.

E. Excessive Illumination

- 1. Lighting within any lot that unnecessarily illuminates and interferes with the use or enjoyment of any other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirements of this section, or if the standard could reasonably be achieved in a manner that would not interfere with the use or enjoyment of neighboring properties.
- 2. The maximum light trespass originating from exterior lighting shall be 0.5 foot-candles of light at a point 25 feet outside the property line or the parcel from which the light is emitted.
- 3. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.
- 4. All lighting, including any exterior floodlights, shall be shielded so that substantially all emitted light falls within the property line of the property from which the light emanates.
- 5. Illumination using bare illuminated tubing or strings of lights that completely outline or define property lines, sales areas, roofs, doors, windows, signs or similar areas in a manner that is not primarily for safety purposes is prohibited, except for temporary holiday displays.
- 6. All lighting fixtures used to illuminate an off-street parking area shall be arranged so as to direct or shield the light away from any adjoining residential premises.
- 7. Lighting used to illuminate commercial sites and parking areas shall be arranged, located or screened to direct light away from any adjoining or abutting residential district or use or any street rights-of-way.