

Alternative Compliance	1207 South IH 35
AC-20-11	Lighting and Glare Standards



Summary

Request:	An Alternative Compliance request to the Lighting and Glare Standards in Chapter 7, Article 5 of the Land Development Code.		
Applicant:	Paul Stevens 5151 Beltline Road STE 1200 Dallas, TX 75254	Property Owner:	Scott Belsley P.O. Box 851025 Richardson, TX 75085

Notification

Posted:	N/A	Personal:	September 11, 2020
Response:	None as of date of Staff Report		

Property Description

Legal Description:	Quarters Addition, Lot 1C		
Location:	1207 South IH 35		
Acreage:	2.3 +/-	Central Business Area:	No
Existing Zoning:	GC	Preferred Scenario:	Downtown High Intensity Zone
Existing Use:	Restaurant	Proposed Use:	Restaurant
CONA Neighborhood:	Sunset Acres	Sector:	5
Utility Capacity:	Sufficient		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	GC/CC	Commercial	Existing Neighborhood
South of Property:	P	Utility Office/Storage	High Intensity
East of Property:	GC	Commercial	High Intensity
West of Property:	GC	Commercial	High Intensity

Staff Recommendation

	Approval as Submitted	Approval with Conditions	<u>X</u>	Denial
<p>Staff recommends Denial of the Alternative Compliance request. Overall operational lighting levels for individual projects shall be evaluated in the context of the overall environment and the goals set for the surrounding community.</p> <p>If the Planning and Zoning Commission chooses to approve this request, staff recommends the following conditions:</p> <ul style="list-style-type: none"> The approval is valid until any future modification or replacement of lighting occurs on the property, and The property shall comply with photometric requirements within Environmental Protection Zone E-1, exclusive of the rear parking lot located within Environmental Protection Zone E-2. 				
Staff:	Matt Johnson AICP	Title :	Senior Planning Technician	Date: 9/15/2020

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History

The subject property is the location of Twin Peaks Restaurant which received a Temporary Certificate of Occupancy on 11/8/19 for the building expansion and site improvements. In order to receive a Certificate of Occupancy, the improvements must meet the applicable codes and ordinances, or the applicant must seek alternate approval for deviations.

Section 7.5.1.2 of the San Marcos Development Code states that all standards and criteria within Article 5, Lighting and Glare Standards, shall be met with the replacement or modification of outdoor lighting. The improvements associated with Twin Peaks Restaurant triggered compliance with this section of the Code. The applicant replaced site lighting during construction and utilized the existing light poles within the parking lot. The applicant states that they are unable to meet these standards with the improvements. They also indicted undesirable activity on the property that resulted in the installation of brighter lights on the existing light poles.

Additional Analysis

The lighting and glare standards of the Land Development Code are based on the model lighting ordinance developed by the International Dark Sky Association. The purpose of the lighting and glare standards is as follows:

- Reduce hazards to motorists and annoyance and inconvenience from light trespass upon the residents, drivers, pedestrians, businesses and other elements of the community;
- Ensure that citizens and visitors to the City are able to continue to enjoy the night sky, natural environment and traditional character of the community; and
- Allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking drives, service and pedestrians.

Request #1:

The property is predominantly located within Environmental Performance Zone E-1 (approximately 1.56 acres), which consists of urbanized, non-residential areas along Interstate Highways. The rear of the property is located within Environmental Performance Zone E-2 (approximately 0.73 acres), which consists of urbanized, non-residential areas along certain State Highways and arterial roadways. Section 7.5.1.2(b) requires all areas located within Zone E-1 to have an average of 2 foot-candles, and areas located within Zone E-2 to have an average of 1.5 foot-candles. The applicant's photometric plan shows a 3.7 foot-candle site average across the entire site.

Request #2:

Additionally, the request is to allow light trespass across private property lines in excess of the maximum distribution level. Section 7.5.2.3, Light Trespass, requires all photometric plans to have a maximum light trespass no greater than 0.25 foot-candles across shared private property lines. The proposed photometric plan exceeds the maximum at all reading points along private property lines with an average reading of 2 foot-candles. The businesses affected by this light trespass are Whataburger and Starbucks.

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In order to comply with the provisions in the Code, the applicant is required to remove all existing light fixtures and install new parking lot lighting. Alternatively, the existing lights could be retrofitted in a way that appropriately illuminates the parking lot while minimizing light trespass. This could be achieved by the installation of aftermarket dimmers, reduce the height of the existing poles and/or install new poles to maintain a lower average foot-candle reading, or a combination thereof.

Evaluation			Criteria for Approval (7.5.2.4(e))
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p>The property is located on the edge of an Environmental Performance Zone (EPZ); <i>The photometric plan is proposed with a site average of 3.7 foot-candles. The property consists majorly of Zone E-1 (2 foot-candle maximum), and Zone E-2 (1.5 foot-candle maximum). The property is on the edge of an EPZ that is more strict in regulation.</i></p>
	<u>X</u>		<p>The adjustment is consistent with surrounding light patterns; <i>The adjustment is not consistent with surrounding light patterns. Both adjacent properties are in compliance with the lighting and glare standards within Zone E-1.</i></p> <p><i>1004 SH123- (Whataburger) 1.83 foot- candles; 1303 S IH 35- (Rolling Bowl/Starbucks) 1.55 foot-candles Plans are unavailable for SMEU and Burger King properties.</i></p>
	<u>X</u>		<p>The adjustment is based on a specific use identified in Section 7.5.2.4; <i>A restaurant is not a use listed within the specific use exemption table for maximum average lighting levels. Specific uses include banks, gas stations, Auto dealerships, and athletic facilities.</i></p>
<u>X</u>			<p>The adjustment does not adversely affect surrounding residential or park and open space areas; <i>The request does not adversely affect surrounding residential or park and open space areas.</i></p>
	<u>X</u>		<p>The adjustment meets the intent and purpose of the lighting standards in this Development Code; <i>The adjustment does not support the purpose of the lighting standards. The lighting standards are modeled after the lighting ordinance developed by the International Dark Sky Association, which considers appropriate lighting levels for individual sites to ultimately meet overall community goals.</i></p>