

Planning Commission Staff Report

June 29, 2017



Case No:	17AMEND1000
Project Name:	Form District Lighting LDC Text Amendment
Location:	Multiple properties in Louisville Metro
Owner:	Multiple Owners
Applicant:	Louisville Metro
Representative:	Louisville Metro
Jurisdiction:	Louisville Metro
Council District:	Louisville Metro
Case Manager:	Brian Mabry, AICP, Planning Supervisor

REQUEST

Amend LDC Sec. 4.1.3, Lighting, to include additional form districts and height measurement methodology

SUMMARY

The Land Development Code (LDC) establishes the following form districts to govern the design of permitted land uses and activities; to ensure compatibility with adjacent uses and activities; to ensure adequate transportation access; and to preserve the public health, safety and welfare:

Traditional Form Districts	Suburban Form Districts
Traditional Neighborhood	Neighborhood
Traditional Workplace	Suburban Workplace
Traditional Marketplace Corridor	Suburban Marketplace Corridor
Town Center	Regional Center
Village	Village – Outlying
Downtown	Campus

Attachment 1 and 2 show the form district locations in Jefferson County, The first attachment shows the districts generally, in terms of Traditional and Suburban. The second attachment shows the locations of each specific district.

The existing language of Section 4.1.3.B.2.b of the LDC reads:

- b. The following items shall apply to the mounting height of luminaires:
 - i. Within the Neighborhood or Village form district or within a form district transition zone related to a Neighborhood or Village form district, any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height equal to or less than thirty (30) feet unless otherwise approved by the Planning Commission.
 - ii. Within the Traditional Neighborhood, Traditional Workplace, or Traditional Marketplace Corridor form district or within a form district transition zone related to the Traditional Neighborhood, Traditional Workplace or Traditional Marketplace Corridor form district, any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height equal to or less than twenty (20) feet unless otherwise approved by the Planning Commission.
 - iii. Luminaires mounted on residential structures shall be exempt from items (i.) and (ii.) above.

For the sake of comparison, a 100-watt light bulb produces around 1,800 lumens.

The purpose of the provisions in 4.1.3.B.2.b is to set standards for outdoor lighting outside of the public right-of-way in various form districts. Paragraph i addresses Neighborhood and Village form districts. Paragraph ii addresses Traditional Neighborhood, Traditional Workplace, or Traditional Marketplace Corridor form districts. However, the LDC has 12 form districts, seven of which are not listed in the quoted text:

Town Center	Regional Center
Downtown	Village – Outlying
Suburban Workplace	Campus
Suburban Marketplace Corridor	

In addition, there is no specific way established to measure the height of outdoor lighting. The proposed amendment would establish that the height of outdoor lighting is measured from finished grade (such as the surface of a parking lot) to the point of the luminaire (the part of the outdoor lighting structure that houses the light source) that is closest to the ground.

On June 1, 2017, the Planning Commission passed a resolution (**Attachment 3**) directing Staff to draft revisions to Section 4.1.3 of the LDC and to schedule a public hearing with the Planning Commission.

On June 9, the Planning Committee met to discuss the proposed changes. In addition to agreeing with the changes proposed by Staff in the Planning Committee Staff Report, they reached a general consensus that the Neighborhood form district should be moved from paragraph i. to paragraph ii. so that the maximum outdoor lighting height for such district would go from 30 feet to 20 feet. They also requested some clarification in the regulations regarding understandability. They finally determined that the request was ready for a public hearing before the Planning Commission on June 29.

INTERESTED PARTY COMMENTS

At the time of publication of this Staff Report, Staff has received one interested party comment. See **Attachment 4**.

APPLICABLE PLANS AND POLICIES

These proposed amendments to the LDC text are consistent with the following policies of Cornerstone 2020.

Marketplace Strategy, Goal A1, Objective A1.2: “Ensure that planning and zoning requirements are clear, consistent, and reasonable.”

Marketplace Strategy, Goal C1, Objective C1.1: “Improve the efficiency and effectiveness of the development review, approval and permitting process.”

Regional Marketplace Center Form District Objective E4.3, Buffers and Compatibility: “In order to create a compact center, strive to reduce or eliminate the need for landscape buffers through compatibility of building and site design. Utilize buffer, landscape, lighting, noise and similar performance standards and guidelines to ensure compatibility between uses of substantially different intensity or density of development.”

Traditional and Suburban Marketplace Corridor Form Districts Objective F4.4, Buffers and Compatibility: “Utilize buffer, landscape, lighting and noise and similar performance standards and guidelines to ensure compatibility between uses and buildings within marketplace corridors.”

Traditional and Suburban Workplace Form Districts Objective G4.3, Buffers and Compatibility: “Utilize buffer, landscape, lighting and noise and similar performance standards and guidelines to ensure compatibility between uses and buildings within workplaces.”

Campus Form District Objective H4.3, Buffers and Compatibility: “Utilize buffer, landscape, lighting and noise and similar performance standards and guidelines to ensure compatibility between uses and buildings within campus districts and with adjacent form and special districts.”

Community Form/Land Use, Compatibility, Policy 8, Lighting: “Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.”

The proposed LDC text amendments promote clarity and consistent enforcement and facilitate development review by clarifying provisions that have previously been less than certain. In addition, the changes help to ensure compatibility between uses in the Traditional and Suburban form districts by applying distinct lighting height standards to both groups of form districts. Finally, setting a maximum height for outdoor lighting and a methodology for measuring such height helps to ensure light trespass onto other properties and into the night sky will be minimized.

NOTIFICATION

Notification of the Planning Commission public hearing has been conducted in accordance with KRS 100 requirements.

STAFF CONCLUSIONS

Staff makes the proposed LDC text amendment recommendations in **Attachment 5** related to Lighting based on the following:

WHEREAS, the Planning Commission finds that the proposed amendments to Section 4.1.3 of the LDC comply with the applicable guidelines and policies of Cornerstone 2020.

WHEREAS, the Planning Commission further finds that the proposed amendments to Section 4.1.3 of the LDC comply with Marketplace Strategy, Goal A1, Objective A1.2 and C.1.1 of Cornerstone 2020. The amendments promote clarity and consistent enforcement and facilitate development review by clarifying provisions that have previously been less than certain.

WHEREAS, the Planning Commission further finds that the proposed amendments to Section 4.1.3 of the LDC comply with Regional Marketplace Center Form District Objective E4.3, Traditional and Suburban Marketplace Corridor Form Districts Objective F4.4, Traditional and Suburban Workplace Form Districts Objective G4.3, and Campus Form District Objective H4.3. The amendments help to ensure compatibility between uses in the Traditional and Suburban form districts by applying distinct lighting height standards to both groups of form districts.

WHEREAS, the Planning Commission further finds that the proposed amendments to Section 4.1.3 of the LDC comply with Community Form/Land Use, Compatibility, Policy 8, Lighting. The amendments set a maximum height for outdoor lighting and a methodology for measuring such height in order to ensure light trespass onto other properties and into the night sky will be minimized.

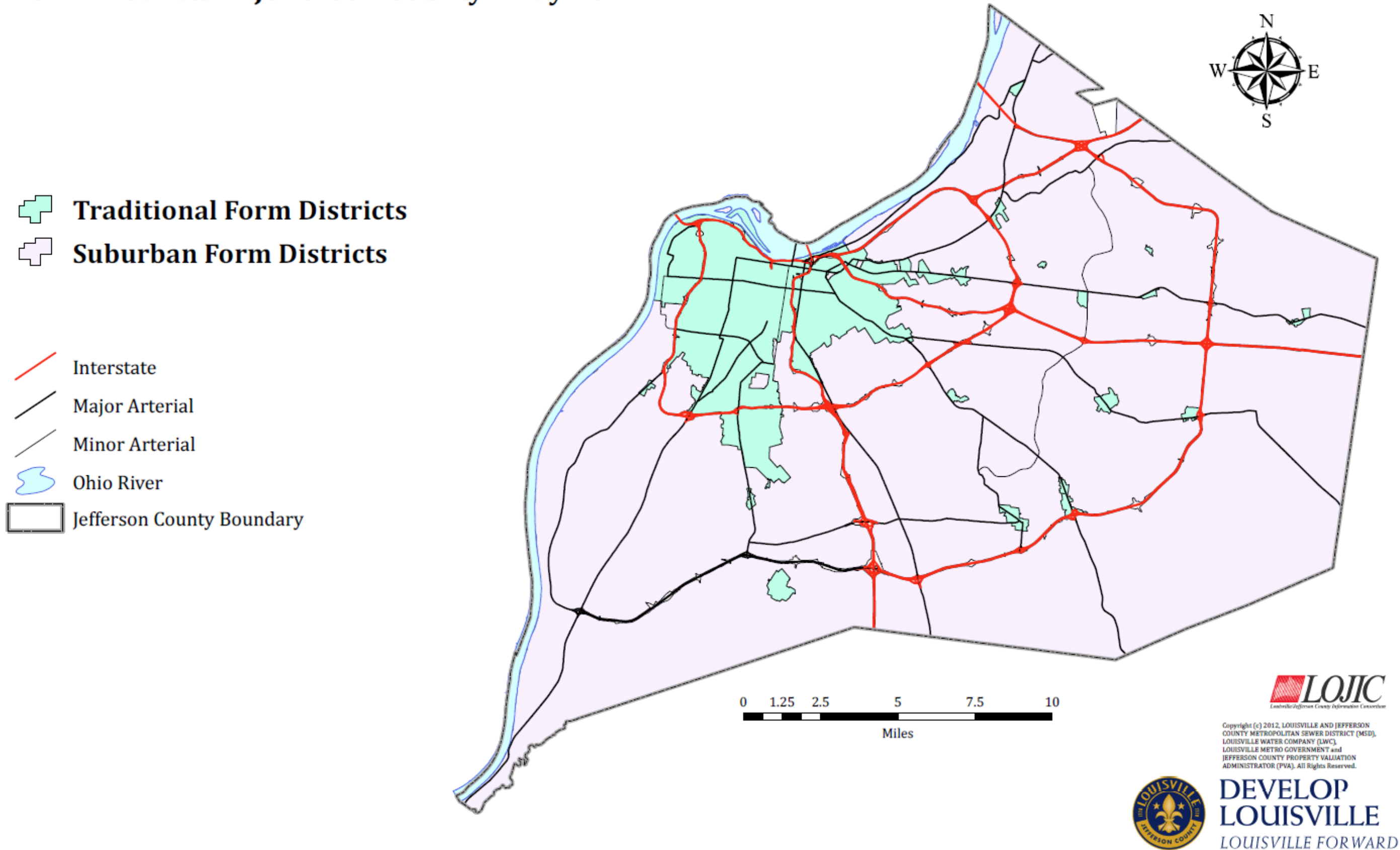
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission may recommend approval, approval with modifications, or denial of the proposed LDC text amendment to the Metro Council.

ATTACHMENTS







1. Form Districts in Jefferson County, General








2. Form Districts in Jefferson County, Specific
3. Planning Commission Resolution Directing Staff to Draft Amendments to LDC Section 4.1.3
4. Interested Party Comments
5. Draft LDC Text Amendment Ordinance Related to LDC Section 4.1.3






Form Districts in Jefferson County - May 2017

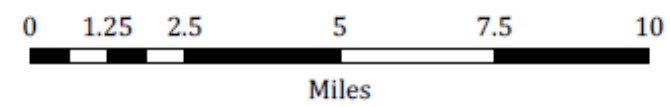
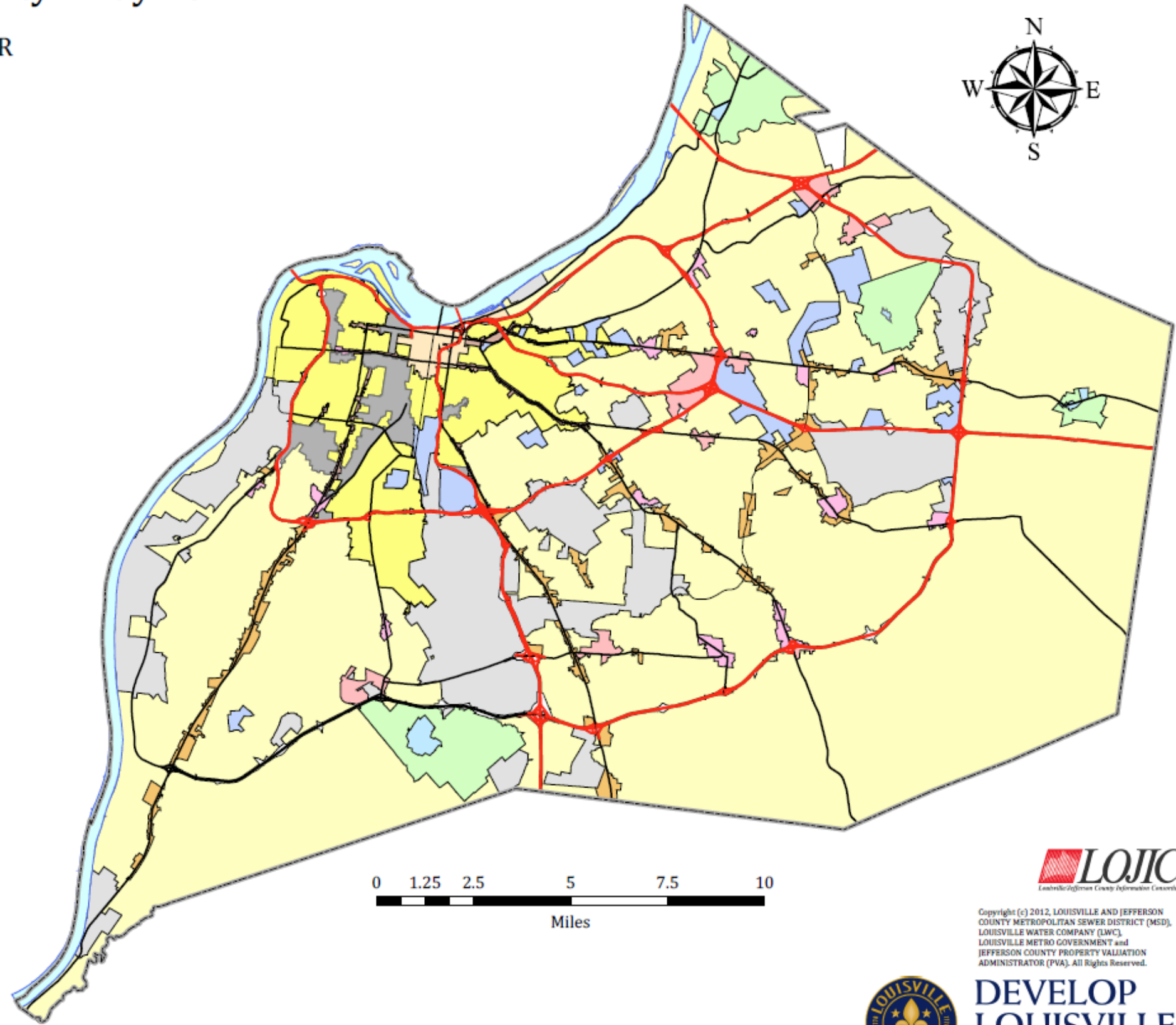


Form Districts in Jefferson County - May 2017

-  TRADITIONAL MARKETPLACE CORRIDOR
-  TRADITIONAL NEIGHBORHOOD
-  TRADITIONAL WORKPLACE
-  TOWN CENTER
-  VILLAGE CENTER
-  DOWNTOWN

-  NEIGHBORHOOD
-  REGIONAL CENTER
-  SUBURBAN MARKETPLACE CORRIDOR
-  SUBURBAN WORKPLACE
-  CAMPUS
-  VILLAGE
-  NO FORM DISTRICT IN EFFECT

-  Interstate
-  Major Arterial
-  Minor Arterial
-  Ohio River
-  Jefferson County Boundary



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DEVELOP LOUISVILLE
LOUISVILLE FORWARD

3. Planning Comm. Resolution Directing Staff to Draft Amendments to LDC Section 4.1.3

Resolution 17MISC1040

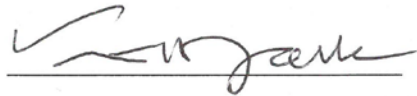
WHEREAS, the Planning Commission Staff has noted that several form districts are not addressed in Land Development Code (LDC) Section 4.1.3, Lighting;

WHEREAS, the Planning Director has recently been requested to interpret the appropriate maximum outdoor lighting height requirement for the Town Center Form District because Section 4.1.3 does not address such form district;

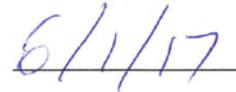
WHEREAS, the Planning Commission recognizes the need to clarify Section 4.1.3 so that maximum outdoor lighting height requirements are addressed for all form districts;

NOW THEREFORE BE IT RESOLVED THAT:

The Planning Commission requests Planning & Design Services staff draft revisions to Section 4.1.3 of the LDC and to schedule a public hearing with the Planning Commission within 120 days.



Chair



Date

4. Interested Party Comments

From: Stpinlou@aol.com
To: Mabry, Brian K.
Subject: Re: 17ZONE1023
Date: Friday, May 26, 2017 1:42:17 AM

Brian,
Thanks. If the result is that all Town Centers are limited to 20-foot heights, we are all for it. They should be included in 4.1.3.B.2.b.ii.

I have two other related items for your consideration:

1) Sec. 4.1.3.B.2.c should be changed to 1800 lumens instead of 3500. Anything other than fully-shielded should be the rare exception.

2) Add a Sec. 4.1.3.B.2.d to read as follows:

"No LED or metal halide lighting shall have a correlated color temperature (CCT) exceeding 3000 Kelvins"

This light is the "blue light" that is considered harmful to humans and wildlife if it exceeds that temperature, as determined by medical researchers and the International Dark-Sky Association (www.darksky.org).

Thanks for your consideration.

Steve Porter

In a message dated 5/25/2017 2:00:53 P.M. Eastern Daylight Time, Brian.Mabry@louisvilleky.gov writes:

Steve - It would be just to clarify that the maximum outdoor lighting height for the Tyler Town Center PDD would be the lighting height requirements for the Town Center form district. The amendment would just be a one-sentence reference to LDC Sec. 4.1.3.B.2.b.

However, first 4.1.3.B.2 needs to be amended to include all form districts. 7 of the 12 form districts (including Town Center) are missing from that subsection. So we propose listing all of the suburban form districts in 4.1.3.B.2.a and all of the Traditional Form districts in 4.1.3.B.2.b. The Suburban height limit is already 30' and the Traditional height limit is already 20'. That case is 17AMEND1000.

Brian Mabry

From: Stpinlou@aol.com [mailto:Stpinlou@aol.com]
Sent: Thursday, May 25, 2017 12:54 PM
To: Mabry, Brian K.
Subject: 17ZONE1023

Brian,

Can you give me the details on this proposed change? This is something my client, the Tucker Station Neighborhood Association, will be interested in. Thanks

Steve

Stephen T. Porter
Attorney at Law
2406 Tucker Station Road
Louisville, KY 40299-4529
502-905-9991
stpinlou@aol.com

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5. Draft LDC Text Amendment Ordinance Related to LDC Section 4.1.3

Section 4.1.3.B.2.b of the Land Development Code is proposed to be amended as follows:

- b. The following items shall apply to the mounting height of luminaires:
 - i. Within the ~~Neighborhood, Suburban Workplace, Suburban Marketplace Corridor, Regional Center, Campus, Village-Outlying,~~ or Village form district or within a form district transition zone related to ~~a Neighborhood or Village such~~ form districts, any luminaire with a lamp or lamps ~~rated at a total of that emit~~ more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height equal to or less than thirty (30) feet unless otherwise approved by the Planning Commission.
 - ii. Within the ~~Neighborhood,~~ Traditional Neighborhood, Traditional Workplace, ~~Town Center, Downtown,~~ or Traditional Marketplace Corridor form district or within a form district transition zone related to ~~the Traditional Neighborhood, Traditional Workplace or Traditional Marketplace Corridor such~~ form districts, any luminaire with a lamp or lamps ~~rated at a total of that emit~~ more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height equal to or less than twenty (20) feet unless otherwise approved by the Planning Commission.
 - iii. Luminaires mounted on residential structures shall be exempt from items (i.) and (ii.) above.

Section 4.1.3.B. of the Land Development Code is proposed to be amended as follows:

12. Height Measurement

The mounting height of a luminaire subject to the requirements in this Section shall be measured as the distance from the finished grade immediately at the base of the support pole to the point of the luminaire that is closest to grade.