

**Zoning Board of Appeals
June 28, 2023 Regular Meeting**

STAFF REPORT

Subject: ZBA 23-0017; 4080 Glacier Hills Drive

Summary:

A variance from the outdoor lighting standards, Section 5.25.3.A Color Spectrum Management, is requested from the color rendering index and correlated color temperature thresholds, in association with a Site Plan for Planning Manager approval to construct four garages to house 28 cars on a 32-acre site zoned R4B, developed as the Glacier Hills senior living community.

Per Section 5.25.3.A, all permanent multi-family lighting installations shall have a minimum color rendering index (CRI) of 70 and a correlated color temperature (CCT) of no greater than 3000K. CRI and CCT are specifications related to LED lighting and do not have an equivalent for incandescent or florescent bulbs.

Background:

Glacier Hills is a senior living community located on a 32-acre site in the R4B (Multiple-Family Dwelling) district on the east side of Earhart Road south of US-23. It was originally approved in 1972 as a single, five-story building and has been expanded to include a care and rehabilitation building, assisted living apartments, nursing care, and independent living villas. Glacier Hills has a total of 240 dwelling units and 125 nursing beds.

It is a nonconforming planned project site plan development, allowed an increase in building height over the maximum permitted in the R4B district and a decrease in setbacks, subject to maintaining a minimum of 67.5% open space instead of the normally-required 55%. Nonconforming planned project developments may continue and expand as provided in Article VI of the Unified Development Code provided that any conditions of approval for which the planned project modifications were approved are maintained, per Section 5.33.7 (Nonconforming Planned Project Site Plans).

In late 2022, Glacier Hills applied for a Site Plan for Planning Manager approval, file number SP22-2006, to construct four multi-bay garage buildings on the eastern side of the site for 28 vehicles to replace existing surface parking spaces. The site plan approval included a landscape modification to allow landscape elements part of previously approved site plans to be maintained as nonconforming because no alterations to landscape elements were proposed, per Section 5.30.1 (Landscape Modifications), and was conditionally approved subject to a variance granted by the Zoning Board of Appeals from application of Section 5.25 (Outdoor Lighting).

Section 5.25 Outdoor Lighting was amended in 2021 with new standards to minimize adverse and unsafe impacts of lighting, protect the natural environment from artificial light at night, promote energy and efficiency, and foster a safer environment that supports and/or enhances commerce and lawful nighttime activities. Section 5.25.3 provides exterior lighting specifications, specifically for color spectrum management and luminaire design and installation. In order to meet the color spectrum management specifications

provided in Subsection 5.25.3.A, light sources must be LED or Light-Emitting Diode.

Description:

Section 5.25.3 Exterior Lighting Specifications are summarized as follows:

A. Color Spectrum Management

1. Lighting shall have a minimum Color Rendering Index (CRI) of 70.
2. Lighting shall have a Correlated Color Temperature (CCT) of no greater than 3000K.

B. Luminaire Design and Installation

1. Light trespass beyond the property line shall be limited, depending on the location of the site and the adjacent zoning districts.
2. Luminaires shall not cause glare.
3. Luminaires shall be fully shielded when lighting the ground or horizontal targets.
4. Luminaires shall be partially shielded when lighting above grade or vertical targets.
5. Building façade lighting shall be limited depending on the zoning designation of the site.
6. Decorative and landscape illuminations shall be prohibited or limited between midnight and 6:00am depending on zoning designation.
7. Motion-activated systems shall not be activated by movement off-site.
8. Under-canopy lighting shall be fully shielded.
9. Wall or pole-mounted lighting shall be aimed below 45 degrees.
10. Certain dynamically changing lighting is prohibited.

Lighting luminaire design and light sources at Glacier Hills varies widely and reflects the most popular and most efficient designs and lighting sources available at the times they were installed between 1972 to present. Existing lighting along the main ring road, and lighting to be installed with the new garage buildings, will utilize LED light sources and will meet the color spectrum management specifications of Section 5.25.3.A (summarized above). All lighting will meet the luminaire design and installation specifications of Section 5.25.3.B (summarized above). However, a variance is requested from Section 5.25.3.A for existing lighting attached to or adjacent to buildings at Glacier Hills that currently use incandescent or florescent bulbs.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the UDC. The following criteria shall apply:

- (a) **That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.**

Applicant statement: *The subject property is a large campus with previously*

compliant lighting. Technology does not exist to model existing light fixtures and determine compliance with newly adopted criteria associated exclusively with LED lighting. The owner agrees to utilize new LED compliant lighting around the new project area and retrofit existing light poles with new LED compliant fixtures adjacent to the main ring road throughout the campus.

- (b) That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.**

Applicant statement: The practical difficulty that would arise from a failure to grant this variance would result in an inability to provide safer form of storage and shelter of vehicles owned by the most aged members of our community.

- (c) That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.**

Applicant statement: The lighting on this site was approved as compliant under previous site plan applications and in no way presents a nuisance to any person. The characteristics of the lighting emitted do not fall under the descriptions use by LED lights so current compliance cannot be verified. The lighting should be considered "existing non conforming" and be allowed to remain, however the owner has offered the compromise detailed above.

- (d) That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.**

Applicant statement: The facility has not changed the lights to be non-compliant. The metrics that describe current fixture compliance have changed and are not applicable to incandescent lighting.

- (e) A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.**

Applicant statement: The proposes variance is the minimum to achieve the desired use.

Respectfully submitted,

Alexis DiLeo

**Alexis DiLeo
City Planner**