

May 1, 2023

RE: Alternative Lighting Plan

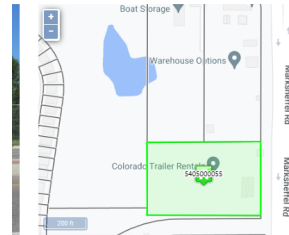
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Parcel Nos: 5405000055, 5405001004

Acreage: 9.63 acres

Zoning: I-3, CAD-O

Request: A request by Rowley Ventures, LLC, for an alternative lighting plan pursuant to 6.2.3.E of the Land Development Code (2022) (LDC):



Parcel 5405000055 was "Homestake" nursery and landscape supply until at least 2019 and under a different owner until 2019 when the property was sold and a new use of parcel was established. New lighting poles were not installed until 2020. No PPRBD permit could be found for the lights & poles

Rental services and Automobile and Trailer Sales are a special use in I-3. Parcel #5405000055 has a new use starting in 2020

“(1) Authority. The PCD Director may approve a proposal that offers an alternative approach for meeting the standards of this Section. A lighting plan proposing an alternative approach for meeting these standards shall be submitted in accordance with submittal requirements for lighting plans described in the Procedures Manual. The plan shall clearly identify and discuss the modifications and alternatives proposed and describe how the proposal would better accomplish the purpose of this Section.

“(2) Review Criteria. The PCD Director shall find the alternative lighting proposal accomplishes the purposes of this Section as well as a lighting plan that complies with this Section. The PCD Director will consider the extent to which the proposed design protects natural areas from light intrusion; how it enhances neighborhood continuity and connectivity; how it fosters non-vehicular access; and how it demonstrates innovative design and use of fixtures or other elements.”

The specific alternative request is to allow for light poles with a height of 35 feet whereas 20 feet is the maximum height allowed within the LDC. Although not specifically required by the LDC, item 11 of the Lighting Plan checklist requires a photometric plan identifying the lighting level throughout the property.

Justification

1. *The PCD Director shall find the alternative lighting proposal accomplishes the purposes of this Section as well as a lighting plan that complies with this Section.*

The LDC states that the purpose of the Lighting Section is "[T]o address the physical effects of lighting, and the affect that lighting may have on the surrounding neighborhood."

The two adjacent parcels to the north are zoned I-3 (Heavy Industrial) and are being utilized for outdoor storage and contractor equipment yards. The adjacent parcels to the south and west are zoned PUD (Planned Unit Development) and are vacant. In addition, both adjacent parcels include a large drainage channel (a branch of the East Fort of Sand Creek) and unofficial walking paths, making them unlikely for development. Across Marksheffel Road, which is currently a 200-foot right-of-way, is suburban residential development which was constructed nine (9) years after the initiation of the outdoor storage use on the subject property. The closest residential property to the west is not adjacent to the subject property and is located over 400 feet away. All of the residential properties located over 400 feet to the west were built well after the outside storage use was established on the property.

It is standards for industrial uses to include the installation of night-time security lighting. In order to better protect their clients' personal property as well as their own property, the applicant installed the existing pole-mounted lighting in 2020. The applicant/owner has experienced frequent theft during times prior to installing the lights as well as when the lights have been turned off as a result of a Code Enforcement complaint. The applicants chose the 35-foot-tall poles due to the outside storage spanning across several acres. All lights are downcast and face into the subject property, minimizing the amount of light at the property boundary.

The light that is located the closest to any residential dwelling is located approximately 300 feet from the nearest home. The lighting placement and orientation mitigate any potential impacts the lights may have on any residential property.

The PCD Director will consider the extent to which the proposed design protects natural areas from light intrusion; how it enhances neighborhood continuity and connectivity; how it fosters non-vehicular access; and how it demonstrates innovative design and use of fixtures or other elements.

The above review criteria do not mandate that the Director make each one of these findings, but that they are taken into consideration when reviewing an alternative lighting plan.

Please discuss change in use for parcel #5405000055. This was a plant nursery and landscape material supply business under a different owner up until 2019/2020 when it was sold and a new use established with the new lighting. This was after the residential subdivision had already been established.

There have been complaints of lighting glare, intrusion and light trespass into adjoining residential properties.

The property is not adjacent to any existing or planned open space or natural areas. The adjacent vacant parcel is presently zoned PUD but is largely encumbered by a FEMA regulated floodplain. There is no planned or desired pedestrian or vehicular connection from the subject industrial property to the planned multi-family development.

The alternative lighting plan does utilize fixtures with an innovative design. The height of the poles allows the light to be cast a further distance reducing the total number of lights needed for the site. The height of the pole is higher in elevation than the adjacent dwelling units and the lights are angled away from the dwelling units, eliminating any potential glare into the dwellings.

Approval of the alternative lighting plan allows the applicants to continue to provide safe and convenient outside storage to nearby businesses in the predominantly non-residential Marksheffel Road corridor while fully mitigating any impacts to adjacent properties.

- Enclosures:
- Lighting Spec Sheets
 - Lighting Site Plan
 - Photos of Lights
 - Photos of Lights in Relation to Residential Elevation

Marksheffel corridor from Stetson Hills Blvd south to Meadowbrook Pwky has changed from industrial to extensive residential and multifamily.

Provide information on the typical lighting levels for a parking or storage lot and what is existing currently. There are industry lighting standards (parking and storage lots). Discuss how those standards are being met (address light intensity) or exceeded as part of the alternative lighting plan.

Glare and light trespass is occurring. Several light fixtures are angled above horizontal. See lighting plan for additional notes.