

**Minutes of the Planning Board
Regular Meeting - Electronic
January 10, 2022**

Members Present: Jim Robertson, Chair, Neil Brown, Tamara Peacock, Barbara Cromar, Hunter Jones, Jon Blatt (Vice-Chair), Stuart Glassman, Frederick Nace, Peter Hanley

Members Absent:

Staff Present: Matthew Manley, Planning Manager, Tyler Morrow, Planner II, Lew Holloway, Community Development Director, Alexandra Hunt, Planner I and Terri Swann, Administrative Assistant III

I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.*

II Approval of Agenda. Chair added the Election of Chair and Vice-Chair under New Business to the agenda. He also stated that the Washburn project was not on the agenda for tonight. *Mr. Brown moved for the amended agenda to be approved. The motion was seconded by Mr. Hanley and passed unanimously.*

III Approval of Minutes for the meeting of December 13, 2021. *Mr. Brown moved to approve the Planning Board minutes of the meeting of December 13, 2021. The motion was seconded by Ms. Cromar and passed unanimously.*

IV Old Business - None

V New Business

Election of Chair and Vice-Chair. *Mr. Brown made a motion to nominate Jim Robertson as Chair and Jon Blatt as Vice-Chair. The motion was seconded by Mr. Hanley and passed unanimously.*

V(A) Zoning Map Amendment – Standard Rezoning. 1027 Fleming Street (PIN 9569-60-2811) P21-75-RZO
Mr. Morrow gave the following background:

The City is in receipt of a Zoning Map Amendment (Standard Rezoning) application from Andrew Riddle of Riddle Development, LLC (applicant) and Hunting Creek Associates, LLC (property owner). The applicant is requesting to rezone the subject property from MIC-SU, Medical, Institutional, Cultural Special Use to MIC, Medical, Institutional, Cultural. The subject property (PIN 9569-60-2811) is located at 1027 Fleming Street and is approximately 3.3 acres.

A Special Use district was established for this parcel in 2006 and amended in 2008. The parcel was originally five individual parcels that were combined into one parcel. Any changes to the site plan or uses under the current zoning would require that the applicant go through the Conditional Zoning process. The applicant is requesting to rezone the parcel from the Conditional Zoning District into a Conventional Zoning District. If rezoned to MIC, Medical, Institutional and Cultural all uses within this district would be allowed on this parcel and all site plans would be reviewed by staff unless they exceed one of the square footage requirements outlined in the Zoning Ordinance.

If rezoned there will not be a binding site plan, list of uses or conditions placed on the site. The City of Hendersonville Zoning Ordinance states that during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site.

A vicinity map was shown. Photos of the existing condition of the property were also shown.

Mr. Morrow stated Pardee Hospital is to the north and this area is walkable to downtown. To the east is Hendersonville High School and to the west is residential uses. The area was intended to be a corridor to Pardee Hospital.

The current zoning and proposed zoning maps were shown.

The Comprehensive Future Land Use Map was shown. The areas are designated Urban Institutional and Neighborhood Activity Center. Urban Institutional is to create a cohesive, well-defined urban campus for medical and educational institutions with supportive office service and residential uses that is integrated with Downtown. Neighborhood Activity Center has walkable mixed-use nodes located at major intersections in order to promote a sense of community and a range of services that enhance the value of Hendersonville's neighborhoods.

Mr. Morrow stated there are some single-family dwellings in the Urban institutional area. The primary and secondary uses were shown for both the Urban Institutional and Neighborhood Activity Center.

This is part of an activity node which encourages multi-story, mixed-use buildings with retail on ground floors and offices/residential on upper floors, placement of new buildings close to the street, placement of parking to the side or rear with garages encouraged, improved pedestrian connections to surrounding neighborhoods and traffic calming improvements.

The Special Use Permit for this property was established on December 7, 2006. The Special Use District included four parcels. The properties were zoned C-3, Highway Business, R-6, High Density Residential and MIC SU, Medical, institutional and Cultural Special Use.

The site was approved for a new two-story 11,220 sq. ft. building, a new three-story, 17,250 sq. ft. building and there was an existing medical office that is 11,518 sq. ft. The total combined was 39,988 sq. ft.

There was an amendment to the Special Use Permit on July 10, 2008. The amendment added a 0.52-acre parcel to the Special Use District. This parcel was intended to be developed with a two-story 9,996 sq. ft. medical office building. The Special Use Permit was issued with the following uses; Office, Business, professional and public, Personal Services (consistent with the purpose of this classification), and Retail stores with the purposes of this classification.

The development was never constructed and the deadline for completing construction on this project was December 12, 2015.

Mr. Manley stated the site appears to have once been part of the Fassifern School for Girls. He wanted to acknowledge the historical significance of the property.

Chair asked if there were any questions for staff. There were no questions for staff.

Andrew Riddle, 109 Glengary Drive, Flat Rock asked about yielding time for neighbors to ask him questions. Chair stated he would open up for public comment after M. Riddle discusses the rezoning.

Mr. Riddle stated six months ago he was approached by the owners of 3.3 acres concerning the need to sale the property. He met with an owner representative at the property and noticed the ugly building that needs help, the 1027 Fleming Street building. This building is underutilized with only one tenant in the basement for roughly 7 to 8 years. He saw this as a great project and wants to buy the medical office building but doesn't want the rest of the property. The rest of the property can be sold as is. He made an agreement to get the property surveyed and only wants one acre, roughly 0.98 acres subdivided away from the rest of the property. He was then told that he can't buy the property because in 2005 there was a conditional zoning tied to the whole thing. Jim Hall who represented the property owners got this extended until 2015 at which time the site plan expired but the zoning did not. He can't buy the building without going through the process. All he wants to do is buy the building and fix it up. He doesn't care what the rest of the property is zoned. He wants to improve that space and bring in good quality tenants. There are homeless people on the property, and he wants to clean it up, repave and regroup and make it a nice facility.

Mr. Blatt asked if he did not care what the rest of the property is zoned, then why is the whole property listed on the application. Mr. Riddle stated in his feeble brain he thought it best to just keep it all the same zoning. He doesn't care about the rest of the property.

Ms. Cromar asked if he would own the entire property. Mr. Riddle stated no, he plans to subdivide off .98 acres from the 3.3 acres. The remaining 2.37 acres is discretionary, and he doesn't have a say in it. It will still be owned by the current property owners.

Mr. Riddle stated he is the listing agent and will try to sell the remaining portion of the property.

Ms. Cromar asked why the property owner was not here. Mr. Manley stated the property owner does not have to attend since this is a standard rezoning. Unless it is a down zoning, the property owner does not have to sign or attend. The City can rezone a property as it sees fit as long as it is not a down zoning. Mr. Blatt stated the property owner did sign the application.

Mr. Hanley asked if the other portion would remain MIC SU. Mr. Manley stated this application is to rezone the entire property to MIC.

There were no further questions for the applicant.

Chair opened the public comment. No one in the room wanted to speak.

Chair stated they would now take any calls on Zoom. He stated Zach Forrest had submitted a public comment but is also on the Zoom call so they would let him speak first.

Zach Forrest, 520 Fassifern Court stated the zoning application details appear to be a departure from the submitted proposed rezoning map. The request states to separate the acre containing the existing medical building from the surrounding parcels. This is not what is in the proposed map. The map shows a change to the entire property including the residence and land in our neighborhood intended for residences. The applicant wants the property to revert back to the zoning in 2006. One of the parcels was zoned MIC and another parcel was zoned C-3 Highway Business. Both parcels fronted on Fleming Street. The remaining three parcels were zoned R-6 High Density Residential. The parcels that fronted on Fleming Street allowed a range of commercial uses while the three parcels that front on Fassifern Court were focused on high density residential and related uses. The statements and the proposed re-zone maps don't appear to align. Further, the proposed rezone map does not appear to be compatible with surrounding uses given the rezone would remove the residential area and replace it with more medical institutions for more medical offices. I respect that the city has planned for the surrounding areas to contain medical offices but the second use for MIC is housing and the only way people will be showing up to use these offices is if we

have housing. Removing more originally residentially zoned land is not a benefit to the City. He was worried that a Taco Bell or KFC would be built because the applicant has clearly stated he does not care about the rest of the property. The only solution he sees is to rezone and subdivide the .98 acres and revert the rest back to residential.

Ken Fitch, 1046 Patton Street stated he appreciates Mr. Riddle's openness concerning the rezoning and his basic intent is clear and sensible – to enable an upgrade to the existing building and parking lot. There is no expectation of impact on the environment, and he would like to operate the existing building and upgrade it. There are several issues with reverting the property back to the original zoning. He asked if the property could be rezoned back to R-6. This neighborhood is described as workforce housing and clearly housing is needed. He feels that Andrew Riddle is a local developer that is sensitive to the neighbors however Mr. Riddle may not be the future developer for the rest of the site. If the Special Use Permit has expired, do they not have to go through that process again. The MIC zoning may prove to be incompatible.

Mr. Manley stated the application says, "revert back to prior zoning". The applicant was intending to take away the special use and go back to the standard MIC zoning. They will submit a clearer application to City Council. There seems to be some confusion about reverting back to the prior zoning. They cannot down zone without the property owner attending.

Jason Peiffer, 1005 -1009 Fassifern Court stated he doesn't agree with the current proposition to MIC for various reasons. It does not match the area and they have no recourse if a Taco Bell is built there. The current owners abandoned the property and he just cannot agree with rezoning the whole property to MIC.

There were no further comments via Zoom.

Chair closed the public comment.

Chair asked how difficult it would be to revert the three parcels back to R-6 and the one parcel back to C-3. Mr. Manley stated this could not be done without a minor subdivision and all the requirements being met for the minimum lot size. One parcel was split zoned, and one was a flag lot. It would be difficult to recreate what was originally there.

Ms. Peacock stated the Comp Plan shows the property as Urban Institutional. Mr. Manley stated there are also secondary recommended land uses in the Comp Plan.

Mr. Blatt asked if the applicant cuts off one acre, why can't they consider the rest of the property. Mr. Manley stated they could if this was a Conditional Zoning process, but this is a standard rezoning. Mr. Blatt asked if the Conditional Zoning process was discussed with the applicant. It may be the only way to pull off the rezoning.

Mr. Riddle stated the Conditional Zoning process was discussed but he will drop the whole deal if it upsets the neighbors. He doesn't care if the rest of the property reverts back to the original zoning prior to 2006. The truth is, it needs to be residential, and it needs to look like the houses next door. He thought this would be easy when he originally applied to rezone it. An abandoned building doesn't make sense. It is sensible to subdivide the property and let City Council have complete control over the remaining property and it can be a Conditional Zoning. He just wants to fix the place up.

Mr. Manley stated if this was a CZD the applicant would be required to do a subdivision, but this application was a standard rezoning to revert back to the prior rezoning.

Chair stated the problem is taking the R-6 zoning and making it MIC. Mr. Blatt stated this goes back to square one since the approved site plan did not get built and has since expired. If the property reverts

back to the C-3 zoning and R-6 zoning then it will have to go through the Conditional Zoning process and that takes three months. They would not be able to move forward today if the intention is to revert the zoning back to the previous zoning prior to 2006.

A discussion was made about having a legal description of the property to be subdivided and only rezoning that property. Mr. Holloway stated that would be a legal description and he would need to speak with the City Attorney concerning this.

Chair stated he is not in favor of rezoning the entire parcel. Mr. Riddle asked if there was anything they could do tonight so that he could move forward with the rezoning. Chair stated staff could touch base with the City Attorney and make sure the split zoning could legally be done.

Mr. Blatt made a motion to table this item until staff can speak with the City Attorney to get clarification tonight.

Mr. Manley clarified that restaurants are a special use in the MIC district. They are not permitted by right. Residential is still permitted by right in the MIC district. Taco Bell would not be permitted in this location.

Staff moved the Zoning Text Amendment for micro-distilleries up as the next item.

V(B) Zoning Text Amendment – Addition and Definition of Micro-distilleries, Micro-Cideries, and Micro-wineries with Supplementary Standards and Additional Uses to Zoning Districts (P21-83-ZTA). Ms. Hunt gave the following background:

The Planning Staff is in receipt of a Zoning Text Amendment application from M&T Distillery, LLC. The applicant is requesting that “micro-distilleries” be added as a use in zoning districts that currently allow microbreweries as either a permitted use or permitted use subject to Supplementary Standards under Article XVI of the Zoning Ordinance.

Staff has three proposed recommendations:

- 1) The addition of “Micro-distilleries, “Micro-cideries” and “Micro-wineries” be added to the Use, Definition and Supplementary Standards for “Microbreweries”
- 2) The addition of standards to the existing Supplementary Standards for “Microbreweries”
- 3) The addition of two zoning districts, CMHU and Urban Village to zoning districts that allow “Microbreweries” as a Permitted Use subject to Supplementary Standards.

Zoning districts were shown which had microbreweries as a permitted use. PCD CZD, I-1 and PMD CZD are a permitted use without Supplementary Standards. C-1, C-2, C-3, CMU, GHMU and HMU are all permitted use subject to Supplementary Standards.

The Zoning Ordinance **does not** have a definition for: “Micro-distilleries, Micro-cideries, and Micro-wineries” but it **does** have a definition for “Microbreweries”. **Microbreweries:** “An establishment that engages in the production of malt beverages as defined in North Carolina General Statute 18B-101. Annual production shall be less than 25,000 barrels.”

The Zoning Ordinance **does** have definitions for “Distilleries, Cideries, and Wineries”: **Distilleries:** “An establishment that engages in the production of spirituous liquors or liquors as defined in North Carolina General Statute 18B-101.” **Cideries:** “An establishment that engages in the production of hard ciders classified as unfortified wine as defined in North Carolina General Statute 18B-101.” **Wineries:** “An establishment that engages in the production of unfortified wines as defined in North Carolina General Statute 18B-101.”

Staff did research on the appropriate definitions. **Brewer's Association Definitions:** *Microbrewery*: a brewery that produces less than 15,000 barrels of beer per year and sell 75% or more of its beer off-site. Other subgroups: brewpub, taproom brewery, and regional brewery.

Most breweries produce > 50,000 barrels per year (avoid third-party distributors). **Example:** Sierra Nevada. Regional Brewery - Produces more than 15,000 barrels per year but less than the max 6 million barrels annually.

North Carolina recognizes only one Distillery type – American Craft Spirits Association (ACSA)

Definition: *Craft Spirits*: Spirits produced in the U.S. by licensed producers that have not more than 750,000 proof gallons (per 394,317 9L cases) annually. *Proof*: a method of measuring the alcohol content of spirits (Percent of Alcohol x Volume x 2) **Example:** Two Trees Distillery - Produces approximately 20 barrels (using the traditional 53-gallon whiskey barrel) of aged product per day with a 1,000-gallon system. This comes out to approximately 386,900 gallons annually.

The proposed definition is as follows: **Section 12- 2 Definition of Commonly Used Terms and Words. Microbreweries, Micro-distilleries, Micro-cideries, Micro-wineries:** An establishment that engages in the production of malt beverages or spirituous liquors or hard cider or wine as defined in North Carolina General Statute 18B-101. Annual production shall be less than 25,000 barrels 775,000 gallons per calendar year of final product."

The proposed Supplementary Standards are as follows:

16-4-15 Microbreweries, Micro-distilleries, Micro-cideries and Micro-wineries.

- a) Shall include one or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the brewery, distillery, hard cidery, or winery and open and accessible to the public.
- b) Storage of materials used in the manufacturing, processing, and for distribution shall be located entirely within the building.
- c) Shall be designed such that all newly constructed loading and unloading facilities are internal to the site, in service alleys or at the back of the building.
- d) The sides and rear yard or setback requirement shall be increased to 25 feet for the C-2 Secondary Business, C-3 Highway Business, GHMU Greenville Highway Mixed Use and HMU Highway Mixed Use Zoning District Classifications.
- e) Shipping and receiving needs shall not exceed the equivalent of (1) FHW A Class 8 truck per week.
- f) Reuse of an existing building shall not exceed 20,000 square feet of building floor space.
- g) New construction shall not exceed 10,000 square feet of all building floor space.

Currently, the zoning ordinance allows "Microbreweries" as a use in the following zoning districts:

Permitted Use (Not subject to Supplementary Standards):

PCD CZD, I-1, and PMD CZD zoning districts

Permitted Use (Subject to Supplementary Standards):

C-1, C-2, C-3, CMU, GHMU and HMU

Staff recommends extending the four "micro" uses into two additional zoning districts:

Commercial Highway Mixed Use (CHMU)

Urban Village

The Comprehensive Plan does not have a dedicated chapter on economic development. Staff looked at Chapter 8 Land Use and Development. Chapter 4 establishes a goal to "Promote downtown as Hendersonville's central gathering place and a focal point for niche retailers and entertainment, cultural and civic uses."

Chapter 7 establishes a strategy (TC-1.1) intended to reduce vehicle miles driven that “Encourage mixed-use, pedestrian friendly development that reduces the need to drive between land uses. As a job creator, businesses such as micro-distilleries, micro-cideries, and micro-wineries can contribute to viable employment within the mixed-use areas highlighted throughout the comprehensive plan.

The Downtown Advisory Board met on December 14th, 2021. There was a conversation among the Downtown Advisory Board that included questions regarding the capacity limitations in place if there are no state standards like there are for microbreweries. Several Board members asked if allowing distilleries was too much if we already have several microbreweries. They asked if there could be a limit in place for how many distilleries or microbreweries there should be downtown. They recommended review by the downtown Economic Vitality team (subcommittee) and the addition of “micro-wineries”.

The Planning Board Legislative Committee met on December 21, 2021. The Committee addressed the concerns from the Downtown Advisory Board expressed about too many establishments in downtown. The Committee felt as though market forces and cost of start-up would limit the widespread expansion of distilleries or cideries and thus prevent any perceived issues of having “too many” in one place. Discussion was had around the term “gallon” referring to “proof gallons” or final product gallons. That clarification was made to refer to final product gallons.

The Committee recommended adding “hard cidery” to the proposal. The Committee was favorable of the recommendation to include distilleries and cideries with the production limits and square footage limits as proposed as well as to expand the Permitted Use subject to Supplementary Standards to the CHMU and Urban Village zoning districts.

The Economic Vitality Subcommittee met on January 4, 2022. The Subcommittee discussed the updated memo and staff report since the first discussing the proposed amendment at the Downtown Advisory Board meeting. The Subcommittee felt that their concerns about too many establishments in the downtown area were addressed by the proposed addition of Supplementary Standards. The Subcommittee was favorable of the proposed definition and Supplementary Standards.

Ms. Hunt asked if there were any questions, and that the applicant is in attendance.

Mr. Blatt asked if the Business Advisory Committee looked at this. Mr. Manley stated no, it was not on their agenda. Mr. Blatt felt like this Board would want to weigh in.

Bill McConnell stated he had been doing this for 13 years. He wants to bring the heritage of moonshine locally. As of now, people have to travel to Tennessee and a lot business is being lost in the area. They do not plan to ship out like Two Trees Distillery in Fletcher. They are a small family business. Most of their business will come from foot traffic. He discussed the state tax rate and stated they wanted to do something small to help out the community.

Joe Taylor, 395 Old Sunset Hill Road stated he made this application because the only zoning districts that permitted distilleries is I-1, Industrial and he just could not find anywhere to rent or anywhere close to town in this zoning district. This is the reason for the text amendment.

Chair opened the public comment. No one spoke in attendance or via Zoom.

Chair closed the public comment.

Mr. Manley stated this is being proposed together with microbreweries instead of being separate uses. This will include the other micros in one definition.

Mr. Brown stated staff did a great job on their research.

The Board discussed adding I-1 to the motion. Mr. Blatt asked if there were any commercial districts that did not allow microbreweries. Mr. Manley stated C-4 did not. He explained this is a neighborhood commercial district and was not added to it. They could add microbreweries to this district if they wanted to.

Ms. Peacock moved the Planning Board recommend City Council approve an ordinance revising the definition, use and supplementary standards of Microbreweries to include Micro-distilleries, Micro-cideries, and Micro-wineries in the C-1, C-2, C-3, CMU, GHMU, HMU, I-1, PCD and PMD zoning and extending this amended use to the CHMU and Urban Village zoning districts as a Permitted Use subject to the Supplementary Standards. Finding that the text amendment is consistent with the Goals, Strategies and Actions for LU-1, LU-10, CR-4, and TC-1 of the City's Comprehensive Plan and that the text amendment is reasonable and in the public's interest to approve the application for the following reasons: 1) It encourages infill development and redevelopment in areas planned for high intensity development. (Goal LU-1) 2) It contributes to downtown's role as the focal point of niche retailers within the city. (Goal CR-4) 3) It encourages mixed-use development that reduces the need to drive. (Goal TC-1) 4) It will promote additional diversity of job opportunities within the City of Hendersonville. 5) It encourages reinvestment in existing infrastructure and commercial real estate within the City of Hendersonville. 6) It reflects adaptation by the City to changing market trends in retail and the craft beverage industry. Mr. Jones seconded the motion which passed unanimously.

Mr. Blatt stated he would like to see this go to the Business Advisory Committee prior to City Council

The Board took a three-minute break and reconvened at 5:31 pm.

Zoning Map Amendment – Standard Rezoning. 1027 Fleming Street (continued). Mr. Holloway stated the quasi-judicial process for Special Use Permits no longer exists since the changes to 160D removed all special uses. He stated any substantial change to the site is considered a major modification and must go back through the process. A subdivision is considered a major modification. The applicant can request just a standard rezoning, but he cannot pick out one part of the parcel and rezone only that portion. Boundary changes must go back through the process. He talked with Mr. Riddle and he would like to move forward with the rezoning. Other parts to consider are the impacts on the neighborhoods. 160D requires any change or modification to go back through the process to make any change to the site plan. Subdividing is considered a substantial change. There is a site plan that has expired. No one could build that site plan today without going through the CZD process. If they recommend approval, then the applicant can move forward and be able to subdivide but the parcel would all be rezoned to MIC. R-6 would be considered down zoning and would require the property owner to agree to do it.

Staff discussed if the application is denied the applicant would have to wait 12 months before applying to rezone it again to the same MIC zoning.

Chair stated he feels like there is a problem with the neighborhood and the property being rezoned to MIC next to them. They need to be protected.

Mr. Hanley moved the Planning Board recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN 9569-60-2811) from MIC- SU, Medical, Institutional, Cultural Special Use to MIC Medical Institutional, Cultural. Finding that the rezoning is consistent with Section 8.3 and goals LU-8 and LU-12, of the 2030 Comprehensive Plan and that the rezoning is reasonable and in the public interest for the following reasons: The rezoning will allow opportunities for infill

development, the rezoning is compatible with the surrounding land uses, and the rezoning allows the subject property to be removed from a Special Use District that was never constructed. Mr. Jones seconded the motion. The vote was 3 in favor and 6 opposed. Motion failed.

Mr. Blatt moved the Planning Board recommend that City Council deny the rezoning application for the subject property (PIN 9569-60-2811) changing the zoning designation from MIC- SU, Medical, Institutional, Cultural Special Use to MIC Medical Institutional, Cultural for the following reasons: Due to guidance from the Comprehensive Plan - Strategy LU-3.5 "Minimize negative impacts from growth and land use changes on existing land uses. Some zoning map changes and other development applications may create short-term incompatibilities with existing neighborhoods, even if they are consistent with the Future Land Use Plan. It is critical that City officials consider the full range of impacts of all development applications, in addition to conformance with the Future Land Use Plan." The rezoning is not compatible with the surrounding uses in particular in the rear of the property. Ms. Cromar seconded the motion. The vote was 6 in favor and 3 opposed. Motion passed.

V(C) Zoning Text Amendment – Lighting Ordinance (P21-25-ZTA). Mr. Holloway stated this is an update only.

Mr. Holloway stated there have been a couple of meetings in 2021 with the Lighting Committee and the Business Advisory Committee has also reviewed this. He stated Susan Frady was in attendance along with Gary Steinberg from GE and Debbie Bell who has 42 years' experience and has looked at a variety of ordinances and the impact they have.

There have been some additional changes since meeting with the Business Advisory Committee.

Directed on separate occasions by the City Council and Planning Board to explore the work of the International Dark Sky Association and the concept of Dark Sky compliance in the context of Conditional Zoning Districts, the Planning Board established a sub-committee to further explore the potential parameters of a new Lighting Ordinance. The committee began with a review of the Model Lighting Ordinance which was the result of a collaborative effort on the part of the Illuminating Engineering Society and the International Dark Sky Association to create an adoptable ordinance based on the overarching goal of lighting that protects the night.

The primary components of the Ordinance are a set of standards for site lighting designed to minimize Offsite Impacts. Specifically, the ordinance applies "Total Site Lumens Limits" to site plans based on the initial lumens' rating of proposed on-site lighting as a factor of either total parking spaces or total hardscape on-site. Furthermore, it establishes allowable BUG ratings for proposed lighting based on location of lighting on-site and associated lighting zones. Other notable sections of the ordinance include allowances for Special Uses and standards or thresholds for bringing non-conforming lighting into compliance with the standards of the ordinance.

Mr. Holloway discussed lumens and lumen rating. A map of the proposed lighting zones was shown. The Natural Resource Zone was shown, and a stream map was shown.

Mr. Holloway discussed enforcement of the proposed lighting ordinance. He discussed lighting controls and eliminating automatic light reduction. He stated an allotment for lumens for each site would be established by what zone you are in. This is one element that the Business Advisory Committee had questions about. They asked that commercial sites be looked at.

Debbie Bell evaluated existing sites and explained how the lighting was similar to the gas used in a vehicle miles per gallon. She discussed a survey that was done and how the light levels were lowered by 75%.

She explained the lumens per square foot and how it didn't take into consideration the pedestrian conflict. They do need safety measures and they do need to address lighting. Most lighting is already LED products and energy efficient.

Mr. Holloway discussed offsite impact limits and BUG ratings. He stated the Comprehensive Plan does not specifically address lighting standards but it does discuss the protection of natural resources and the promotion of compatible redevelopment and infill development as important overarching themes in the creation of the goals and strategies.

Mr. Holloway discussed existing lighting and adopting new standards. An existing property would not have to come into compliance if the improvements were not greater than 50% of the entire site. Minor repairs and maintenance could be done on existing sites.

A demonstration using a CCT emulator was shown to the Board.

The Business Advisory Committee had concerns about lumen limits and BUG ratings. The lumen limits need a better answer to what the reduction is. Ms. Bell stated they need to look at commercial properties that are existing and apply standards.

Mr. Holloway suggested taking this back to the Lighting Committee and giving them time to get a better sense of the impact. He suggested doing an update to City Council in February and get more feedback from them. Mr. Holloway stated this type of ordinance would require some compromise.

Gary Steinberg stated he has been with GE for 22 years. He was asked to participate in the discussion as a local expert. He explained LED lighting and the cost to developers. He explained how new large developments would not see much a cost change, but smaller scale sites could see an increase in cost when using good lighting and not cheaper lighting.

Discussion was made about how good lighting practices protect the environment. Staff wants the ordinance to have value and make it workable to improve lighting over time.

Mr. Blatt stated most of this was over his head and he would love to see photos of sites that do not comply and ones that do comply.

Mr. Nace discussed light leakage upwards and how blinding that can be.

No action was taken on this item.

VI Other Business. The Comprehensive Plan 2022 update was not discussed.

VII Adjournment – *The meeting was adjourned at 6:45 pm.*

Jim Robertson, Chair