

ATTACHMENT B – STAFF ANALYSIS

STAFF PERSON: Tim Padalino
BOARD OF SUPERVISORS: January 9, 2019

Staff analyses of these special exception requests were conducted pursuant to the following applicable provisions and evaluation criteria contained in County Code Sections §18-33.49.B and §18-4.17:

Summary of Factors to Be Considered: County Code Sections §18-33.49.B and §18-4.17:

Section 33. Zoning Text Amendments, Zoning Map Amendments, Special Use Permits And Special Exceptions

Sec. 33.49 Action by the Board of Supervisors.

The Board of Supervisors shall act on an application for a special exception as follows:

- B. *Factors to be considered.* In acting on a special exception, the Board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the Board shall not be required to make specific findings in support of its action.

SECTION 4. GENERAL REGULATIONS

4.17 OUTDOOR LIGHTING

4.17.1 PURPOSE

The purposes of these outdoor lighting regulations are to protect dark skies, to protect the general welfare by controlling the spillover of light onto adjacent properties, and to protect the public safety by preventing glare from outdoor luminaires. To effectuate these purposes, these regulations regulate the direction of light emitted from certain luminaires, and limit the intensity of light on certain adjacent properties, as provided herein.

4.17.5 MODIFICATION OR WAIVER

Modifications and waivers may be granted in an individual case as provided herein:

- d. The board of supervisors shall consider a modification or waiver of this section only as follows: (Amended 7-9-08)
 2. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (a), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (a). Otherwise, neither the grant nor denial of a modification or waiver may be appealed to the board. (Amended 10-17-01)
- a. The commission may modify or waive any standard set forth in section 4.17.4(a) under subsections 4.17.5(a)(1) and (2), and may modify the maximum height of poles supporting outdoor luminaires lighting athletic facilities under subsection 4.17.5(a)(3), in the following circumstances: (Amended 10-17-01, 7-9-08)
 1. Upon finding that strict application of the standard would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.
 2. Upon finding that an outdoor luminaire, or system of outdoor luminaires, required for an athletic facility cannot reasonably comply with the standard and provide sufficient illumination of the facility for its safe use, as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity or other evidence if a recommended practice is not applicable. (Amended 10-17-01)
 3. Upon finding that the maximum permitted height of a pole supporting an outdoor luminaire lighting an athletic facility under the applicable district regulations would prevent the luminaire from providing sufficient illumination of the facility for its safe use, as determined by the recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity or other evidence if a recommended practice is not applicable. (Added 7-9-08)

Staff Analysis – SE Request #1 to Waive Outdoor Lighting Standards (Full Cutoff Luminaires):

Request to waive the outdoor lighting standards requiring the use of full cutoff luminaires for the proposed outdoor lighting at an athletic facility, pursuant to County Code §18-4.17.5.

Staff Analysis pursuant to County Code §18-4.17.5.a:

Lighting systems that both fully comply with the requirement for a full cutoff luminaire and provide sufficient and safe illumination of athletic fields as recommended by the Illuminating Engineering Society of North America have become available in recent years – but these lighting systems are significantly more expensive than the proposed Musco LED luminaires, and may be cost prohibitive for the property owner and/or the Peachtree League.

Even though the proposed Musco LED luminaires do not meet the County’s standards for the use of full cutoff luminaires as required by §18-4.17.4.a, the proposed luminaires have been determined to be a reasonable alternative that would provide adequate lighting levels, reduce spillover, and limit light emitted above the horizontal plane.

More specifically, the photometric lighting plan (Sheets 2 and 3 of SDP201800077 – Crozet Park Phase III Athletic Field Improvements – Minor Amendment) shows that all footcandle levels around the site and along property boundaries would be in compliance with the spillover standards required by County Code §18-4.17.4.b.1. The Code allows for footcandle levels of up to 0.5 at a property boundary, and the photometric plan shows a maximum footcandle level of 0.17 along the northern property boundary.

Additionally, information provided during the Crozet Community Advisory Committee meeting on October 17, 2018 explains that the proposed luminaires would have “visor” inserts that would approximate the effects of a full cutoff fixture, and which would limit unintended or unwanted illumination of areas beyond the athletic field in compliance with the glare standards required by County Code §18-4.17.4.b.2.

Additional Staff Analysis:

Factors Favorable:

- The proposed outdoor athletic lighting shown on SDP-2018-00077 would allow the Peachtree League to conduct games and practices during nighttime hours, thereby expanding opportunities for youth in Crozet and the surrounding area to participate in organized active recreation. (See Comprehensive Plan, Parks and Recreation, Greenways, Blueways, and Green Systems – Objective 2: *“Develop parks for active recreation.”*)
- The proposed outdoor athletic lighting would improve an existing park within the Development Area by providing a heightened level of service for park users. (See Comprehensive Plan, Development Areas – Objective 2: *“Create a physical environment that supports healthy lifestyles through application of Neighborhood Model Principles.”*)

Factors Not Favorable:

- Although the proposed lighting specifications appear to provide an acceptable level of mitigation, the proposed outdoor athletic lighting might partially result in negative impacts on dark sky resources. (See Historic, Cultural, and Scenic Resources – Objective 11: *“Protect the dark sky of Albemarle County as one of the many natural, scenic, scientific, and cultural resources, for the benefit of residents, visitors, and the larger scientific community,”* and Strategy 11a: *“Continue to pursue measures to reduce light pollution in the County caused by uplighting, excessive lighting, glare, light trespass, and inconsistent light.”*)
- Proposed Peachtree League activities (and subsequent use of outdoor lighting) would be frequent and extensive in scope, extending until approximately 10:00pm on every night of the week except for Sundays, from March through October.

Staff Findings:

- Pursuant to County Code §18-4.17.5.a.1, staff finds that the alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree by reasonably protecting dark skies, controlling the spillover of light onto adjacent properties, and preventing glare from outdoor luminaires.
- Pursuant to County Code §18-4.17.5.a.2, staff finds that the proposed system of outdoor luminaires required for the proposed nighttime use of the existing athletic facility cannot reasonably comply with the standard and provide sufficient illumination of the facility for its safe use, as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity.
- Pursuant to the additional staff analysis, staff finds that the favorable factors outweigh the factors not favorable.

Staff Analysis – Request #2 for Special Exception to Modify Maximum Permissible Height of Outdoor Lighting:

Request to modify the maximum permissible height for proposed poles supporting outdoor luminaires at an athletic facility, as shown on SDP-2018-00077 “Claudius Crozet Park Phase III – Athletic Field Improvements.”

Staff Analysis pursuant to County Code §18-4.17.5.a:

Luminaires for outdoor lighting of the athletic facility mounted at a height of thirty-five (35) feet would not provide sufficient and safe illumination of the baseball field. As noted in the application materials, the lighting plan requires the luminaires to be positioned at a height of seventy (70) feet in order to provide adequate, safe, and uniform lighting of the field.

Although the proposed height of the outdoor lighting requires a special exception in order to exceed the maximum permissible height that is otherwise allowed in the Rural Areas zoning district, the proposed outdoor lighting appears to provide for sufficient illumination of the facility for its safe use without creating unacceptable impacts to adjoining properties.

More specifically, the photometric lighting plan (Sheets 2 and 3 of SDP201800077 – Crozet Park Phase III Athletic Field Improvements – Minor Amendment) shows that all footcandle levels around the site and along property boundaries would be in compliance with the spillover standards required by County Code §18-4.17.4.b.1. The Code allows for footcandle levels of up to 0.5 at a property boundary, and the photometric plan shows a maximum footcandle level of 0.17 along the northern property boundary.

Additionally, information provided during the Crozet Community Advisory Committee meeting on October 17, 2018 explains that the proposed luminaires would have “visor” inserts that would approximate the effects of a full cutoff fixture, and which would limit unintended or unwanted illumination of areas beyond the athletic field in compliance with the glare standards required by County Code §18-4.17.4.b.2.

Additional Staff Analysis:

Factors Favorable:

- The proposed outdoor athletic lighting shown on SDP-2018-00077 would allow the Peachtree League to conduct games and practices during nighttime hours, thereby expanding opportunities for youth in Crozet and the surrounding area to participate in organized active recreation. (See Comprehensive Plan, Parks and Recreation, Greenways, Blueways, and Green Systems – Objective 2: *“Develop parks for active recreation.”*)
- The proposed outdoor athletic lighting would improve an existing park within the Development Area by providing a heightened level of service for park users, in lieu of proposing any nighttime illumination within the Rural Areas where such heightened level of service and infrastructure would be less appropriate. (See Comprehensive Plan, Development Areas – Objective 2: *“Create a physical environment that supports healthy lifestyles through application of Neighborhood Model Principles.”*)

Factors Not Favorable:

- Although the proposed lighting specifications appear to provide an acceptable level of mitigation, the proposed outdoor athletic lighting might partially result in negative impacts on dark sky resources. (See Historic, Cultural, and Scenic Resources – Objective 11: *“Protect the dark sky of Albemarle County as one of the many natural, scenic, scientific, and cultural resources, for the benefit of residents, visitors, and the larger scientific community,”* and Strategy 11a: *“Continue to pursue measures to reduce light pollution in the County caused by uplighting, excessive lighting, glare, light trespass, and inconsistent light.”*)
- Proposed Peachtree League activities (and subsequent use of outdoor lighting) would be frequent and extensive in scope, extending until approximately 10:00pm on every night of the week except for Sundays, from March through October.

Staff Findings:

- Pursuant to County Code §18-4.17.5.a.3, staff finds that the maximum permitted height of thirty-five (35) feet for a pole supporting an outdoor luminaire lighting an athletic facility in the Rural Areas zoning district would prevent the luminaire from providing sufficient illumination of the facility for its safe use, as determined by the recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity. The proposed outdoor lighting would provide sufficient illumination for safe nighttime use.
- Pursuant to the additional staff analysis, staff finds that the favorable factors outweigh the factors not favorable.

Staff Recommendation – SE Request #1 to Waive Outdoor Lighting Standards (Full Cutoff Luminaires):

With regards to the findings contained herein, inclusive of the criteria to be considered per County Code §18-4.17.5 as well as other additional factors, **staff recommends approval** of this Special Exception Request #1 with conditions.

Specifically, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve Special Exception Request #1 to waive the outdoor lighting standards requiring the use of full cutoff luminaires for the proposed outdoor lighting at an athletic facility with conditions, as shown on SDP-2018-00077 “Claudius Crozet Park Phase III – Athletic Field Improvements,” and pursuant to County Code §18-4.17.5 and §18-33.49.B.

Staff Recommendation – SE Request #2 to Modify Maximum Permissible Height of Outdoor Lighting:

With regards to the findings contained herein, inclusive of the criteria to be considered per County Code §18-4.17.5 as well as other additional factors, **staff recommends approval** of this Special Exception Request #2 with conditions.

Specifically, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve Special Exception Request #2 to modify (increase) the maximum permissible height for proposed poles supporting outdoor luminaires at an athletic facility from thirty-five (35) feet to seventy (70) feet with conditions, as shown on SDP-2018-00077 “Claudius Crozet Park Phase III – Athletic Field Improvements,” and pursuant to County Code §18-4.17.5 and §18-33.49.B.