

PLANNING AND ZONING COMMISSION MEMORANDUM

FROM: Planning & Zoning Department **DATE:** April 4, 2024
SUBJECT: ZC24-0096 Public hearing and consideration of a request from Blue Mound Cafe for a special use permit to allow a deviation from the luminous tube lighting standards at 6455 Hilltop Drive, being 2.13 acres described as Lot 2, Block 3, Tapp Addition.
PRESENTER: Clayton Comstock, Director of Planning

SUMMARY:

On behalf of Blue Mound Cafe, Dustin Bunney is requesting a special use permit to allow a deviation from the luminous tube lighting standards for a restaurant at 6455 Hilltop Drive.

GENERAL DESCRIPTION:

Blue Mound Cafe is located in the Hilltop Square shopping center at the northwest corner of Rufe Snow Drive and Hilltop Drive. In January 2024, a code compliance inspection of the property noted that LED strip lighting was installed around the windows and doors on the front and side of the lease space. This type of lighting is allowed to be installed on buildings but is not permitted to be used to outline windows and doors.

On January 18, 2024, the owner was notified that the strip lighting was not permitted by the zoning ordinance and must be removed. A final notice was provided to the owner on February 15, 2024. Rather than removing the lighting, the owner has applied for a special use permit to allow the lighting to remain as installed.



FRONT OF BUILDING (HILLTOP DR)



SIDE OF BUILDING (RUFESNOW DR)

On December 11, 2017, City Council approved an amendment to the zoning ordinance regarding luminous tube lighting such as LED lighting and strip lighting (Ordinance 3491). At the time, this type of lighting was exempt from outdoor lighting standards. As the use of the lighting was becoming more prevalent, particularly with the advancement of inexpensive LED technologies, City Council expressed several areas of concern, such as the building appearance not meeting community expectations and unnecessary brightness and glare from unshielded or exposed lighting. The adopted standards are online in [Section 118-728\(f\)\(7\) Outdoor lighting](#).

The standards allow the use of luminous tube lighting to be attached to the exterior of a building upon issuance of a permit. The lighting may be attached to the roofline, parapet, cornice, eave, or canopy of a building, provided the lighting is mounted at least eight feet above grade and not higher than the edge of the roofline or eave. The lighting must be shielded or shrouded with opaque, semi-opaque, or translucent housings. Unshielded or exposed lighting or the use of reflective materials is not permitted. A property owner or business owner may request approval of a special use permit to propose deviations from or modifications to these standards for a specific property.

This is the first of such applications made since the standards were created in 2017. Below are photos taken of the business at night.





LAND USE PLAN: This area is designated on the Land Use Plan as Retail Commercial. This category provides sites for community and regional shopping centers, commercial establishments, and employment centers.

CURRENT ZONING: Most of the property is zoned C-2 (Commercial). The C-2 district is intended to provide for the development of retail and general business uses primarily to serve the community and region. Uses include a wide variety of business activities and may involve limited outside storage, service, or display. The C-2 district should be located away from low and medium density residential development and should be used as a buffer between retail and industrial uses. The district is also appropriate along business corridors as indicated on the land use plan.

SURROUNDING ZONING | LAND USE:

| DIRECTION | ZONING | LAND USE PLAN | EXISTING LAND USE |
|-----------|--|-------------------|----------------------------|
| NORTH | I-2 (Medium Industrial) | Retail Commercial | Retail and restaurant uses |
| WEST | I-2 (Medium Industrial) | Urban Village | Self-storage facility |
| SOUTH | PD (Planned Development) C-2 (Commercial) | Retail Commercial | Office and restaurant uses |
| EAST | C-2 (Commercial) | Retail Commercial | Retail and restaurant uses |

PLAT STATUS: The property is platted as Lot 2, Block 3, Tapp Addition.

CITY COUNCIL: The City Council will consider this request at the April 8, 2024, meeting following a recommendation by the Planning and Zoning Commission.

DRC RECOMMENDATION. By the adoption of Ordinance 3491 in December 2017, it is the interpretation of the Development Review Committee that special use permits for the purpose of deviating from the luminous tube lighting standards should be for unique and extenuating circumstances, where the property carries a hardship unlike similar properties in the community and where no alternative solutions—such as lighting a roofline, parapet, cornice, eave, or canopy—have been explored.

Outdoor lighting standards are intended to minimize adverse offsite impacts of lighting such as light trespass and glare. The standards are also intended to curtail light pollution, reduce skyglow, and improve the nighttime environment.

The use of luminous tube lighting on storefronts, windows, and doors does not achieve City goals to improve and upgrade commercial centers and provide a positive city image. For these reasons, the Development Review Committee recommends denial of the request.

RECOMMENDATION:

Deny ZC24-0096.