

**Midway City Planning Commission Regular Meeting
Minutes March 8, 2022**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., March 8, 2022, at the Midway City Community Center 160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Craig Simons
Andy Garland
Laura Wardle
Bill Ream

Staff

Michael Henke – City Planner
Melannie Egan – Admin. Assistant
Wes Johnson – City Engineer
Luke Robinson - Planner

Excused

Rich Cliften
Rob Bouwhuis- Vice Chair

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Chairman Nicholas
 - Chairman Nicholas led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of February 8, 2022.

Motion: Commissioner Garland: I make a motion that we recommend approval of the minutes for February 8, 2021.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Wardle, Garland and Simons

Motion: Passed

Item 2:

Midway City is proposing an amendment to Chapter 5.02.080: Outdoor Lighting and Glare. The proposed amendment would modify regulations for outdoor lighting.

Luke Robinson gave a presentation

Proposed Background

The purpose of this item is to modify the current Outdoor Lighting and Glare ordinance in title 5 to address current concerns with outdoor lighting. Staff anticipates proposing a more comprehensive revision of the code in the future once the general plan update has been completed and staff has the time to engage an electrical engineer with outdoor lighting regulation experience. In the short term, in the hope of addressing some of the immediate concerns with outdoor lighting, we are proposing a simpler update of the current code.

The Problem: Light Pollution

The immediate concern of staff is outdoor lighting on residential structures and residential properties. Recent housing trends include the installation of soffit and landscaping lights that significantly increase the amount of light pollution within the city. These trends, while not new, appear to have accelerated in recent years.

What is Light Pollution?

The International Dark-sky Association defines light pollution as “any adverse or unintended effect of the use of artificial light at night, including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste.”

Code Adjustments address the following:

- With very few exceptions, require all lighting to be fully shielded
- Make minor adjustments to the existing lumen limits
- Require lighting color to be 3,000 kelvin or less
- Provide guidelines for using permanent and temporary holiday lighting
- Require a lighting plan as part of development and building permit applications
- Remove some criteria allowing for temporary exemptions

Proposed Code

A. Purpose. The purpose of this Section is to restrict the use of outdoor artificial illuminating devices emitting undesirable light rays that:

1. Have a detrimental effect on astronomical observations.
2. Create a public nuisance.

B. General Regulations.

1. The provisions of this Section shall apply to all outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination

or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights, and other fixtures used to illuminate:

- a. buildings and structures
- b. recreational areas
- c. parking lot lighting
- d. billboards and other signs (advertising or other)
- e. street lighting
- f. lighting for gas station canopies and other similar uses
- g. general area and yard lighting (including security lighting and lighting for the convenience of customers, patrols, visitors, and so forth)

2. Every outdoor light source shall be operated so that it does not emit a beam or intense glare beyond the property boundary. Such lighting shall be operated in a way that it is directed away from and shielded from any adjacent property and shall not detract from driver visibility on adjacent streets. Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these factors.

3. All outdoor artificial illuminating devices, except those devices exempted in 5.02:080 (E), shall be fully shielded as required in this Chapter.

4. Outdoor light output total. For lamp types that vary in their output as they age (such as high-pressure sodium), the initial output, as defined by the manufacturer, is the value to be considered.

5. Total outdoor light output (excluding streetlights used for illumination of public rights-of-way) of any development project in Midway City shall not exceed 80,000 lumens of fully shielded lighting per net acre, averaged over the entire project. Detached single family parcels larger than one-half acre shall be permitted up to ten thousand lumens of fully shielded lighting. Detached single family parcels smaller than one-half acre shall be permitted up to five thousand lumens of fully shielded lighting. Attached single family (e.g. duplexes or townhomes) shall be permitted up to three thousand lumens of fully shielded lighting per unit. Multi-family residential shall be permitted up to three hundred and sixty lumens of fully shielded lighting per unit.

6. Service Station Canopy Lighting. The following requirements shall apply to service station canopies:

- a. All luminaries mounted on the under surface of service station canopies shall be fully shielded and utilize flat glass or flat plastic (acrylic or polycarbonate) covers.
- b. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 100 lumens per square foot of canopy in all lighting mounted under the canopy, including but not limited to luminaries mounted on the lower surface of the canopy and auxiliary lighting within signage or panels over the pumps, is to be included toward the total.

7. The provisions of this Section are not intended to prevent the use of any material or method of installation that is not specifically prohibited by this Section, if any such alternative has been approved by the Planning Director. The Planning Director may approve any such alternate as long as the proposed design, material or method:

- a. Provides approximate equivalence to those specific requirements of this Section; or
- b. Is otherwise satisfactory and complies with the intent of this Section.

8. All outdoor illuminating devices shall be installed in conformance with the provisions of this Section as well as with all other provisions of the Midway City Land Use and Building Codes, as these are later amended and as applicable. Any language contained in this Section that

conflicts with other Sections of the Midway City Municipal Code shall be construed consistent with this Section.

9. All illuminated signs shall comply with the standards of Section 16.21.

10. All exterior lighting shall utilize light sources with correlated color temperature not to exceed three thousand Kelvin (K).

C. Definitions

1. Fully Shielded. (full cut off) Fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are below a horizontal plane running through the lowest point on the fixture where light is emitted, thus preventing the emission of light above the horizontal. This fixture has a solid housing with a flat lens or bottom and the bulb is fully within the housing. This type of fixture provides optimum light control. See figure 1 for examples of fully shielded fixtures.

2. Foot candle. A unit of illuminance amounting to one lumen per square foot.

3. Glare. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

4. Illuminance. The quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, measured in lux or foot candles.

5. Luminance. The physical quantity corresponding to the brightness of a surface (e.g. lamp, luminaire, sky, or reflecting material) in a specified direction. It is the luminous intensity of an area of the surface divided by that area. The unit is candela per square meter.

6. Lux (lx). The SI unit of illuminance. One lux is one lumen per square meter.

7. Outdoor Light Output Total. The maximum total amount of light, measured in lumens, from all outdoor light fixtures.

8. Partially Shielded. Fixtures that are shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing the emission of light rays above the horizontal plane. This type of fixture uses a lamp that is partially exposed and an internal reflector that directs the light downward and spill light to the side and upward. Such fixtures provide some lighting control. Partially shielded fixtures are prohibited except as allowed in 5.02.080 (E).

9. Unshielded Fixtures. A lamp that provides no lighting control and is totally exposed with no internal reflector, allowing light to be emitted in all directions. This type of fixture provides no lighting control. Unshielded fixtures are prohibited except as allowed in 5.02.080 (E).

D. Prohibitions.

1. The operation of searchlights for advertising purposes are prohibited.

2. The unshielded or partially shielded outdoor illumination of any building, landscaping, signage or other purpose, is prohibited.

3. The nighttime use of white lighting or white strobe lighting for communications towers is prohibited. (Nighttime white strobe lighting is not required by the FAA). Applicants must show proof of any such FAA requirement.

E. Lighting Exemptions.

1. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.

2. Outdoor lighting on facilities and lands owned and operated or protected by the United States Government, the State of Utah, or Wasatch County are exempted by law from all

requirements of this Section. Voluntary compliance with the intent of this Chapter at those facilities is encouraged.

3. The City Council may grant a special exemption to the City lighting requirements contained herein only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

4. Display of the American flag on Memorial Hill.

5. Temporary exterior lighting intended as holiday or seasonal decorations displayed between November 15th and the following January 20th. Lights that strobe (blinking more than once per second) are prohibited.

6. Permanent exterior holiday lighting may be displayed between November 15th and the following January 20th. Lights shall not strobe (blinking more than once per second). Lighting may also be turned on for the following holiday dates (actual dates and observed dates).

- a. Valentine's Day
- b. Washington's Birthday
- c. Memorial Day
- d. Juneteenth National Independence Day
- e. Independence Day
- f. Pioneer Day
- g. Labor Day
- h. Columbus Day
- i. Halloween Day
- j. Veterans Day

7. Low-lumen seasonal lights and string lights that are used to outline buildings or illuminate decks, porches and patios are exempt from shielding requirements and can be used year-around used on commercial properties in the C-2 and C-3 zones. Lights must be turned off by 10:00PM or no more than one-hour after the close of business.

F. Lighting Plan - All sign permit applications, subdivision applications, site plan applications, building permit applications (residential, commercial and resort), and other development review applications within any zoning district shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this chapter. Lighting plans shall include the following:

- a. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
- b. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms to be able to determine compliance with the provisions of this chapter.
- c. A table showing the total amount of proposed exterior lights, by fixture type, degrees Kelvin, lumens per fixture, and lamp type.

Alternative B- For Future Consideration

For future consideration, we also want to propose some ideas on guidelines that could help influence the future re-write of the lighting ordinance. We have distilled our thoughts to three main points:

Alternative B:

- All lighting must be fully shielded
- Awning lights are prohibited
- Remove all lumen maximums

Possible Findings

- The proposed adjustment could help curb the ever-increasing issue of light pollution as the city continues to grow and residential properties are developed
- The proposed adjustment will create many non-conforming properties
- The proposed adjustment will create separate output allowances for residential properties less than one-half acre and those one-half acres and larger. It will also prohibit the use of un-shielded fixtures and limit the use of partially shielded fixtures
- The proposed adjustment would require proof of compliance at building permit and development application

Commissioner Comments

There was a conversation regarding about the wording artificial. They think removing the word artificial would be beneficial as the word artificial may be confusing.

There was question regarding the lumen counts. It was said that no one knows what lumens are and having the lumen counts would make it very difficult to enforce. Just allowing fully shielded lighting, period. It was discussed that this would make things easy to enforce and easily to implement. Also, this would be a good start with overhauling this code.

There was a conversation regarding the soffit lights that are being placed in the eaves of new homes.

There was a short conversation regarding pedestrians and lowering the lighting especially on Main Street. Craig Simons has concerns as he has had occasions where an accident could happen. There were thoughts that instead of reducing the lighting but direct the lighting where it needs to be.

There was a conversation regarding the 10:00pm in the commercial district. The commissioners did not want to make the businesses to have a time limit of when they needed to turn them off. The commissioners agreed they wanted to take out any time limit and include the resort zone as well.

There was a conversation about what would "awning lights" be defined in the Alternative B option.

Public Hearing

None

Public Hearing

Motion: Commissioner Simons: I make a motion that we recommend continuing an amendment to Chapter 5.02.080: Outdoor Lighting and Glare. The proposed amendment would modify regulations for outdoor lighting. Remove the holidays, remove the commercial limit, add the resort zone, remove mention of lumens and acreage and create a definition of soffit/awning lightings. Activate Alternative B. Remove the findings that do not apply.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Wardle, Garland and Simons

Nays: None

Motion: Passed

Item 3:

Midway City is proposing an amendment to Chapter 16.13.39: Off-Street Parking and Loading. The proposed amendment would create requirements for commercial uses with drive-through windows.

Luke Robinson gave a presentation

Proposal Background

The proposed code would create criteria for drive throughs. Currently, the land use code lacks any criteria that could govern drive throughs. A recent application for a restaurant, that includes a drive through window, has highlighted the need to have some criteria in place to help mitigate both negative impacts and safety concerns.

Example- Bountiful, UT

- Stacking Requirements:
 1. Restaurants and Fast Food: Six stacking spaces per service window or device.
 2. Banks: Four stack spaces for each service window or device.
 3. All other uses: Three stacking spaces for each service window or device.

Stacking space size requirements: Each space shall measure nine (9) feet by twenty (20) feet and have a height clearance of fourteen (14) feet or as determined by the Fire Marshal. Such spaces shall not interfere with other required off-street parking or traffic circulation.

Example- Sandy, UT

- Stacking Requirements: These spaces are per drive through lane.
 1. Drive-thru restaurants: a minimum of nine spaces (five spaces before the order board, three spaces before the pick-up window and one dedicated space beyond the pick-up window for customers waiting for food pick up).
 2. Financial institutions: a minimum of three spaces in each teller lane.
 3. Pharmacy: a minimum of two spaces in each lane.

4. Dry cleaners: a minimum of two spaces.
 5. Coffee kiosks: a minimum of three spaces for each service window.
 6. Thrift shop drop off: a minimum of five spaces for each drop off lane.
- Design Standards:
 1. Queuing lanes shall not be allowed to wrap around in front of the main building entrance doors, nor block required back out areas for adjacent parking spaces, unless there is no other alternative for location of the building and drive thru lanes on the site.
 2. Queuing lanes are strongly discouraged between the building and the street unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
 3. All drive-thru queuing areas shall also provide a separate escape lane.
 - Maximum Stacking Lanes:
 1. Drive-thru restaurants: two lanes.
 2. Financial institutions: six lanes.
 3. Pharmacy: two lanes.
 4. Dry cleaners: one lane.
 5. Coffee kiosks: two lanes (one on each side of the building).
 6. Thrift shop drop off: three lanes.
 - Speaker Boxes: Speaker boxes designed to communicate from the ordering window/menu board shall not be audible on any residential property adjacent to the business.

Example- Salt Lake City, UT

- Stacking Requirements:
 1. Car Wash (Automated and Self-Service): 2-4 spaces per bay/lane
 2. Food and Beverage: 4- spaces per lane
 3. Other Uses: 3 spaces per lane
- Design Standards:
 1. When drive-through facilities are allowed and where no front or corner side yard setback is required, the drive-through lanes shall not be located between the front or corner side lot line and any walls of the principal building.
 2. Drive-through lanes shall be arranged to avoid conflicts with site access points, access to parking or loading spaces, and internal circulation routes, to the maximum extent practicable.
 3. A by-pass lane, driveway, or other circulation area around a drive-through facility stacking lane shall be provided for all uses other than automated car washes.
 4. All required stacking spaces shall measure nine (9) feet by twenty (20) feet and shall be counted from the point of service, or final service window.
 5. Drive through facilities shall post idle-free signs.
 6. When a drive through use adjoins any residential use or any residential zoning district, a minimum six foot (6') high masonry wall shall be erected and maintained along such property line.

16.13.39 Off Street Parking

M. Drive Through Requirements

Drive throughs may be allowed as a conditional use in the C-2 and C-3 zones. Uses which propose drive through service windows or devices shall provide on-site space for the stacking of vehicles waiting to reach the drive-up window or device in accordance with the following:

1. Stacking Requirements:
 - a. Food and Beverage: Minimum of five stacking spaces per service lane. Maximum of two lanes.
 - b. Banks: Minimum of three stacking spaces for each service window/ATM. Maximum of two lanes.
 - c. All other uses: Three stacking spaces for each service lane. Maximum of two lanes.
2. Design Standards:
 - a. All stacking spaces leading up to the final service window or device, including the space at the service window or device, shall count towards the required spaces. No spaces beyond the window or device will count towards the required minimum.
 - b. Stacking space size requirements: Each space shall measure nine (9) feet wide by twenty (20) feet deep.
 - c. If drive through stacking lanes are proposed along the primary or secondary frontage of a property, a minimum five-foot landscape buffer shall be required to help buffer the drive through lanes from adjacent roads.
 - d. Drive-through lanes shall be arranged to avoid conflicts with site access points, pedestrian circulation paths, access to parking or loading spaces, and internal circulation routes, to the maximum extent practicable.
 - e. For drive throughs on properties that abut a residential zone:
 1. The common property line shall be fenced with a 6' solid fence or wall that meets the safety and design requirements applicable to the zone.
 2. There shall be a five-foot landscaped buffer between the required fence or wall and the drive through lanes. This buffer should be planted with trees and shrubbery that will help mitigate visual and noise impacts created by the drive through. Trees shall be appropriately sized for the location and shall be planted at an interval of no less than fifteen feet along the property line.
 - f. Speaker boxes shall not be allowed, unless the following are met:
 1. Box placement and orientation is not adjacent to a residential zone.
 2. Noise created by the speaker box shall not exceed 70 dBA as measured from all property lines.
 3. Speaker boxes shall not be used after 10:00 PM.

Possible Findings

- Drive throughs would be allowed as a conditional use in the C-2 and C-3 zones, allowing for the mitigation of negative impacts.

- The proposed code would provide criteria for proposing a new drive through or modifying an existing drive through.

Commissioner Comments

There was a discussion regarding having a drive thru at all. Andy Garland stated that we have been wanting to be a walkable community. Having a drive thru discourages that walkability and quaint atmosphere.

The code could be grandfathered in and prohibited for the future, or you can create code that can be used to regulate how it is created. Our code does not currently have language that regulates definitively what a business can do.

The commissioners mostly agree that drive throughs create problems. Congestion, loss of quaint community, walking community.

There was a conversation regarding allowing a drive thru but mitigate it with a percentage of indoor dining.

Motion: Commissioner Garland: I make a motion that we recommend continuance of an amendment to Chapter 16.13.39: Off-Street Parking and Loading. The proposed amendment would create requirements for commercial uses with drive-through windows. Write a code that prohibits all businesses from having a drive thru.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Wardle, Garland and Simons

Nays: Ream


Motion: Passed

Adjournment

Motion: Commissioner Simons

Second: Commissioner Garland

7:55 pm


Chairman – Jeff Nicholas


Admin. Assistant – Melannie Egan