

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

Note: Due to loss of quorum at the June 3, 2021 Planning Commission public hearing, the Commission continued the case at the completion of support, other, and opposition testimony to hear the rebuttal by the applicant only at today's meeting. No new public testimony in support, other, or opposition will be heard.

Commissioners Carlson and Brown said that, although they had to leave the meeting early, they did watch the video for the portions they missed.

Request: Continued from the June 3, 2021 Planning Commission hearing - Change in Zoning from R-4, single-family residential to OR-3, office-residential with detailed plan, waivers and variances

Project Name: Chamberlain Woods Office Park

Location: 5220 Chamberlain Lane

Owner: McMahan Holdings, LLC; Roy F. McMahan

Applicant: McMahan Holdings, LLC

Representative: Dinsmore & Shohl, LLP - Cliff Ashburner

Jurisdiction: Louisville Metro

Council District: 16 - Scott Reed

Case Manager: Joel Dock, AICP, Planner II

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:22:00 Joel Dock stated that he was present to provide technical assistance if needed, but would provide no new testimony.

The following spoke in rebuttal:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

PLANNING COMMISSION MINUTES

June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

Rebuttal:

00:24:52 Cliff Ashburner, the applicant's representative, presented rebuttal (see recording for detailed presentation.)

00:42:59 In response to a question from Commissioner Mims, Mr. Ashburner said the cell tower will remain on the property.

Deliberation:

00:43:24 Commissioners' deliberation (see recording for discussion.)

01:05:05 In response to a question from Commissioner Howard, she and Mr. Dock discussed topography (height) of this site and the assisted living facility across Chamberlain Lane.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Zoning

01:06:23 On a motion by Commissioner Mims, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the proposed zoning district provides an appropriate transition between a low-density residential subdivision and the interstate and Chamberlain Lane. No residences are in the area of development. Residences near the development site will be retained and subdivided from the area of rezoning; thus preserving tree canopy along Wolf Pen Branch Road. Traffic will utilize Chamberlain Lane, a primary collector roadway. Vegetative buffers and landscaping will be utilized to provide additional mitigation and such landscaping and tree canopy will be demonstrated on the development plan; and the proposed district is located near transportation facilities (I-71 and I-265), mixed-use development, and employment and population centers where demand and adequate infrastructure is present or provided. It further increases the demand to extend TARC service north of I-71 to support transit-oriented development and an efficient public transportation system, which supports nearby housing, housing opportunity, and mixed-use development; and traffic will utilize Chamberlain Lane, a primary collector roadway to access the site. Chamberlain Lane appears to provide the most convenient access to the site for travelers using interstate

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

I-71, I-265, Hurstbourne Parkway or Brownsboro Road; and the proposed district does not allow for uses that create higher volumes of noise than would be expected by the presence of the interstate. The proposal may also serve to reduce interstate noises as proposed structures provide additional sound buffering; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposed office district is appropriately located for its intensity to serve as a transition between a low-density residential subdivision and the interstate as Plan 2040 states, "The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods." The subject site is adjacent to mixed-use development, an assisted living facility, the interstate, and provides transition for the location of office uses near population centers and areas of expected population growth; and traffic will utilize Chamberlain Lane, a primary collector roadway to access the site. Chamberlain Lane appears to provide the most convenient access to the site for travelers using interstate I-71, I-265, Hurstbourne Parkway or Brownsboro Road. Infrastructure will be provisioned to provide an appropriate level of connectivity with Norton Commons; and the proposed district provides for transition from residential uses to the interstate. In doing so, the current land is being efficiently used to provide office space near employment and population centers; and the proposal incorporates additional land uses into an area that maintains a variety of uses along Chamberlain Lane and on the opposite side of I-71 with access to multiple modes of travel. The proposal provides supportive employment to patronize nearby services and amenities located to the south of the Interstate and within Norton Commons. The proposed OR-3 zoning district allows for residential development that if provisioned would require additional review as the site abuts the interstate and residential uses are noise sensitive. An office use may be the best use of the site as it can provide a transition from residential to the interstate without encroaching into residential areas; and the proposal provides office uses in a new development; and the proposed office district is appropriately located for its intensity to serve as a transition between a low-density residential subdivision and the interstate as Plan 2040 states, "The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods." The subject site is adjacent to mixed-use development, an assisted living facility, the interstate, and provides transition for the location of office uses near population centers and areas of expected population growth; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 3 because The development plan will demonstrate appropriate mitigation and respect for natural features as the site contains an intermittent stream and tree canopy

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

that is centrally located on the site. The development plan demonstrates that these areas will be crossed but minimally disturbed; and areas within the site that possess sensitive environmental features appear to be minimally disturbed by the proposed development; and a karst survey was performed on July 26, 2013. No sinkholes or Karst features were observed on site or in reviewed documents. It should be noted that the underlying limestone have a medium to high susceptibility to karst activity. If Karst features are observed during site work, follow-up investigations to provide remediation and stabilization must be performed; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 4 because an archaeological report prepared for the proposed development concluded that the proposed development does not impact suspected inactive cemeteries or burials that may be present nearby. If human remains are discovered during excavation, the site applicant is required to cease all activity and contact the Louisville Metro Coroner and Landmarks Commission; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 1 because the proposed higher intensity development is in a wedge between a low-density residential subdivision and the interstate. It is further located adjacent to a mixed-use development and assisted living facility. Opposite I-71 a large activity center is present. The proposed development increases demand for transit connectivity in the area which supports housing opportunity and connection to employment opportunities; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 2 because access to the subject property is obtained from a primary collector roadway through areas of similar or higher intensity or density. Chamberlain Lane appears to provide the most convenient access to the site for travelers using interstate I-71, I-265, Hurstbourne Parkway or Brownsboro Road; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 3 because the proposal incorporates additional land uses into an area that maintains a variety of uses along Chamberlain Lane and on the opposite side of I-71 with access to multiple modes of travel. The proposal provides supportive employment to patronize nearby services and amenities located to the south of the Interstate and within Norton Commons. Infrastructure will be provisioned to provide an appropriate level of connectivity with Norton Commons; and the proposal provides supportive employment to patronize nearby services and amenities located to the south of the Interstate and within Norton Commons. It increases the demand to extend TARC service north of I-71 to support transit-oriented development and an efficient public transportation system, which supports nearby housing; and the proposed office district is appropriately located near population centers and areas of expected population growth. Provisions will be

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

made to provide an appropriate level of connectivity and the proposal increases demand for transit to support housing and employment opportunities; and primary access will be obtained from a collector level roadway that does not travel through low-density or lower intensity developments. Provisions will be made to provide an appropriate level of connectivity and the proposal increases demand for transit to support housing and employment opportunities; and provisions will be made to provide an appropriate level of connectivity. The proposal increases demand for transit to support housing and employment opportunities in this area of expected growth; and existing transportation facilities are adequate, or provisions will be made to provide an appropriate level of connectivity; and

WHEREAS, the Commission further finds that the proposal meets Community Facilities: Goal 2 because utilities would appear to be available based location of existing easements (SS&D, LWC, Electric); and Anchorage Middletown fire approval will be coordinated to ensure adequate supply of potable water and water for fire-fighting purposes, as well as gated access on Wolf Pen Branch Road; and MSD has reviewed and approved the proposal to ensure adequate means of sewage treatment and disposal to protect public health and to protect water quality; and

WHEREAS, the Commission further finds that the proposal meets Livability: Goal 1 because MSD has reviewed and approved the proposal to ensure adequate means of sewage treatment and disposal to protect public health and to protect water quality. Additionally, A Karst survey was performed on July 26, 2013. No sinkholes or Karst features were observed on site or in reviewed documents. It should be noted that the underlying limestone have a medium to high susceptibility to karst activity. If Karst features are observed during site work, follow-up investigations to provide remediation and stabilization must be performed; and MSD has reviewed and approved the proposal in accordance with applicable standards for floodplain. Disturbance of sensitive areas of the site is minimized and includes a crossing; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 2 because the proposed OR-3 zoning district allows for residential development that if provisioned would require additional review as the site abuts the interstate and residential uses are noise sensitive. An office use may be the best use of the site as it can provide a transition from residential to the interstate without encroaching into residential areas and provides employment opportunities to expand housing choices and opportunity in the area. The office district will provide employment for existing population centers as well; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 3 because an office residential district allows for flexibility to provide for innovative methods such as clustering, mixed-use developments, co-housing, and accessory

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

apartments to increase the production of fair and affordable housing. Housing on the subject site will need to be reviewed to determine noise sensitivity, if provisioned; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested **Change-in-Zoning** from R-4, single-family residential to OR-3, office-residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Mims, Peterson, Brown, Howard, Sistrunk, and Lewis.

NO: Commissioners Clare, Carlson, and Daniels.

NOT VOTING: Commissioner Seitz

Variance #1 - Variance from Land Development Code (LDC), section 5.3.1.C.5 for building 1 to exceed the maximum height for a building footprint between 5,000-30,000 sq. ft. from 30 feet to 59 feet 8 inches

01:09:02 On a motion by Commissioner Mims, seconded by Commissioner Peterson, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect the public health, safety or welfare as the height does not impede the safe movement of vehicles or pedestrians; and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as the revised height reduces the size and scale to be more appropriate for its location at the boundary of the neighborhood form district and adjacent to the interstate and Regional Center form. While it remains nearly double what is allowable based on the structure's footprint, other types of uses, including residential and mixed-use development, as well as buildings with larger footprints are permitted with greater heights than what is permitted for this building. Supporting evidence provided by the applicant demonstrates that the proposed building and height will not adversely impact viewsheds along the Wolf Pen Branch Road corridor; and

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as the height does not impede the safe movement of vehicles or pedestrians; and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the general character of the area will not be adversely impacted; and

WHEREAS, the Commission further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the variance will not adversely affect public, health, safety, or welfare; alter the essential character of the area; or create a nuisance to the public; and

WHEREAS, the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from Land Development Code (LDC), section 5.3.1.C.5 for building 1 to exceed the maximum height for a building footprint between 5,000-30,000 sq. ft. from 30 feet to 59 feet 8 inches.

The vote was as follows:

YES: Commissioners Mims, Peterson, Brown, Howard, Sistrunk, and Lewis.

NO: Commissioners Clare, Carlson, and Daniels.

NOT VOTING: Commissioner Seitz

Variance from LDC, section 5.3.1.C.5 to exceed the maximum front setback of 80 feet along Chamberlain Lane and be setback roughly 300 feet

01:11:08 On a motion by Commissioner Mims, seconded by Commissioner Peterson, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

WHEREAS, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect public health, safety, or welfare as the proposed setback does not impact the safe movement of pedestrians or vehicles; and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as the proposed setback allows the structure to set back away from Chamberlain Lane in landscaped setting and be worked into the grade of the site while still providing for appropriate levels of pedestrian connectivity to internal roadways connecting to public roadways and adjacent development; and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed setback does not impact the safe movement of pedestrians or vehicles; and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations as the building is oriented to be served by internal roadways and not Chamberlain Lane; and

WHEREAS, the Commission further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the setback requirement is consistent across the form; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land for the reasons previously stated in these findings; and

WHEREAS, the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from LDC, section 5.3.1.C.5 to exceed the maximum front setback of 80' along Chamberlain Lane and be setback roughly 300'

The vote was as follows:

YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Sistrunk, and Lewis.

NO: Commissioners Carlson, and Daniels.

NOT VOTING: Commissioner Seitz.

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

Waiver

01:13:35 On a motion by Commissioner Mims, seconded by Commissioner Howard, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the requested waiver is located adjacent to the interstate; and

WHEREAS, the Commission further finds that Plan 2040 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. It also calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. No reduction in plant material has been requested and the area of the easement is an existing condition; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the easements are existing and the buffer is required adjacent to the expressway. No adjoining property owners are impacted by the requested relief; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant for those reason provided in the findings above; now therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of LDC, section 10.2.4 to allow for a utility easement to overlap a landscape buffer area by more than 50%.

The vote was as follows:

YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Daniels, Sistrunk, and Lewis.

NO: No one.

ABSTAIN: Commissioner Carlson.

NOT VOTING: Commissioner Seitz.

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

Detailed District Development Plan

01:15:29 On a motion by Commissioner Mims, seconded by Commissioner Peterson, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. The development plan demonstrates appropriate mitigation and respect for natural features as the site contains an intermittent stream and tree canopy that is centrally located on the site. The development plan shows these areas will be crossed but minimally disturbed. MSD has reviewed and approved the proposal to ensure adequate means of sewage treatment and disposal to protect public health and to protect water quality. Additionally, A Karst survey was performed on July 26, 2013. No sinkholes or Karst features were observed on site or in reviewed documents. It should be noted that the underlying limestone have a medium to high susceptibility to karst activity. If Karst features are observed during site work, follow-up investigations to provide remediation and stabilization must be performed. Additionally, an archaeological report prepared for this application concluded that the proposed development does not impact suspected inactive cemeteries or burials that may be present nearby; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. The proposal is located near transportation facilities (I-71 and I-265), mixed-use development, and employment and population centers where demand and adequate infrastructure is present or planned. Traffic will utilize Chamberlain Lane, a primary collector roadway to access the site. Chamberlain Lane appears to provide the most convenient access to the site for travelers using interstate I-71, I-265, Hurstbourne Parkway or Brownsboro Road. The proposal further increases the demand to extend TARC service north of I-71 to support transit-oriented development and an efficient public transportation system, which supports nearby housing, housing opportunities, and existing mixed-use development. Sidewalks will be extended from the development site to connect with Norton Commons Boulevard; and

WHEREAS, the Commission further finds that the proposal provides adequate levels open space for scenic or recreational purposes as amenities for users of the office park will be provisioned and all required tree canopy and landscape buffers will be provided; and

PLANNING COMMISSION MINUTES

June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Commission further finds that the development is compatible with the form district and nearby land uses. All variances and waivers have been adequately justified. All landscape transitions, ILA, tree canopy, amenities, and parking complaint with the LDC have been provided. The applicant has worked with the adjacent residential subdivision to provide an agreed upon plan for landscape buffering and planting to minimize any impact the proposal might have on these most affected residential properties located in the Wolf Pen Estates Subdivision; and

WHEREAS, the Commission further finds that the proposed development plan generally conforms to the Comprehensive Plan. The proposal provides an appropriate transition between a low-density residential subdivision, the interstate, and Chamberlain Lane. No residences are in the area of development. Residences near the development site will be retained and subdivided from the area of rezoning; thus, preserving tree canopy along Wolf Pen Branch Road and potential cultural resources. The proposed office is appropriately located near population centers and areas of expected population growth. Provisions will be made to provide an appropriate level of connectivity as sidewalks will be extended across the development site and adjacent property before reaching the intersection with Norton Commons Boulevard; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

- a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit or certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 6, 2021 Planning Commission public hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission
 - e. A minor plat shall be reviewed, approved, and recorded creating the lots as shown of the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission's legal counsel shall be created between all lots shown on the approved development and include the Crown Communications tower. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and recorded with the minor subdivision plat.
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees,

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. If human remains are discovered during the excavation or development of the site, the applicant shall immediately cease excavation activities and notify the Louisville Metro Coroner and the Jefferson County Historic Landmarks Commission.
7. Sidewalks shall be required to extend from the development site along Chamberlain Lane across Lot 4 to the intersection of Chamberlain Lane/Wolf Pen Branch Road/Norton Commons Boulevard as shown on the approved development plan.
8. Access to Wolf Pen Branch Road from the development site shall be limited to emergency access only and shall be gated. Approval from the Anchorage-Middletown fire department shall be required prior to the issuance of a permit for gated access. A copy of this approval shall be provided to Planning and Design Services for incorporation into the case record.
9. Landscaping and plantings along the north property line of lots 2 & 3 shall be in conformance with the landscaping exhibit presented at the June 3, 2021 Planning Commission public hearing and all requirements of the Land Development Code.
10. No illuminated attached signage shall be permitted. Freestanding signage shall be limited to monument or columnar style and be externally illuminated.
11. Lighting on the development shall be in compliance with Land Development Code, section 4.1.3 which provides that all luminaires shall be aimed, directed, or focused to not cause direct light from the luminaire to be directed toward residential uses or protected open spaces on adjacent or nearby parcels, or to create glare perceptible to persons operating motor vehicles on public streets and right-of-way. Any luminaire with a lamp or lamps that emit more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height equal to or less than twenty

PLANNING COMMISSION MINUTES
June 17, 2021

PUBLIC HEARING

CASE NO 20-ZONE-0078

(20) feet. The level of lighting resultant from luminaires installed on a subject site shall not exceed 0.25 foot-candles at any property border adjoining residential. Fixtures with drop or sag lens lighting are prohibited.

The vote was as follows:

YES: Commissioners Mims, Peterson, Brown, Howard, Sistrunk, and Lewis.

NO: No one.

ABSTAIN: Commissioners Clare, Carlson, and Daniels.

NOT VOTING: Commissioner Seitz.