

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
November 15, 2018**

A meeting of the Louisville Metro Planning Commission was held on November 15, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Commission members present:**

Vince Jarboe, Chair  
Marilyn Lewis, Vice Chair  
Lula Howard  
Rich Carlson  
Jeff Brown  
Donald Robinson  
Ruth Daniels

**Commission members absent:**

David Tomes  
Emma Smith  
Robert Peterson

**Staff Members present:**

Emily Liu, Planning Director  
Joseph Haberman, Planning Manager  
Brian Davis, Planning Manager  
Chris French, Planning Supervisor  
Julia Williams, Planning Supervisor  
Joel Dock, Planner II  
Lacey Gabbard, Planner I  
Beth Stuber, Transportation Planning  
Travis Fiechter, Legal Counsel  
Pamela M. Brashear, Management Assistant

**Others Present:**

Tony Kelly, Metropolitan Sewer District

The following matters were considered:

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**APPROVAL OF MINUTES**

**OCTOBER 18, 2018 PLANNING COMMISSION REGULAR MEETING CORRECTION TO MINUTES**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the correction of (Pg. 97 – Case 18ZONE1043 should be C-1, not C-2) the minutes of its meeting conducted on October 18, 2018.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT FOR THIS CASE: Commissioners Smith and Tomes**

**NOVEMBER 1, 2018 PLANNING COMMISSION REGULAR MEETING MINUTES**

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on November 1, 2018.

**The vote was as follows:**

**YES: Commissioners Carlson, Daniels, Howard, Lewis, Peterson and Jarboe**

**NOT PRESENT FOR THIS CASE: Commissioners Smith and Tomes**

**ABSTAINING: Commissioners Brown and Lewis**

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**PUBLIC HEARING**

**CASE NO. 18ZONE1062 ONLY**

Request: ***NOTE: This case will not be heard before 4:00 p.m. -***  
Change in Zoning from R-6 to UN with a Variance and a  
District Development Plan/Preliminary Subdivision Plan

Project Name: Urban Government Center Phase I

Location: 814 Vine Street

Owner: Louisville Metro Government

Applicant: The Marian Group

Representative: Carman; Dinsmore and Shohl PLLC

Jurisdiction: Louisville Metro

Council District: 4- Barbara Sexton Smith

Case Manager: **Julia Williams, AICP, Planning Supervisor**

**04:04:54** Chair Jarboe stated the commission has received several comments expressing concern regarding the selection of the developer, but this is not a factor this board can consider in determining whether the proposed change in zoning is appropriate.

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

04:05:23 Ms. Williams stated she received a petition on November 5, 2018 requesting a night hearing downtown. The petition had 69 valid signatures. Even though there's not enough signatures to warrant the night hearing, the petitioners ask that the Commission make an exception and re-schedule this hearing for another evening. Chair Jarboe said it's a compromise to be starting this case after 5:00 p.m. this evening since there were not enough signatures. Commissioners Howard, Carlson and Lewis agreed.

04:08:05 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

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Cliff Ashburner, Dinsmore and Shohl PLLC, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

Sean Sinnott, 900 Schillen Avenue, Louisville, Ky. 40204

Jaclyn Dugan, 1417 Hepburn Avenue, Louisville, Ky. 40204

Steve Magro, 1122 Rammers Avenue, Louisville, Ky. 40204

Tyler Glick, 1101 Windsong Way, Louisville, Ky. 40207

Susan Hershberg, 1310 East Breckenridge Street, Louisville, Ky. 40204

John Carman, 400 East Main Street, Louisville, Ky.

**Summary of testimony of those in favor:**

04:15:23 Mr. Ashburner gave a power point presentation. Paristown Pointe is a small urban area. Currently the site is a 2-acre parking lot. The community garden will not be disturbed. The unnamed alley will be improved (per Public Works) on the parking lot side. There is a wall with barbed wire fence, but the applicant wants to remove it and blend the subject site into the neighborhood with new neighbors and new homes. The pedestrian court concept will be continued. The tree canopy requirement is 15% and the applicant is providing 28% as well as the open space requirement being 0 and the applicant is providing over 1/3 of an acre.

04:36:00 Mr. Sinnott stated he has lived in the area 5 months. There is no place for children to play so adding green space is a plus. It is responsible planning.

04:38:23 Ms. Dugan stated the area has a lot of crime. Walking and running in the neighborhood will be nice when utilizing the connectivity as it was designed. It appears to be safer now with development moving forward. The size and financial aspects make the request fit.

04:42:02 Mr. Magre said he's concerned that if this proposal is turned down, would anyone else would want to develop it. It's a down-zoning and appropriate.

04:57:43 Mr. Glick said this is a prime infill site. It will be accessible to younger families and should also attract quality jobs as well.

04:59:45 Ms. Hershberg stated she loves the walkability and connectivity of the area. Vacant property can attract negative elements. Residential is the best use and the green space as a common area will be nice (won't have to maintain it).

05:04:18 Commissioner Carlson questioned Mr. Ashburner about parking challenges for visitors. Mr. Ashburner said visitors will be able to park on Vine St., in the garage or behind the garage.

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05:09:37 Mr. Carman discussed parking issues (grade restriction) and is working with Public Works.

**The following spoke in opposition to this request:**

Nicholas Mellen, 1125 East Breckenridge Street, Louisville, Ky. 40204  
James R. Person, 10201 Rockfish Court, Louisville, Ky. 40291  
Joann Robinson, 854 Vine Street, Louisville, Ky. 40204  
Amanda Fuller, 800 Goullon Court, Louisville, Ky. 40204  
Cynthia Pablo, 1039 Lampton Street, Louisville, Ky. 40204  
John Mahoney, 810 Vine Street, Louisville, Ky. 40204

**Summary of testimony of those in opposition:**

05:19:40 Mr. Mellen abuts the proposed development. The property should not remain a parking lot and needs to be developed responsibly.

Mr. Mellen discussed the heat island effect, flooding and air quality. The commission needs to hold the developer to the original 12 units.

05:25:01 Mr. Person said he agrees with Mr. Mellen.

Mr. Person asked what the difference is between R-6 and UN. Ms. Williams explained (density).

05:26:16 Ms. Joann Robinson submitted an old picture into the record. The 12 unit plan is what the developer sold to the neighborhood and what is wanted. Not one person that supports the project lives there.

05:33:34 Ms. Fuller gave a power point presentation. The original 12 houses proposed would be an appropriate density.

Ms. Fuller proposed some binding elements and requests a continuance.

Ms. Fuller remarked, 81% of Paristown Pointe is a hot spot.

05:53:26 Ms. Pablo stated Marians' vision is not the same as the residents and has not been reflected in any correspondence or plans. Some of the issues are as follows: parking, traffic and construction – noise, pollution, wear and tear on streets, etc.

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06:05:41 Mr. Mahoney stated the alley should not be the main entrance, it should be Vine St. The zoning needs to remain R-6.

**The following spoke neither for nor against the request:**

Randall Webber, 325 East Kentucky Street, Louisville, Ky. 40203

**Summary of testimony of those neither for nor against:**

05:15:00 Mr. Webber stated he represents a couple thousand constituents in Smoketown. Greenspace, large or medium will be fine and will help with drainage. Paristown has a lot of architectural diversity.

**Rebuttal**

06:12:25 Mr. Ashburner stated his client will not agree to any changes of the binding elements. The open space lots will remain open space with a required note on the subdivision plat and protected by deed restrictions. Also, the homeowners association will provide maintenance. There are 40 proposed trees on the plan. The plan is not removing any green space as there is 0 green space currently. Provision of a street tree in the alley is not required. The proposal complies with the Comprehensive Plan.

06:19:35 Commissioner Carlson asked where will contractors park their vehicles and if they park on Vine St. and Vine St. is being built first, what road will be used for access. Mr. Ashburner said that's typically not explored at the rezoning phase, but working with Louisville Forward and Louisville Metro we can come up with an arrangement to stage on some areas of the Urban Government Center that are not currently being used. Commissioner Brown added, because this is a major subdivision, chapter 7 of the Land Development Code allows us to collect a damage bond.

**Deliberation**

06:26:07 Commissioner Howard stated that R-6 zoning would allow 34 units to be built. This request is a down-zoning, therefore, less dense. Other neighborhoods will benefit from the open space as well.

06:31:39 Commissioner Carlson stated the rezoning is appropriate but struggles with the development plan because it is very dense as far as the number of dwelling units. Commissioner Carlson also said he's not convinced there's efficient vehicle

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transportation with alley use. There may be some merit to the proposed binding elements from Ms. Fuller.

06:35:04 Commissioner Brown said he thinks the opposition may not understand what an owner can do by-right in R-6. Urban Neighborhood zoning reduces the density and the developer has gone above and beyond by providing the community open space. There is no need for further restrictions (binding elements).

06:36:36 Vice Chair Lewis stated the zoning change is very appropriate. The tree canopy shows an increase. Changing from an asphalt parking lot to this plan is a positive move in terms of the heat island effect. They are also giving a lot of open space where none is required. The area is very walkable and there's a lot of biking so there shouldn't be any issues with traffic. No changes to the binding elements are needed.

06:37:48 Commissioner Robinson agrees that the proposal is in order.

06:38:06 Commissioner Daniels stated that access for parking is limited and the project is dense for such a small space, but overall meets all the requirements of the Comprehensive Plan.

06:38:45 Chair Jarboe said this is a very well thought out plan. The additional 10 homes will not be detrimental to parking especially since these all have 2 car garages. The applicant is providing 28% tree canopy and only 15% was required.

**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.**

**Change in zoning from R-6 to UN**

On a motion by Commissioner Howard, seconded by Commissioner Robinson, the following resolution based on the Cornerstone 2020 Staff Analysis and the applicant's testimony and evidence provided was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal will preserve the existing street pattern, sidewalks and alley; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the lot pattern is smaller than the lots in the existing block face and surrounding area but there are lots of this size in the area and further down Vine Street; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the public realm of the proposal will not be changed. The proposals density is slightly above what is permitted within R-5 and lower than the medium density R-5A; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal does not involve the removal of any structures as the site is currently a parking lot; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is for single family residential where the site is currently available for multi-family residential. Single family is an efficient use of land as it is the same use as other lots within the adjacent R-6 area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is for a low density residential zone adjacent to a multi-family zone. Transit is available a block away along Barret Ave which is a short walking distance away; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is for residential only; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because surface parking is not proposed. Vehicle access to the lots if from a proposed private alley; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because utilities will be provided for on the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because surface parking is not proposed. Vehicle access to the lots if from a proposed private alley and sidewalks are provided along Vine Street; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal can be accessed by all forms of



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transportation except transit which is not directly available along this local level road but is available a block away along Barret Ave.; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is similar to the scale and site design of the nearby neighborhood. The nearby neighborhood has a variety of setbacks, lot sizes, and building heights all which fit within the traditional form; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the building materials are similar to other building materials found in the area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed single family zoning is compatible with the existing residential R-6 zoning where there is a mix of multi-family and single family residential. No additional buffers are needed. Setbacks are in compliance with the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because Transportation Planning has not indicated any adverse impacts of the proposal on traffic; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because lighting will meet the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed single family zoning is compatible with the existing residential R-6 zoning where there is a mix of multi-family and single family residential; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is for medium density and is near a TARC route along Barret Avenue where there is also an activity corridor; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because a specific user is not identified for the site but the site is located close to transit routes and services along Barret Ave.; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal creates appropriate housing that is similar in scale and design of nearby housing; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because all buffers and setbacks are in compliance with the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because all buffers and setbacks are in compliance with the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because all buffers and setbacks are in compliance with the LDC. Building heights and lot sizes reflect what can be found within the existing neighborhood and meet the form district; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the proposal provides public open space where none is required; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the proposal provides public open space where none is required; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because there are no natural features evident on the site. The site will meet tree canopy requirements; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because there are no natural features evident on the site. The site will meet tree canopy requirements; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the proposal does not involve the removal of any structures as the site is currently a parking lot. There is nothing on the site that has architectural or historical value; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because soils are not an issue with the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because Transportation Planning is not requiring any roadway improvements; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal includes private roadways with alleys that will connect to the adjacent public streets; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because Transportation Planning did not require additional ROW to be dedicated; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because stub streets are not required for the site as it is well connected to the existing roadways; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because access to the site is from public roadways; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because the proposal is well connected to the existing surrounding roadways; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because pedestrian facilities are available around the development site that connect to the existing sidewalks that lead to the transit that is available along Barret Ave.; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because there are no natural features evident on the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because existing utilities will serve the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because an adequate water supply is available to the site; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the Health Department has no issues with the proposal.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-6, Multi-family Residential to UN, Urban Neighborhood on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Peterson, Smith and Tomes**

**Variance from 5.4.1.D.3 to reduce the private yard areas as indicated on the development plan**

On a motion by Commissioner Howard, seconded by Commissioner Robinson, the following based on the Standard of Review and Staff Analysis resolution was adopted.

**WHEREAS**, the requested variance will not adversely affect public health safety or welfare since the reduction of private yards is on private lots. There is a proposed open space within the development that mitigates the reduction in private yards; and

**WHEREAS**, the requested variance will not alter the essential character of the general vicinity since other single family lots within the area also have private yards of variable sizes. The size of the private yards is not recognizable to the public; and

**WHEREAS**, the requested variance will not cause a hazard or nuisance to the public since the variance is in regard to private space within the development site and within private single family lots; and

**WHEREAS**, the requested variance will not allow an unreasonable circumvention of zoning regulations since the area affected is private space located within a single family lot and there is a centrally located open space provided within the development; and

**WHEREAS**, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since there are a variety of lot sizes within the existing neighborhood with a variety of existing private yard space

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and the subject site is proposing a new subdivision with the addition of open space, which is not required; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the applicant has designed the lots and structures to be compatible and consistent with the surrounding area to the greatest extent possible while creating new housing, utilizing an infill lot, and maintaining appropriate transitions; and

**WHEREAS**, the Louisville Metro Planning Commission further finds 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.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** a variance from 5.4.1.D.3 to reduce the private yard areas as indicated on the development plan.

**The vote was as follows:**

**YES: Commissioners Brown, Daniels, Howard, Lewis, Robinson and Jarboe**

**NO: Commissioner Carlson**

**NOT PRESENT AND NOT VOTING: Commissioners Peterson, Smith and Tomes**

**District Development Plan/Preliminary Subdivision Plan with Binding Elements**

On a motion by Commissioner Howard, seconded by Commissioner Robinson, the following resolution was adopted.

**WHEREAS**, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, there are no open space requirements pertinent to the current proposal, however the proposal is providing 0.41 acres of open space on the site; and

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**WHEREAS**, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision 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 Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; and

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the District Development Plan/Preliminary Subdivision 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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Before any permit (including but not limited to building, parking lot, change of use) is requested:
  - 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. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.

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4. 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.
5. 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, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TTPAs) and other issues required by these binding elements / conditions of approval.
  - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 15, 2018 Planning Commission meeting.
9. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be

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preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

10. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

**The vote was as follows:**

**YES: Commissioners Brown, Daniels, Howard, Lewis, Robinson and Jarboe**

**NO: Commissioner Carlson**

**NOT PRESENT AND NOT VOTING: Commissioners Peterson, Smith and Tomes**



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**STANDING COMMITTEE REPORTS**

**Land Development and Transportation Committee**

No report given.

**Site Inspection Committee**

No report given.

**Planning Committee**

No report given.

**Development Review Committee**

No report given.

**Policy and Procedures Committee**

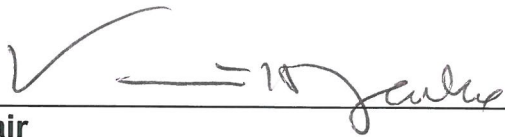
No report given.

**CHAIRPERSON/DIRECTOR'S REPORT**

No report given.

**ADJOURNMENT**

The meeting adjourned at approximately 8:00 p.m.



**Chair**



**Planning Director**