

**Planning Commission Minutes
May 19, 2016**

Public Hearing

Case No. 15ZONE1055

Request: Change in zoning from R-5A to C-1 and from C-1 to CM on 1.62 acres; also Waivers, Amendments to the General Plan Binding Elements, and a Revised Detailed District and General Development Plan.

Project Name: Mini-Storage Facility

Location: 10200 Brookridge Village Boulevard

Owner/Applicant: Noltemeyer Capital LLLP
Norman Noltemeyer
122 North Peterson
Louisville, KY 40206

Representative: William Bardenwerper
Bardenwerper, Talbott & Roberts PLLC
1000 North Hurstbourne Parkway 2nd Floor
Louisville, KY 40223

Mike Keal
Keal and Associates, Inc.
P.O. Box 5130
Louisville, KY 40255

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

Case Manager: Julia Williams, RLA, AICP, Planner II

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.)

**Planning Commission Minutes
May 19, 2016**

Public Hearing

Case No. 15ZONE1055

An audio/visual recording of the Land Development and Transportation Committee meeting 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.

Agency Testimony:

00:45:10 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the proposal:

William Bardenwerper, Bardenwerper, Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2nd Floor, Louisville, KY 40223

Mike Keal, Keal and Associates, Inc., P.O. Box 5130, Louisville, KY 40255 (was present only to answer questions if needed)

Summary of testimony of those in favor of the proposal:

00:56:28 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to the proposal:

No one spoke.

The following spoke neither for nor against the proposal ("Other"):

No one spoke.

Rebuttal:

There was no rebuttal, since no one spoke in opposition.

Deliberation:

01:04:51 Commissioners' deliberation.

Zoning

01:06:29 On a motion by Commissioner Peterson, seconded by Commissioner Lewis, the following resolution was adopted:

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1 – Community Form Town Center**. The proposed Brookridge Village mini-storage facility is located in a Town Center; Town Centers contain significant amounts of diverse uses, largely in square footage quantities greater than the activity centers found in neighborhoods; and these uses are typically compact and designed to serve the needs of the Town Center; and

WHEREAS, the Commission further finds that this application complies with this Guideline because this particular Town Center includes a variety of businesses, which are traditional users of mini-storage facilities; residents are users as well, which is a reason that mini-storage facilities like to locate along arterial roadways in order to conveniently serve both the nearby commercial businesses and residential populations; and mini-storage facilities are located in Town Centers elsewhere around Metro Louisville; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2 – Activity Centers**. The intents and applicable Policies 1, 2, 4, 5, 7, 11, 14 and 15 all relate to the fact that activity centers are intensely developed areas, whether in a neighborhood or a Town Center like this, where infrastructure already exists, where commuting times can be reduced because of the intensity of mixed uses within a defined area, the desirability being that uses within an activity center be mixed and compactly developed; and

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline because the subject property is surrounded by a diversity of uses, in close proximity to one another; the site is located just off an arterial highway, easily accessible from both residential areas and nearby businesses which will utilize the proposed Brookridge Village mini-storage facility; and Town Centers are typically thought of as activity centers in and of themselves, and this is one where the development is already mixed, compact and with available infrastructure already at the site; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3 – Compatibility**. The intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 19, 20, 21, 22, 23 and 28 all pertain to how potentially incompatible uses can be made compatible through design. This application complies with these Intents and applicable Policies of this Guideline as follows; potentially incompatible uses can be made compatible through design, and that is accomplished at this location because there is no consistent design theme in this immediate area. High quality design will be a critical factor to assure acceptance by Brookridge Village businesses and residents already located

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

here; design will incorporate a colored split-face block type of material along the rear of the metal buildings, such that the look from the exteriors will be one of a masonry wall, which is typical of other mini-storage facilities around Metro Louisville; this can assure that the interior of the site, which is constructed of metal, will not be visible except through an attractive wrought iron style, black brushed aluminum gate; and

WHEREAS, the Commission further finds that hazardous materials and noxious uses will be prohibited from this facility; no odors or noises are associated with it; lighting will not extend above the roof line, so it will not be visible from off site; it will be directed down and away from nearby properties; access will be controlled from one location; parking will be minimized; peak hour traffic is nonexistent and is generally distributed throughout the day and this use fits with the centers concept; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 6 – Economic Growth and Sustainability**. The Intents and applicable Policies 3, 5, 6 and 11 of this Guideline all apply to assuring the availability of necessary usable land to facilitate various types of commercial and other development, including the desire to develop within activity centers where redevelopment is possible; and

WHEREAS, the Commission further finds that this application complies with the Intents and applicable Policies of this Guideline because the subject use is not out of character with the intense variety of uses mostly surrounding it; there is a market for a mini-storage facility of this kind to support the demands of commercial activities and residences along this stretch of Bardstown Road; further development of this property as previously proposed for more office condominiums will simply lead to a diminution in value of the existing office condominiums because of a lack of a current demand; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 7 – Circulation; Guideline 8 – Transportation Facility Design; and Guideline 9 – Alternative Forms of Access**. The Intents and applicable Policies 1, 2, 9, 10, 11, 12, 13, 14 and 16 of Guideline 7, plus applicable Policies 5, 9, 10 and 11 of Guideline 8, plus applicable Policy 1 of Guideline 9 all pertain to the issues that are thoroughly reviewed and determined by Metro Transportation Planning and Public Works officials; and they have their standards for design of all of the Policies referenced hereinabove; and

WHEREAS, the Commission further finds that the application complies with the Intents and applicable Policies of these Guidelines as follows; the referenced

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

government agencies have stamped the plan for preliminary review, thus indicating those technical reviewing agencies' determination that the issues raised by these applicable Policies have been addressed on the detailed district development plan (DDDP); Mike Keal & Associates is a professional land planning and engineering firm that takes into account all of these factors; it has shown on the DDDP that access to the site, as determined by government agencies, is located where it will not have a negative impact on the local street system; access is appropriately shown on the DDDP, as well as circulation throughout the development, including necessary parking; stub connections to adjoining properties are not included because this is a secure facility, thus access through the development to other properties would not make sense because security would be lost; it is believed that adequate right-of-way already exists along Brookridge Village Blvd.; pedestrian access will be provided along the property's frontage; and bicycles and transit are not likely to have need for access to this facility because it is for residents and businesses who want to deliver and pick up stored items which are usually not done on a bicycle or transit; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 10 – Flooding and Stormwater**. The Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline all pertain to the issues of stormwater management, which is the review focus of MSD. This application complies with the Intents and applicable Policies of this Guideline as follows; the overall development plan originally prepared for the Brookridge Village development includes detention; that system has adequate stormwater carrying capacity; and detention facilities are designed to assure that post-development rates of runoff do not exceed pre-development rates; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 11 – Water Quality**. The Intents and applicable Policies 3, 4, 5 and 9 of this Guideline are intended to assure water quality through application to new development of standards developed by MSD. This application complies with the Intents and applicable Policies of this Guideline as follows; MSD has established both soil erosion and sedimentation control standards as well as water quality standards; and the applicant must demonstrate compliance with these through construction design, which it will do; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 12 – Air Quality**. The intents and applicable Policies 1, 2, 4, 6, 7, 8 and 9 of this Guideline all pertain to finding ways to assure that local air quality problems are not exacerbated and, to the extent possible, that air quality might even be improved. This application complies with the Intents and applicable

**Planning Commission Minutes
May 19, 2016**

Public Hearing

Case No. 15ZONE1055

Policies of this Guideline as follows; because there is a demonstrated need for a facility of this kind to serve the local population and nearby businesses, vehicle miles traveled can be reduced, given that customers will be able to utilize a facility close by; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 13 – Landscape Character**. The Intents and applicable Policies of this Guideline all pertain to assuring that all facilities are adequately treed and landscaped. This application complies with the Intents and applicable Policies of this Guideline as follows; this facility will include all the required landscaping in accordance with the landscape requirements of the Land Development Code; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; 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-5A to C-1 and from C-1 to CM on 1.62 acres on property located in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Lewis, Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, and Peterson.

NO: No one.

NOT PRESENT: Commissioners White and Howard.

ABSTAINING: No one.

- **Waiver #1 – Waiver from 10.3.7 to reduce the Gene Snyder buffer from 50' to 30' and to provide an 8' screen**
- **Waiver #2 – Waiver from 10.2.4 to eliminate the required 25' buffer and plantings between R-5A and C-1.**
- **Amendment to General Plan binding elements as presented by the applicant on May 19, 2016**
- **Detailed District Development plan and binding elements**

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

01:07:23 On a motion by Commissioner Peterson, seconded by Commissioner Lewis, the following resolution was adopted:

(Wavier #1) **WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since the adjacent properties all have a similar 30' buffer along the Gene Snyder; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. The visual experience along the Gene Snyder will be consistent with the adjacent properties; 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 since the rest of the development within the General Development Plan provided a consistent 30' buffer the proposal will follow the consistency of those previous developments; 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 since the rest of the development within the General Development Plan provided a consistent 30' buffer the proposal will follow the consistency of those previous developments; and

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

(Waiver #2) **WHEREAS**, the Commission further finds that the waiver will not adversely affect adjacent property owners since the two zoning districts only involve an access road where the uses haven't changed, only the zoning; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The rezoning of the access is to accommodate the use on a site. The existing roadway will not affect the existing uses negatively; 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 since the issue is only being raised due to the rezoning of the access to accommodate a use on the other side of the access road; 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 since the rezoning of the adjacent property to CM is dependent on the access road being rezoned to C-1 to accommodate current and future uses; and

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

(Revised Detailed District Development Plan and Amendment to Binding Elements) **WHEREAS**, the Commission further finds that there does 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, the Commission further finds that 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, the Commission further finds that there are no open space requirements with the current proposal; and

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 overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from 10.3.7 to reduce the Gene Snyder buffer from 50' to 30' and to provide an 8' screen; the requested Waiver from 10.2.4 to eliminate the required 25' buffer and plantings between R-5A and C-1; and the proposed Detailed District Development plan, **SUBJECT** to the following binding elements:

Existing General Plan Binding Elements – To Be Amended

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

2. Prior to development of each site or phase of this project, a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters

3. The density of the multi-family residential development shall not exceed 9.32 dwelling units per acre (330 units on 35.4 acres).

4. ~~The C-1 Commercial development shall not exceed 24,800 square feet of gross floor area. The C-2 Commercial mini-warehouse development shall not exceed 165 units.~~ be in accordance with Detailed District Development plan, unless amended in accordance with the LDC. The OTF development shall not exceed 35,200 square feet of gross floor area for office use. Any additional development of this portion of the site shall be in accordance with a new Detailed District Development plan and a 42-unit hotel the LDC.

5. The C-2M Commercial site shall be limited to mini-warehouses only. not to exceed 20,700 square feet. There shall be no other use which requires the C-2M classification unless approved by the LD&T committee. Notice of a request to amend this binding element shall be given in accordance with Planning Commission policy. The LD&T Committee shall determine if a public hearing on the request to amend this binding element is needed.

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

6. The only permitted freestanding signs shall be monument style, and located as shown on the approved general district development plan, or on detailed development plan. Prior to actual construction, each lot must receive detailed plan approval from the LD&T committee. No portion of any sign, including the leading edge of the sign frame, shall be closer than 5 feet to roadway easement line. The signs shall not exceed the size and height shown on the general district development plan. No sign shall have more than two sides. Nothing in this binding element shall be construed as giving permission to the property owner to erect a sign which may, upon further review, be determined to be illegal under the zoning district regulations.
7. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
8. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
9. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
10. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

- c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
- 11. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. 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.
- 12. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
- 13. A certificate of occupancy must be received from the appropriate code enforcement office 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.
- 14. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
- 15. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

USDA Natural Resources Conservation Service recommendations.
Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.

16. When the mini-warehouses develop, units shall be constructed with split faced decorative block as primary building material as shown in preliminary drawing presented at public hearing.

Detailed Plan 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 not exceed ~~26,000~~20,700 square feet of gross floor area.
3. -No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. -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.
5. -Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) 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

Planning Commission Minutes
May 19, 2016

Public Hearing

Case No. 15ZONE1055

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.

- 6. -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.
- 7. -There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 8. -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.
- 9. -The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 19, 2016 Planning Commission meeting.
- 10. No hazardous materials or outdoor storage of vehicles shall be permitted at the mini-warehouse site.

The vote was as follows:

YES: Commissioners Lewis, Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, and Peterson.

NO: No one.

NOT PRESENT: Commissioners White and Howard.

ABSTAINING: No one.