

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
October 9, 2018**

A meeting of the Louisville Metro Planning Commission was held on October 9, 2018 at 6:30 p.m. at Moore High School, located at 6415 Outer Loop, Louisville, Kentucky.

Commission members present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Jeff Brown
Rich Carlson
Ruth Daniels
Lula Howard
David Tomes

Commission members absent:

Robert Peterson
Donald Robinson
Emma Smith

Staff Members present:

Emily Liu, Director, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Will Ford, Communications Specialist
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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PUBLIC HEARING

CASE NO. 16ZONE1027

Request: Change in zoning from R-4 to R-6, Variance to permit encroachments into setbacks, Alternate plan for access, and a District Development Plan with binding elements

Project Name: Unity Place Apartments

Location: 8016 Shepherdsville Road

Owner: University of Louisville Foundation

Applicant: Barrister Commercial Group

Representative: Heritage Engineering; Wyatt Tarrant and Combs PLLC.

Jurisdiction: Louisville Metro

Council District: 24 - Madonna Flood

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

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.)

02:48 Mr. Fiechter, legal counsel, reminded Metro Council members not give testimony at this hearing, but wait for her/his own session at the Metro Council meeting. If testimony is given at this meeting, it should be limited and neutral.

Agency Testimony:

04:27 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, PLLC, 500 West Jefferson Street, Louisville, Ky. 40202

Scott Hannah, Heritage Engineering, 642 South 4th Street, Louisville, Ky. 40202

John Koehlinger, 969 Cherokee Road, Louisville, Ky. 40204

Semsudin, Haseljic, 5504 Georgia Lane, Louisville, Ky. 40219

Zina Radhi, 6800 Woodhaven Place Drive, Louisville, Ky. 40228

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299

Cathy Hinko, 2821 Klempner Way, Louisville, Ky. 40205

Glenn Pifer, 8100 Cedar Brook Drive, Louisville, Ky.

Matthew Peach, 801 Jones Franklin Road, Raleigh, N.C. 27603

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Summary of testimony of those in favor:

16:42 Mr. Baker gave a power point presentation. The project has a quality design/materials and is in the proper location. There have been compromises made with Steve Porter to benefit some of the neighbors, mainly the 3-stories proposed for Shepherdsville Rd. and the daycare. All the buildings on Shepherdsville Rd. will be 2-stories and conform to the regulations for building height. Also, there will be no neighborhood connectivity and an 8-foot solid screen fence. There will be sidewalk connection to Robbs Ln. in front of the commercial center.

20:40 Mr. Hannah stated the proposal has a compact design and footprints and there's lots of open space. There will be 2 detention basins and it has been approved by MSD. The developer will provide a sidewalk to Outer Loop and TARC and Ride.

32:38 Mr. Baker said the variance is justified because they will be providing access to goods and services. The traffic analysis indicated minimal impact – left turn lanes will be provided for safety purposes. The project is not Section 8, but affordable HUD. There's a highly vetted program for the refugees.

42:20 Mr. Koehlinger, Director of Ky. Refugee Ministries, stated not all units will be occupied by refugees as it's not public housing at all. All refugees must get a job and be self-sustaining after 6 months. Louisville still needs people to work entry level jobs.

51:38 Mr. Haseljic stated he is a former refugee and now a proud resident and home owner of Okolona for the past 10 years. The proposal will offer safe and secure housing for refugees. The land will be developed sooner or later.

55:35 Ms. Radhi stated she has been here 3 years with her family (came as refugee). They had to flee Iraq because of militia and are now able to have a safe place to live as well as educational opportunities for her children.

01:00:57 Mr. Porter stated his clients were originally opposed to the project but are now in support with some concessions and changes.

Mr. Porter read a summary of the neighborhood meeting which included: applicant will make concessions for 2-stories; fence; no connection to Cedar Village; sidewalk to Robbs Ln.; parking lot changes; and no access or connectivity to neighbors.

01:12:43 Ms. Hinko is the Executive Director of the Metropolitan Housing Coalition, which facilitates research-based advocacy for fair and affordable housing. Housing that

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is affordable for the average worker remains at a premium and is very segregated. The proposal will be affordable housing.

01:18:15 Mr. Pifer stated he was in opposition but now supports it. The developer has provided options more plausible for the home owners. Old Shepherdsville needs to be widened to help with traffic flow.

Mr. Pifer is a teacher at Iroquois High School and stated the refugee children he has encountered are hardworking students who want to fit in.

01:23:17 Commissioner Carlson asked questions and the applicant/representative answered.

The following spoke in opposition to this request:

Don Waltrip, 7903 Seebolt Drive, Louisville, Ky. 40219
Kenneth Walden, 5305 Famous Way, Louisville, Ky. 40219
Larry Brafford, 8206 Shepherdsville Road, Louisville, Ky. 40219
Jim Stansbury, 5620 Stansbury Lane, Louisville, Ky. 40291
Loretta Clark, 8205 Red Cedar Way, Louisville, Ky. 40219
Greg Ray, 8201 Shepherdsville Road, Louisville, Ky. 40219
Cathy Shott, 5415 Robbs Lane, Louisville, Ky. 40219
Debbie Stiff, 6130 Overhill Drive, Louisville, Ky. 40229
Susan Close, 8204 Red Cedar Way, Louisville, Ky. 40219
Carol R. Howard, 6304 Red Apple Road, Louisville, Ky. 40219
Denise Bentley, 5134 Southern Charm and 8300 Delta Circle, Louisville, Ky. 40219
David Knierim, 8225 Delido Road, Louisville, Ky. 40219
Sandy Warner, 4507 Saint Rita Drive, Louisville, Ky. 40219
Kristen Tipton, 8208 Cedar Brook Drive, Louisville, Ky. 40219
Julie Speedy, 5511 Applegate Lane, Louisville, Ky. 40219
Jay Bailey, 5307 Robbs Lane, Louisville, Ky. 40219

Summary of testimony of those in opposition:

01:45:58 Mr. Waltrip said cars cut through Seebolt now. Sidewalks are needed on Shepherdsville Rd. and crime rates are a concern. Turning lanes and crosswalk signs are needed at Robbs Ln. and Shepherdsville Rd.

Mr. Waltrip said this project will devalue his home.

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01:53:48 Mr. Walden said he will be affected by the proposal. The ditches get backed up when it rains and the developer will not be able to catch all the water. Old Shepherdsville needs to be 4 lanes to accommodate all the traffic.

01:56:19 Mr. Brafford said he questions the traffic study. There are too many apartments being built, so let's build homes for the veterans.

01:59:40 Mr. Stansbury stated the stub streets are not being extended because the people living there don't want them extended. The 3-stories would not be compatible and the activity center looks like a shopping center.

02:03:38 Ms. Clark asked what kind of wall or fence would be provided. The area is quiet and peaceful and she doesn't want that taken away.

Ms. Clark requests a 15-foot concrete barrier wall.

02:05:53 Mr. Ray said he hopes the proposal does not bring water issues to his property. There are a lot of apartments now, with rumors of more coming in the future.

Mr. Ray, being a mail carrier, questions the 2nd tier notification. The neighbors left out were contacted through social media and notes provided by himself.

02:11:04 Ms. Shott stated she has nothing against low income people or legal refugees but is against putting a lot of apartments in a very small space. Famous way is used as a major cut-through and it's hard just to get out of your driveway.

Ms. Shott said she questions the activity center (plenty in area) and TARC will only consider the TARC and Ride if they have the funds.

02:16:27 Ms. Stiff said the traffic is horrendous at Christmas time. Who will monitor how many people live in the apartments? How much will the rent be? What is a solid screen fence? Who will keep the apartments looking nice?

Ms. Stiff suggests rehabilitating other buildings in the city to house the refugees.

02:21:11 Ms. Close stated there are lots of people selling their property in the area. This property was never meant to be developed, it was meant to be agricultural. The area is being inundated (too much too fast).

02:23:41 Ms. Carol Howard said she thinks the applicant should keep the child care. The emergency vehicles will have a hard time getting through.

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02:25:36 Ms. Bentley, retired council person, said the council people do care, but are prohibited to make comments or statements at this stage. This is not an issue of refugees, it's just not a good fit for the neighborhood. The traffic study is not complete (no police reports). This high density proposal is not permitted per the Highview Plan. The applicant needs to say specifically if they will or won't provide sidewalks on Shepherdsville and Robbs Ln. The burden shouldn't be placed on the residents who just wish to be able to maintain their quality of life.

02:36:24 Mr. Knierim read a passage of a letter from Representative Al Gentry concerning the traffic study.

02:39:43 Ms. Warner stated she is concerned about the traffic, sewers backing up, sidewalks for children walking to/from school and wants more driving lanes.

02:42:24 Ms. Tipton said there are no daycares in walking distance. The economy or market isn't calling for apartments, houses are moving fine. There is also a concern that more concrete going in will create possible flooding to other neighbors.

02:47:22 Ms. Speedy said her yard floods as the sewers have failed. What will the sidewalks look like? This is not a walkable area. Bicycle lanes and sidewalks are needed.

02:50:57 Mr. Bailey described Robbs Ln. and explained there's not much room for sidewalks. The traffic study is incorrect as people cut-through to avoid traffic on the Outer Loop. Single family and multi-family need to go where they're supposed to be. The area is built up and already overflowing.

The following spoke neither for nor against the request:

Rita L. Bernauer, 8206 Red Cedar Way, Louisville, Ky. 40219

Summary of testimony of those neither for nor against:

01:32:32 Ms. Bernauer stated the community is very diverse. The large wave of people and large buildings will be very intrusive. Infrastructure needs to be in place to support the additional traffic. The state department said Old Shepherdsville won't be widened until 2035. Also, the neighborhood is primarily elderly people who want to be secure so the connectivity is not wanted.

Rebuttal:

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02:57:09 Mr. Baker answered questions by the opposition as follows: applicant is doing more than what MSD is requiring; veterans are welcome; design – working with neighbors and creating nice setbacks; berm with fence but fence is not wanted; there will be 24 hour maintenance and a manager on site; there's little or no evidence that affordable housing decreases property values; proposal complies with the Highview Neighborhood Plan even though ½ is inside the study boundaries; the developer is in town; lighting – there will be a binding element stating they will be shielded down and away from the property lines; there will be sidewalks on Shepherdsville Rd. along the frontage of the property as well as 1.5 acres dedicated for right-of-way for improvements; and the fee-in-lieu for the connection on Robbs Ln.

03:07:41 Mr. Peach stated the traffic study was done in 2016 and 2018. He further explained the report.

03:17:29 Commissioner Brown explained the fee-in-lieu process. It's hard to estimate the cost because there may be challenges due to the roadside drainage. Mr. Baker said the developer is willing to offer help from his engineers to help provide cost estimates. Also, maybe the developer could construct the sidewalk. Commissioner Brown explained that it has to be public funds to provide the public sidewalks. Mr. Hannah said they can commit to building a 5 foot sidewalk. Commissioner Brown suggested providing the sidewalk prior to the first building permit for the 100th unit being completed. Mr. Baker said how about the 130th unit? Commissioner Brown agreed.

Deliberation

03:26:42 Commissioner Carlson stated the proposal is at the high end of R-6 and there's a significant difference in density. The 3-stories are not compatible. The Highview Plan needs to be looked at - it's a current plan. Pedestrian and walkability are public safety issues and a 2nd bridge could be provided. There's no benefit for vehicular connectivity on Red Cedar or Cedar Brook.

03:32:49 Commissioner Daniels said she's concerned about traffic and the number of units.

03:33:09 Commissioner Tomes said the proposal meets the Comprehensive Plan. The roads need to be improved throughout Jefferson County. The proposed buildings are attractive with good materials and will not decrease property values. The 3-stories will not have a big impact because they moved them to the center of the development.

03:36:29 Commissioner Brown stated this area can support the density but not without the connectivity.

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03:37:21 Commissioner Howard explained that the Planning Commission must follow the Comprehensive Plan and Land Development Code. The proposal provides diverse housing units which promotes appropriate units in the Neighborhood Form District. There's going to be right-of-way dedication which means in the future there could be widening of the roadway. There will also be left turn lanes. This project is at the lower end of high density. The Highview Neighborhood Plan does not specify the use on this site, but it did say that larger sites should provide a range of housing types with a centralized common open space or focal point interconnecting system to streets, sidewalks and paths to create a neighborhood feel.

03:43:18 Vice Chair Lewis thanked everyone for the work done outside this forum and the compromises made. The daycare was an innovative idea, but is understandable why the developer took it out. There's been a lot of improvements made on the design. The proposal provides a variety of housing that is very much needed. There does need to be some connectivity. The height and mass, which have been reduced, is acceptable. There will be minimal impact regarding the traffic.

03:45:57 Chair Jarboe stated the development is excellent and very attractive. The concessions made have been very good work as well. The state doesn't fund all the roads we deserve, but they are for everyone to use. This development follows the Comprehensive Plan. A decision needs to be made about the Alternate Plan.

03:50:40 Commissioner Tomes said he supports the Alternate Plan. A lot of work and compromise went into it.

03:51:36 Commissioner Brown said the waiver for alternate connectivity is just a recommendation.

03:51:53 Commissioner Carlson said the proposal is at the high end of R-6, not high density. The neighboring area is mostly R-1, R-2 and R-3.

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 Change from R-4 to R-6

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the Cornerstone 2020 Staff Analysis, testimony heard today and the applicant's finding of facts was adopted.

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because The proposal is for high density residential which would create a mix of residential housing choices to the neighborhood but would also add high density to the current low density area; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because The proposal is for high density which is located along an arterial with limited impact on adjacent low density developments because all buffers and setbacks are generally being complied with; and The Highview Neighborhood Plan recommends "Limiting multi-family residential to within or immediately adjacent to the Town Center and Neighborhood Activity Centers/Nodes". The proposal is located adjacent to an established neighborhood activity center that has been created at the intersection of Robbs Lane/Applegate Lane and Shepherdsville Road although this area is not specifically identified as a "Neighborhood Activity Center"; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal introduces a higher density zoning to the immediate area. It is designed to be compatible as it generally meets all the required setbacks and buffers. The Highview Neighborhood Plan recommends "Limiting multi-family residential to within or immediately adjacent to the Town Center and Neighborhood Activity Centers/Nodes". The proposal is located adjacent to an established neighborhood activity center that has been created at the intersection of Robbs Lane/Applegate Lane and Shepherdsville Road although this area is not specifically identified as a "Neighborhood Activity Center"; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the Highview Neighborhood Plan recommends "Limiting multi-family residential to within or immediately adjacent to the Town Center and Neighborhood Activity Centers/Nodes". The proposal is located adjacent to an established neighborhood activity center that has been created at the intersection of Robbs Lane/Applegate Lane and Shepherdsville Road although this area is not specifically identified as a "Neighborhood Activity Center"; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the density of the proposal and its location surrounded by low density and adjacent to a commercial activity center results in an efficient use of land. High density has a lesser impact when located next to other high density or higher intensity uses because the infrastructure in those areas have been or are designed for high volumes, the proposal is located adjacent to a commercial center at the corner of Robbs and Shepherdsville; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the site is located adjacent to a commercial center but also has easy pedestrian access to Shepherdsville Road and Outer Loop via existing sidewalks along Shepherdsville. Transit is available along Outer Loop; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is not located in a center nor is it involved in mixed use but it is located adjacent to a commercial center established at Robbs Lane and Shepherdsville; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is for a one residential type use and involves new construction; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because utilities are provided on the site in an efficient manner to meet the needs of the development and adjacent property; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because pedestrians are provided for on the site as well as have access to the adjacent commercial center and transit along Outer Loop at Shepherdsville Road; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is not a center but the site has access to and from all forms of transportation; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal allows for a building height that is the same that is permitted in the adjacent single family zones. The proposal complies with the form districts pattern of development; and

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

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is compatible with the adjacent residential areas and introduces a new type a density. Buffers and setbacks generally comply with the LDC requirements which mitigates any nuisances with the two compatible uses; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because Transportation Planning reviewed the proposal and determined that the traffic impacts have been mitigated through the addition of a center turn lane; and

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

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is for high density and is not located along a transit route but is adjacent to a small activity center. There is easy access to transit at the intersection of Shepherdsville and Outer Loop due to the existing sidewalk along Shepherdsville from the intersection of Robbs to Outer Loop; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because a specific user of the property has not been identified, the site is located adjacent to an activity center and in the vicinity of transit at Shepherdsville and Outer Loop; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal creates inclusive housing at a building height that is permitted in the existing zone, proposed zone, and permitted in the surrounding zones; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because buffers are in compliance with the LDC and setbacks generally comply with the LDC. All planting requirements will be met; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because setbacks are generally in compliance with the LDC. Building heights are the same that are permitted in the adjacent zones; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because open space is in compliance with the LDC; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the stream area to the north west of the site is being preserved. There are otherwise no other natural features on the site. Tree canopy will be provided; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the stream area to

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the north west of the site is being preserved. There are otherwise no other natural features on the site. Tree canopy will be provided; 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 have any historical or cultural 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 proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because Transportation Planning indicated that a center turn lane is required along the most of the frontage; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because additional ROW is required and is being dedicated; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because the main access to the site is from Shepherdsville Road and not through a lower density development; 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 the proposal provides green areas and open space; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because existing or proposed 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 exists for the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the Infrastructure guideline because the health department has no issues with the proposal.

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WHEREAS, in an effort to help resolve the scarcity of affordable housing in the Louisville Metro community, the applicant, KALOS Holdings, Inc., d/b/a Barrister Commercial Group (BCG), in cooperation with Kentucky Refugee Ministries ("KRM") and Catholic Charities ("CC"), propose an apartment community consisting of twenty-six (26) one-, two- and three-story buildings with a total of two hundred sixty (260) units, a clubhouse and swimming pool on an 18.35-acre section of a tract of vacant land 19.66 acres in size, located at 8016 Shepherdsville Road, Louisville, Kentucky ("Property"). The Property is situated along the west side of Shepherdsville Road, just south of its intersection with Robbs Lane, and within reasonable walking distance to various goods and services located along Outer Loop. Accordingly, BCG is seeking approval to rezone the unused Property from R-4 Single Family Residential and C-1 Commercial to R-6 Multi-Family Residential and C-1 Commercial as well as variance relief to allow three-story apartment buildings 2 and 3 to encroach into the 50-foot minimum setback so that BCG may proceed with the construction and operation of affordable multi-family residential apartments to be known as Unity Place (the "Proposal"). Unity Place will be used, in part, to provide affordable housing for refugees and immigrants served by KRM and CC and local qualifying people and families. The Proposal will also include facilities to provide services including resettlement, social and economic integration, societal integration, job training, language skills, and religious ministry services, and other outdoor space and recreational areas; and

WHEREAS, the Louisville Metro Planning Commission ("Planning Commission") finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's proposed findings of fact, that the proposed change in zoning of the Property from R-4 Single-Family Residential and C-1 Commercial to R-6 Multi-Family Residential and C-1 Commercial on approximately 19.66 acres (of which approximately 18.35 acres is currently zoned R-4 Single Family Residential and approximately 1.31 acres is currently zoned C-1 Commercial, the latter of which will remain C-1 Commercial) complies with Guideline 1 of the Cornerstone 2020 Comprehensive Plan (the "Comprehensive Plan") because the Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas; the Neighborhood Form should contain diverse housing types in order to provide housing choices for differing ages and incomes, as well as provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles, and transit; the proposed Unity Place apartment community is compatible with the surrounding properties, as it provides an appropriate transition from the adjacent C-1 Commercial properties located at the intersection of Robbs Lane and Shepherdsville Road and from the minor arterial corridor of Shepherdsville Road to Cedar Brook Village, the single-family residential neighborhood established just west of the Property; the applicant has designed the proposed apartment community with the two-story buildings located near the single-family residences, keeping the taller buildings toward

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the interior of the Property; the proposed architectural design elements of the buildings, incorporates attractive, durable building materials establishing consistency with the character of adjacent single-family uses; the applicant will construct a pedestrian connection from the apartment buildings to Robbs Lane, where the applicant has pledged to pay the fee-in-lieu to assist in financing the construction of a sidewalk which will connect an existing sidewalk east of the Property on Robbs Lane to a new sidewalk connection along the Property's frontage and proceeding westward to the existing section of sidewalk on Robbs Lane near its intersection with Outer Loop, thereby creating a sidewalk extending the length of Robbs Lane from Shepherdsville Road to Outer Loop, where a large commercial center is located that provides various goods and services at a walkable distance for Unity Place residents; vehicular accesses to the development will be via two curb cuts from Shepherdsville Road; and

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 2 of the Comprehensive Plan because the proposed apartment community is a compact residential development, providing more housing on less land, and protecting the blueline stream on the northern section of the Property thereby conserving environmentally sensitive features on-site; the Property is centrally located in close proximity to major employment and commercial centers, therefore the applicant's Proposal will further permit KRM and CC to provide resettlement services and religious ministry services at one central location where needed employment opportunities, access to schools, medical care, mass transit and other services are also located nearby; and given the Property's ideal location near existing commercial activity centers supplying necessary goods and services, its approval will further promote a reduction in commuting time and transportation-related air pollution; sidewalks and walkways will be constructed to provide adequate pedestrian linkages, and TARC service is available nearby on Outer Loop; therefore, the proposed development will be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities; and

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 3, Compatibility of the Comprehensive Plan and all of the applicable Policies because the proposed site plan for the Unity Place community has been designed to be an appropriate transition with the use and scale of surrounding properties in mind, especially between the adjacent commercial center located at the intersection of Robbs Lane and Shepherdsville Road and the single-family residential properties to the west and south of the Property; several R-5A, R-6 and R-7 multi-family zoned properties are located within a one-mile radius of the site; inclusion of this affordable housing development also furthers the purposes of the Neighborhood Form Area by encouraging a mixture of predominantly low- to high-density residential uses as opposed to simply encouraging the continued static development of R-4 Single-Family Districts in the remaining undeveloped areas; the proposed development plan contains buffers that exceed Land Development Code ("LDC") requirements, especially on the

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west property line separating the Property from Cedar Village properties, which, combined with the fact that the two-story apartment buildings will be appropriately set back from the west property line, creates more than sufficient space between the apartment buildings and the single-family residential homes, mitigating any disparity in scale between the apartment buildings of Unity Place and the residences of Cedar Village; though a variance is requested from the Land Development Code Section 5.4.2.A.4.a. to allow proposed three-story multi-family buildings (Apartment Buildings 2 & 3) to encroach into the 50-foot minimum setback, the variance will not erode compatibility because the building height limitation between the adjacent properties is the same – 35 feet – and the proposed apartment buildings are positioned behind the single-family residence, not up against it; moreover, two-story apartment buildings will front Shepherdsville Road maintaining the one- to two-story architectural scale consistent along this section of the minor arterial corridor; as it concerns the buffering and screening of Unity Place from the less dense single-family properties, the proposed development plan also includes a combination of a durable, vinyl fence and plantings that exceeds LDC requirements, thereby minimizing any visual impacts of the proposed apartment buildings; the architectural design elements will coordinate with the character of adjacent single-family residential uses and lighting employed on site will be directed down and away from adjacent residential uses; all signage will be in conformance with LDC regulations; the Traffic Report prepared by Stantec for Louisville Metro Public Works demonstrates that the additional traffic from the Unity Place community will have a negligible impact on existing levels of service on the surrounding roadways; and although a component of Unity Place is being developed to address the shortage of quality, affordable housing for refugee families being placed in Louisville Metro, the proposed apartment community will be constructed as market-rate and will provide additional housing options for those in the area or looking to move to the area to be close to the nearby employment centers; and

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 4 of the Comprehensive Plan, including Policies 1, 2, 3, 4, 5, 6 & 7 because the open space provided within the proposed apartment community generously exceeds the amount of open space required by the LDC by nearly 3 acres and serves both environmental and recreational purposes because it preserves substantial areas of open and other recreational space in addition to providing separation between the project and adjacent neighborhoods; the Property contains a section of a blueline stream located within its northern area (C-1 portion) and the proposed development plan shows that the stream buffer is being preserved free of parking and buildings; the proposed development plan also contains a significant amount of space throughout the site, especially towards the back (west) property line shared with the residents of single-family neighborhood, as well as a pool, playground/recreation area and garden area centered on-site as a primary focal point; and because this open space is part of a

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development that will be held by a single property owner, maintenance of the open space is assured; and

WHEREAS, the Planning Commission finds the proposed rezoning complies with all applicable Policies of the Comprehensive Plan's Guideline 5 because the Property, excepting the section of a blueline stream that will be fully protected, contains no significant slopes or otherwise impaired areas; and no historic resources have been noted by Louisville Metro Historic Preservation on the subject property; and

WHEREAS, the Planning Commission finds the proposed rezoning complies with the applicable Policies of the Comprehensive Plan's Guideline 6 (notable Policies 1, 2, 4 & 6) because the proposed apartment community is located near many job opportunities, including a large employment center in GE's appliance park, as well as myriad retail, restaurant and other commercial uses and the many satellite businesses in the area located along the Outer Loop, Jefferson Boulevard, and Shepherdsville Road corridors, which are all within a reasonable walking distance from the Property; the proposed apartment community represents an appropriate investment on land fronting a minor arterial roadway that has long remained vacant and idle; and whereas the Commission also finds multi-family housing offers maintenance free-living opportunities, which is attractive to young childless and older, retired singles and couples who are in most need of affordable housing units and the affordable housing prices of this development will also further encourage more diverse housing types in order to provide greater housing choice for differing ages and incomes in the area; and

WHEREAS, the Planning Commission further finds the proposed rezoning complies with the applicable Policies of the Comprehensive Plan's Guideline 6, as well as the Mayor's Office and Louisville Metro Council's efforts to reduce the high demand in Louisville Metro for affordable housing options because, at the time of this zoning application's submittal, there were approximately 20,000 families currently on the Housing Authority of Louisville's waitlist for housing assistance and these shortages in affordable housing options are also affecting our community's most vulnerable citizens: our elderly, our disabled and our children; and whereas Louisville Metro's refugee and immigrant populations are also equally vulnerable to the harms caused by Louisville's affordable housing crisis as they are often unable (initially) to afford the full cost of suitable housing and, consequently, are often forced to expend considerable resources identifying affordable housing options in which to house newly arrived refugees and immigrants, which, in many occasions, results in newly arrived refugees, immigrants and their families being forced to live separated from not only people with similar nationalities, but also from the very assistance and ministry services that KRM and Catholic Charities provide to help facilitate these individuals' and families' successful transition into our community and also forces refugees, immigrants and their families to bear considerable cost and expense obtaining needed resettlement and ministry

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services from KRM and Catholic Charities; and whereas it also often forces a great number of refugees and their families to live in locations far from employment opportunities, transit routes, retail services, schools, medical assistance and other opportunities our community provides; and whereas the Planning Commission finds the Proposal will help address these aforementioned issues by establishing a cohesive multi-family community at a location where its residents can readily access opportunities to employment, transit routes, retail services, and education for both adults and children; and

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 7, 8 and 9 of the Comprehensive Plan because vehicular access to the development will be from Shepherdsville Road, an existing minor arterial roadway that carries traffic to major arterials – such as Outer Loop directly north on Shepherdsville Road as well as additional access to Outer Loop via Robbs Lane, and also easy access to Preston Highway via Miles Lane, which intersects with Shepherdsville Road just south of the Property and runs westward to Preston Highway – and to highways such as the Gene Snyder Expressway (I-265) to the south of the Property via E. Manslick Road and Smyrna Parkway; a pedestrian connection will be provided from within the apartment community to Robbs Lane, thereby establishing a connection to the existing public sidewalk network, allowing pedestrians to go east on Robbs Lane and connect to the sidewalk on Shepherdsville Road running northward to Outer Loop; moreover, by applying the fee-in-lieu formula, the applicant has committed to help fund a sidewalk connection of approximately thirteen hundred (+/- 1,300) lineal feet along the southern frontage of Robbs Lane, from the Property westward to Outer Loop, where only about a quarter mile away numerous goods and services are located in Jefferson Mall, a Walmart Supercenter, Festival at Jefferson Court, among numerous other commercial establishments; Shepherdsville Road and Robbs Lane have adequate traffic-carrying capacity, which is demonstrated by the Stantec Traffic Impact Study (TIS); for vehicles driving north on Shepherdsville Road a center lane will be provided allowing safe left turns into the development; the site's access points along Shepherdsville Road are compatible with adjacent land uses and will prevent traffic flows through less dense residential areas to the west; and

WHEREAS, the Planning Commission further finds the proposed rezoning complies with Guidelines 7, 8 and 9 of the Comprehensive Plan because, per the detailed development plan accompanying the zoning application, well-designed internal circulation, appropriate access, sight distances, corner clearances and sufficient off-street and required handicap parking spaces are provided; additionally, the proposed apartment community is within a quarter mile walking distance of TARC routes that serve Shepherdsville Road, and, to further facilitate resident access to mass transit services, the applicant will continue to work with TARC to introduce a new Park N' Ride location along Robbs Lane at the northern boundary of the site; thus, the availability and

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accessibility of alternative modes of travel will minimize single occupant vehicle travel; and

WHEREAS, the Planning Commission further finds the proposed rezoning complies with Guidelines 10 and 11 of the Comprehensive Plan because the proposed development plan contains two drainage basins with more than sufficient stormwater drainage capacity onsite, which will accommodate stormwater drainage runoff at a ratio of 1.5 to 1, as the Metropolitan Sewer District (MSD) has required for this particular development and is more than the standard MSD requirement, therefore, suitable detention will be provided to ensure that peak post-development surface water runoff will not exceed pre-development levels and that there will be no significant increase in flooding or excess drainage to adjoining properties; by maintaining the complete buffer along the blueline stream on the Property, the drainage that does enter the stream will be cleaner for having run across a vegetated surface on its way to the creek; the applicant has worked and will continue to work with MSD to provide adequate floodplain and stormwater mitigation where needed and an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development; additionally, the applicant's final design for development of the Property will address and comply with all MS4 water quality regulations established by MSD; and

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 12 of the Comprehensive Plan because traffic from the proposed development will have a minimal impact on nearby intersections, reducing idling that can adversely affect air quality; the development's location near TARC routes on Outer Loop should encourage residents to take the bus whenever possible; and the proposed development plan also contains internal and external sidewalks to encourage walking as a means of transportation; and

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 13 of the Comprehensive Plan for all of the aforementioned reasons and because the proposed development plan shows significant greenspace and buffer areas that exceed LDC requirements, especially along the western property line shared with Cedar Village residents, where mature trees exist that the applicant intends to leave untouched during and after construction of the development where feasible; interior landscaping will be installed in the vehicular use areas, which will enhance the buildings, break up the parking areas, and improve the overall aesthetics of the site, where currently the vast majority of the Property's interior area is unplanted and without tree canopy and the applicant will supply new trees while preserving perimeter trees to meet or exceed tree canopy requirements in accordance with the LDC; outdoor signage and lighting will comply with the LDC and will be compatible with the surrounding area; Open space will be provided in various forms from common open green areas to garden areas to recreational areas, including a swimming pool and walking paths, all of which

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create a balanced natural appearance surrounding the apartment community as well as provide areas for residents to enjoy outdoor activities; and

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 14 and 15 of the Comprehensive Plan because the Property will be served by infrastructure which has adequate carrying capacity for the proposed development; all necessary utilities, including water, electricity, telephone, and cable, are available; and the subject property is served by the Okalona Fire Department and the Louisville Metro Police Department; and

WHEREAS, the Louisville Metro Planning Commission finds WHEREAS, the Planning Commission further finds the Highview Neighborhood Plan, as adopted by the Louisville Metro Council, includes only a portion of the Property within the western edge of its study, as the Property is located on the periphery of the Plan and therefore the Commission finds it difficult to apply the recommendations set forth in the Highview Neighborhood Plan to the Property, but to the extent the Council finds the Highview Neighborhood Plan applicable, the Commission finds, for all the reasons stated herein, the Proposal complies with Land Use Recommendation 7 (LU7), which encourages limiting multi-family residential to within or immediately adjacent to the Town Center and Neighborhood Activity Centers/Nodes and where this Proposal is adjacent to a small commercial center located at the intersection of Robbs Ln. and Shepherdsville Rd. and within reasonable walking distance to two large commercial activity centers at Robbs Ln and Outer Loop and Shepherdsville Rd and Outer Loop; the Commission also finds the proposed building materials being brick, masonry, and hardiplank are of a quality that meet the spirit of Community Form Recommendation 3 (CF3) which seeks to incorporate design principles for new development/redevelopment of multi-family residential; the Commission finds the Proposal is in agreement with Mobility Recommendations 4 and 5 (M4 & M5) because the applicant is working with TARC to prioritize a transit stop location on the Property at Robbs Ln and will by funding an approximately 1300-foot sidewalk connection along the southern frontage of Robbs Ln, thereby creating a full sidewalk connection between Shepherdsville Rd and Outer Loop; and, for the aforementioned reasons set forth herein, the Commission finds the Proposal is consistent with Sustainability Principles: S1, S2, S3, S4, S5, S6, S7, S8, and S10; and

WHEREAS, the Louisville Metro Planning Commission further finds for all of the reasons set forth at LD&T Committee meetings and the August 22, 2018 Planning Commission public hearing, as well as all of the information submitted in the administrative record for Case No. 16ZONE1027, as evidenced by the most recent detailed development plan presented to the Commission, the applicant's request to change the zoning designation of the Property from R-4 Single-Family Residential and C-1 Commercial to R-6 Multi-Family Residential and C-1 Commercial is in agreement

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with all other applicable Intents, Policies, and Guidelines of the Cornerstone 2020 Comprehensive Plan, including the Highview Neighborhood Plan, to the extent it applies to the Property; as a result, the Planning Commission finds the proposed rezoning complies with the required statutory criteria of KRS 100.213.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential to R-6, Multi-family Residential on 16.94 acres on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Howard, Tones, Lewis and Jarboe

NO: Commissioner Carlson and Daniels

NOT PRESENT AND NOT VOTING: Commissioners Peterson, Robinson and Smith

Variance from Chapter 5.4.2.A.4 to permit the multi-family structures to be located closer than 50' to abutting single family residences

On a motion by Commissioner Brown, seconded by Commissioner Tones, the following resolution based on the Standard of Review and Staff Analysis, testimony heard today and the Applicant's Findings was adopted.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because the proposed 3 story structures (Buildings 1-3) are located no closer than 40' from the existing single family residential north of the site. The building height is the same height that is permitted in the single family zones; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity because the building heights permitted within the neighborhood form is 35' and the proposal complies with the maximum 35' building height which is the same height allowed in all other residential zones other than R-7 and above; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the building height is the same height that is permitted in the single family zones; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because the building height is the same height that is permitted in the single family zones; and

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WHEREAS, the requested variance does arise from a special circumstance that doesn't generally apply to land in the vicinity. That special circumstance is that multi-family has an additional setback when the buildings are 3 stories when other residential buildings in the adjacent zones are permitted to have the same height; and

WHEREAS, the Louisville Metro Planning Commission finds, The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the other properties surrounding the site and the subject site are permitted to have a building height of 35' without additional setbacks, not allowing this site to have the 35' building height and 3 stories which is permitted for other properties is the hardship; and

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant is not responsible for the Land Development Code not treating multi-family the same as single family in this instance where the building height is permitted but multi-family is penalized for having 3 stories when other residential is permitted the 3 stories with no additional setbacks.

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report, the evidence and testimony presented at the public hearing, including the applicant's proposed findings of fact on the zoning change submitted alongside the variance request, that the proposed variance from the Land Development Code Section 5.4.2.A.4.a. to allow proposed three-story multi-family buildings to encroach into the 50-foot minimum setback will not adversely affect the public health, safety, or welfare and will not alter the essential character of the area because the variance does not create a health or safety issue and because the two apartment buildings (Apartment Buildings 2 & 3) will be within the height limitations allowed within the Neighborhood Form District, whether multi-family or single-family, constructed from durable, quality materials including brick, stone and hardiplank, positioned behind the nearest residence (8012 Shepherdsville Rd.) and located far enough away that the structures will not create a negative impact upon the single-family residence; and

WHEREAS, the Board further finds the requested variance will not cause a hazard or nuisance to the public because, as stated, the building height limitation between the adjacent properties is the same – 35 feet – and the proposed building are positioned behind the single-family residence, not up against it, thereby situated where no hazard or nuisance to the public will be caused; and

WHEREAS, the Board further finds the requested variances will not allow an unreasonable circumvention of the requirements of the zoning regulations because were the building being proposed single-family residences, no variance would be

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required and whereas the design and look of the apartment buildings proposed for Unity Place development are visually compatible with the surrounding neighborhood and lighting will comply with Land Development Code standards;

WHEREAS, the Board further finds the location of a legal access easement from Shepherdsville Road to the Shields property located behind (west of) the proposed development limits the applicant's ability to shift the proposed buildings south and away from the single-family residence represents a special circumstance that does not apply to land in the general vicinity or in the same zone; this circumstance is not the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is granted; and if the variance is not granted, other properties surrounding the Unity Place development are permitted to have a building height of 35' without additional setbacks, therefore not allowing this site to have the 35' building height and 3 stories, as is permitted for other properties, creates an unfair hardship, therefore, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a Variance from Chapter 5.4.2.A.4 to permit the Multi-family structures to be located closer than 50 feet to the abutting single family residences.

The vote was as follows:

YES: Commissioners Brown, Howard, Tones, Lewis and Jarboe

NO: Commissioner Carlson and Daniels

NOT PRESENT AND NOT VOTING: Commissioners Peterson, Robinson and Smith

Alternate Plan for access from the existing stub streets (Cedar Brook Drive & Red Cedar Way)

On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution based on the Comprehensive Plan and the Highview Small Area Plan that encourages connectivity between compatible uses was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that Metro Council **DENY** the Alternate Plan for access from the existing stub streets (Cedar Brook Drive & Red Cedar Way)

The vote was as follows:

YES: Commissioners Brown

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NO: Commissioners Carlson, Daniels, Howard, Tomes, Lewis and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Peterson, Robinson and Smith

On a motion by Commissioner Carlson, seconded by Commissioner Tomes, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that Metro Council **APPROVE** the Alternate Plan for access from the existing stub streets (Cedar Brook Drive and Red Cedar Way).

The vote was as follows:

YES: Commissioners Carlson, Daniels, Howard, Tomes, Lewis and Jarboe
NO: Commissioner Brown
NOT PRESENT AND NOT VOTING: Commissioners Peterson, Robinson and Smith

Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site being disturbed. 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 have not been provided as a vehicular connection to both of the stub roads is not being provided; and

WHEREAS, the multi-family development proposed on the subject site is meeting the Land Development Code requirements for open space; and

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

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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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots generally 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.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Shepherdsville Road to provide a total of 60 feet from the centerline and right-of-way dedication of Robbs Ln. as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

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- c. 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.
5. 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.
 6. 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.
 7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 9, 2018 Planning Commission meeting.
 8. There shall be enhanced landscaping as discussed during the testimony at the October 9, 2018 Planning Commission meeting for the variance located on the northern property line.
 9. All exterior lighting on the property, whether attached or free-standing, is to be shielded and pointed downward.
 10. The property owner shall maintain the fence and all landscaping areas and related plant material on the property
 11. Construction plans, bond and permit for a 5 foot sidewalk along Robbs Ln. between the Park and TARC located and proposed on the development plan to the existing sidewalk along Robbs Ln. frontage of 5100 Outer Loop prior to issuance of the first building permit. Sidewalks shall be completed prior to the issuance of the 131st building permit.

The vote was as follows:

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YES: Commissioners Brown, Daniels, Howard, Tomes, Lewis and Jarboe

NO: Commissioner Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson, Robinson and Smith

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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

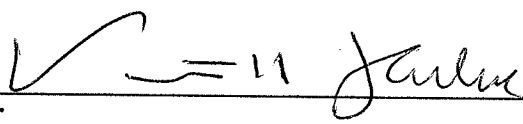
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 10:52 p.m.


Chair


Planning Director

