

**Planning Commission
Staff Report**

~~March 23, 2017~~ April 20, 2017



Case No:	16ZONE1075
Request:	Change in zoning from RR to R-4
Project Name:	Creek View, Section 3
Location:	11700 Mary Morley Drive
Owner:	Premier Land Development Co.
Applicant:	Premier Land Development Co.
Representative:	Mindel, Scott, and Associates
Jurisdiction:	Louisville Metro
Council District:	22 - Robin Engel
Case Manager:	Joel Dock, Planner II

REQUEST

- **Change-in-zoning** from RR to R-4
- **Conservation Subdivision Plan**

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant requests approval of a change-in-zoning from RR to R-4 and a conservation subdivision plan to create twenty lots in South-Central Louisville Metro; South of Interstate-265, roughly three miles West of Bardstown Road, and with primary access via local roads to Thixton Lane. Preston Highway is approximately five miles West of the subject site via Mt. Washington road where 1st and 2nd order goods and services are provided. The Parklands of Floyds Fork, Broad Run Park and McNeely Lake are within close proximity to the subject site. Sidewalk connectivity from the subject site to the abutting subdivision to the East is provided. However, sidewalk connectivity/mobility is absent along Thixton Lane and Mt. Washington Road which serve the development site. The majority of the current lot is heavily tree covered. The South eighty-thousand square feet of the subject is being provided in open space, of which seventy-four thousand is being maintained as a Tree Canopy Protection Area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	RR	N
Proposed	Single Family Residential	R-4	N
<i>Surrounding Properties</i>			
North	Single Family Residential	R-4	N
South	Single Family Residential	RR	N
East	Single Family Residential	R-4/RR	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

9868: Neighborhood Change in zoning from R-4 to RR for 73 parcels (approved 12/6/07).
Primary finding:

The request met the Comprehensive Plan's goal of protecting environmentally sensitive land from excessive development without adequate review and reduces potential traffic volume, network of narrow streets.

Findings from the change in zoning that are specific to the subject site have been included at the end of this staff report as Attachment 4.

15ZONE1005: Change in zoning from RR to R-4 (withdrawn)

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments at this time.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

The following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The site is located in the Neighborhood Form District

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. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment.

TECHNICAL REVIEW

The proposed application for change in zoning from ~~R-4 to RR~~^{RR to R4}, supporting documentation, and major preliminary conservation subdivision plan are in order. Preliminary approval has been received from the Metropolitan Sewer District and Transportation Planning.

As discussed at the LD&T meeting on March 23, 2017 the private access and utility easement named 'Mary Morley Lane' will be vacated prior to development of the subject site. The roadway of record in DB 7814, PG 140 is unimproved.

STAFF CONCLUSIONS

The proposal is in conformance with the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Review Checklist* provided in *Attachment 3*. The proposed change in zoning from RR, Residential-Rural to R-4, single-family residential is compatible with the surrounding area consisting primarily of single-family residential zoning districts. In 2007 seventy-three parcels were down-zoned to RR, Residential-Rural. Returning the property to R-4 with a conservation subdivision contributes to a mix of lot sizes available in the area, while preserving and connecting natural areas. Conservation areas have been provided as required by the LDC. These areas connect to the existing system of open spaces in the adjacent subdivision to the East and provide tree canopy and vegetative buffering from the single-family zoning districts to the South that remain in the RR zoning district. The small scale of the project compared to other major subdivision requests does not appear to create any negative impacts on traffic within the vicinity. Sidewalks are provided on all streets proposed in the subdivision. Sidewalk and roadway networks connect with the abutting subdivision to the East and allow for continuation of the network to the West. The plan is in compliance with applicable regulations set forth in the Land Development Code. No waivers or variances have been requested.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must also determine if the proposal meets the standards for approving a Waiver, Major Preliminary Subdivision Plan, and Revised Detailed District Development Plan as established in the LDC.

REQUIRED ACTIONS

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** of the **Change-in-Zoning** from RR, Rural-Residential to R-4, Single-family Residential
- **APPROVED** or **DENY** the **Major Preliminary Conservation Subdivision Plan**

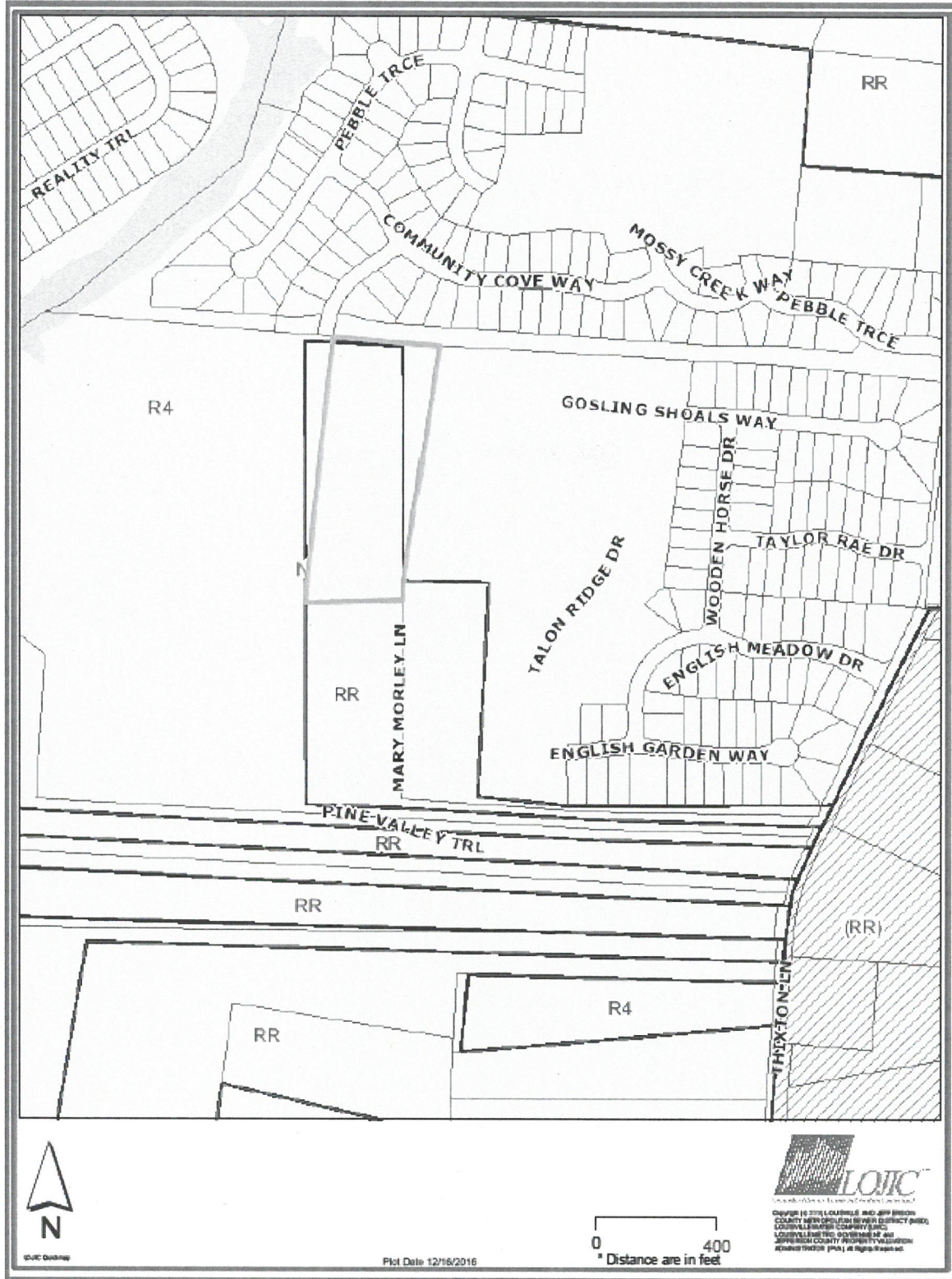
NOTIFICATION

Date	Purpose of Notice	Recipients
3/9/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
3/30/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
4/5/17	Hearing before PC	Sign Posting on property
4/12/17	Hearing before PC	Legal Advertisement in the Courier-Journal

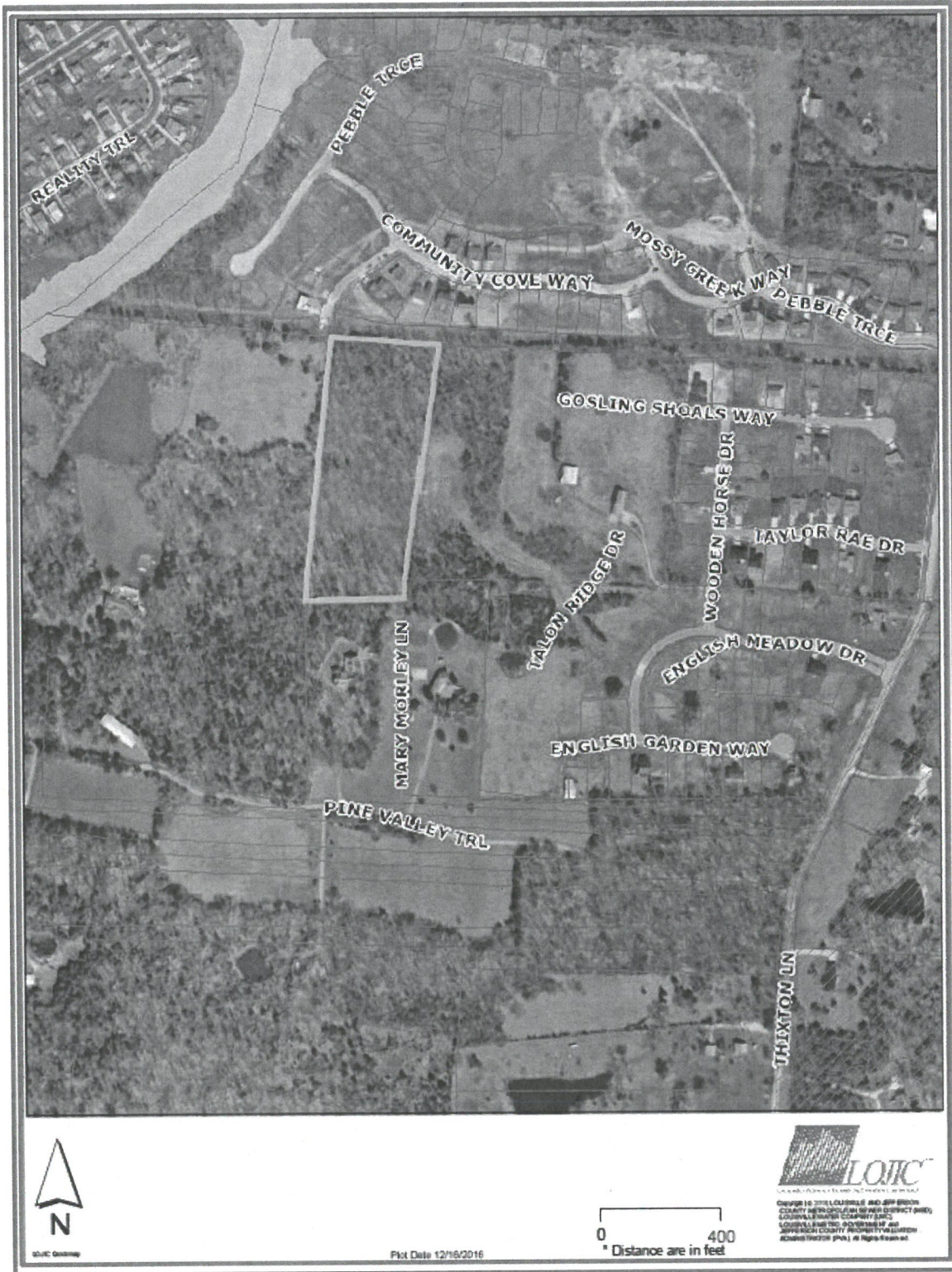
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Review Checklist
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Neighborhood: Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	✓	The proposed R-4 zoning contributes to a mix of lot sizes available in the area.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments.	✓	The proposal is not high density.
3	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.	✓	The proposal is for single family residential development which is prevalent in the area.
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	✓	Sidewalks are provided on all streets proposed in the subdivision. They connect to the sidewalk system proposed in the abutting subdivision to the East and allow for continuation of the system to the West.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	There are no non-residential uses proposed. The site is not located in an activity center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposal is for residential development only.
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	NA	The smaller lot sizes proposed indicates a compact development.
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	NA	The proposed use is single-family and the site is mostly surrounded by single family uses.
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	The proposal is not for a non-residential zoning district.
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	NA	The proposal is for residential development alone.
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The proposal is for residential development.
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	The proposal is for residential development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	The proposal is for residential development.
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	NA	No surface parking is proposed and there is only one entrance to the subdivision.
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	✓	Easements have been coordinated with utility agencies and preliminary approval has been received.
16	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	✓	Sidewalks are provided on all streets proposed in the subdivision. They connect to the sidewalk system proposed in the abutting subdivision to the East and allow for continuation of the system to the West.
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	The proposal is not for a center.
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The proposal is compatible with surrounding uses as it abuts a single-family subdivision and will share access to corridors through local roads
19	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	NA	This residential development is not considered infill and renderings are not required
20	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	The proposal does not introduce a new type of zoning to the area as the subject site was zoned R-4 prior to the neighborhood rezoning in 2007 which changed the site to RR. The site is also adjacent to an R-4 subdivision. The proposed R-4 zoning contributes to a mix of lot sizes available in the area.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The scale of the project does not appear to create any negative impacts on traffic within the vicinity. Transportation Planning has provided preliminary approval of the plan.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will meet LDC requirements. Lighting shall not exceed the subdivision needs for safety.
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	The proposed R-4 zoning contributes to a mix of lot sizes available in the area.
24	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is not high density and reverts back to its previous zoning of R-4 that existed prior to 2007.
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	-	The proposed plan does not designate lots or provide special accommodation for individuals who aged or with disabilities beyond what would be required by applicable laws. Accessibility to nearby corridors by means other than a car is a concern due to sidewalk connectivity outside of the subdivision.
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	The proposed R-4 zoning contributes to a mix of lot sizes available in the area.
27	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Landscaping/tree canopy will be provided as required by the LDC
28	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	Landscaping/tree canopy will be provided as required by the LDC
29	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Lots are compatible with nearby development as the site is surrounded by a mixture of lot sizes.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
30	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Conservation areas have been provided as required by the LDC. These areas connect to the existing system open spaces in the adjacent subdivision and provide canopy buffering from the single-family RR zoning districts to the South.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	Open space is consistent and connects to the open spaces proposed in the abutting subdivision to the East.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	Tree canopy is being preserved to meet the required of conservation subdivision and minimum tree canopy requirements of Ch. 10. Open space connects to the open spaces proposed in the abutting subdivision to the East.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	Tree canopy is being preserved to meet the required of conservation subdivision and minimum tree canopy requirements of Ch. 10. Open space connects to the open spaces proposed in the abutting subdivision to the East.
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	Tree canopy is being preserved to meet the required of conservation subdivision and minimum tree canopy requirements of Ch. 10. Open space connects to the open spaces proposed in the abutting subdivision to the East.
35	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The subject site is within the Cedar Creek Watershed. Preliminary approval has been received by MSD.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal will provide for the extension of roadways and sidewalks to serve future development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	Sidewalks are provided on all streets proposed in the subdivision. They connect to the sidewalk system proposed in the abutting subdivision to the East and allow for continuation of the system to the West.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal will provide for the extension of roadways and sidewalks to serve future development.
39	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	A stub street is being provided to the adjacent property to the west.
40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	No access is being provided through a lower intensity zoning district. Access is being provided from abutting R-4 district
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	A stub street is being provided to the adjacent vacant property to the west. The stub of Creek Brook Drive will be required to be extended south upon development of land abutting lot 6 of the development.
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	Sidewalks are provided on all streets proposed in the subdivision. They connect to the sidewalk system proposed in the abutting subdivision to the East and allow for continuation of the system to the West.
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	The subject site is within the Cedar Creek Watershed. Preliminary approval has been received by MSD.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
44	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	Opens spaces are being connected.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities have been coordinated with their respective agencies and their final location will be approved and recorded on the record subdivision plat.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	LWC and the Highview Fire district had no objections to the proposal.
47	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	Health has approved the proposal.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved Preliminary Conservation Subdivision Plan, 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 further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
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, alteration permit or demolition permit) is requested:
 - a) 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
 - b) A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance
 - c) The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District
 - d) A geotechnical report in accordance with Land Development Code, section 4.9.5 shall be submitted to Planning Commission staff for review and incorporation into the record of this case

5. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission:
 - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs) and other issues required by these binding elements / conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
6. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than **\$3,000** cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
7. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. Preserved Conservation Areas for which credit (partial or full) is received for purposes of calculating the allowed lot yield bonus shall be permanently prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Planning Commission's Legal Counsel and duly recorded in the office of Jefferson County Clerk. The record plat shall not be recorded until documentation has been received and reviewed by Planning Commission Staff.
9. A Conservation Area Management Plan shall be implemented in accordance with Land Development Code, section 7.11.8 B & C. The legal restrictions and ownership and Management Plan shall be subject to review and approval by the Planning Director or the Planning Commission Legal Counsel. The record plat shall not be recorded until documentation has been received and reviewed by Planning Commission Staff.
10. 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.