

**Planning Commission  
Staff Report  
April 6, 2017**



<b>Case No:</b>	16ZONE1053
<b>Project Name:</b>	The Woods of Farnsley Moorman
<b>Location:</b>	6635 Woods Mill Drive
<b>Owner(s):</b>	Corcoran Home Building & Remodeling
<b>Applicant:</b>	Corcoran Home Building & Remodeling
<b>Representative(s):</b>	Land Design & Development; Bardenwerper, Talbott & Roberts, PLLC
<b>Project Area/Size:</b>	13.2 acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Joel P. Dock, Planner I

**REQUEST**

- **Change in zoning** from R-5A, Multi-family Residential to PRD, Planned Residential Development
- **Major Preliminary Subdivision Plan**
- **Revised Detailed District Development Plan**
- **Waiver** of Land Development Code, section 5.3.1.D.1.b.vi to exceed four contiguous attached units

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The subject site is a 13.2 acre parcel with frontage on Moorman Road and Tierney Ave in Southwestern Louisville Metro; West of Dixie Highway, South of Greenbelt Highway/Gene Snyder/Interstate-265, and within close proximity to existing residential neighborhoods, the Riverport industrial complex, as well as a variety of services along the Dixie Highway commercial corridor. Riverside, the Farnsley Moorman landing is positioned less than ½ mile East at the intersection of Moorman Road and Lower River Road. Eighty-one single-family attached townhouse style lots and units will be created. Each unit will have an individual driveway and garage accessed through an internal network of private roads utilizing the existing paved roadway network from a previously proposed multi-family development. Two points of access to Tierney Ave exist. The Southern access, known as Woods Mill Drive, begins on a multi-family property not subject to this rezoning request. A crossover access agreement is in place to ensure continued access from this drive lane, however.

A waiver has been requested to allow the attached single-family townhouse style units to be grouped in units of six similarly to the exiting condominium units on site.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	R-5A	N
<b>Proposed</b>	Single-family Attached	PRD	N
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single-family Residential	R-4	N
<b>South</b>	Single-family/Multi-family	R-4/R-5A	N
<b>East</b>	Single-family Residential	R-5	N
<b>West</b>	Single-family Residential	R-4	N

## PREVIOUS CASES ON SITE

9-45-01: Change in zoning from R-4 to R-5 & R-5A for single-family subdivision and multi-family development (approved April 3, 2003; last revised March 2, 2007)

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW FOR REZONINGS

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 of 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 PROPOSED REZONING

The Following is a summary of 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.

The purpose of the Planned Residential Development (PRD) District is to provide flexibility in the design of residential developments in a manner that promotes implementation of Cornerstone 2020. It allows zero lot line, townhouse, cluster housing, reduced lot sizes and building setbacks, and other innovative designs which meet the intent of the Comprehensive Plan.

Change-in-zoning requests to a PRD district shall meet two of the following criteria:

1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or urban renewal plan; or
3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or
4. The proposal expands the diversity of housing types available within a neighborhood; or
5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.

The proposal will create a variety of housing styles serving the needs of people of differing ages or incomes, while also expanding the diversity of housing types available within the neighborhood. The immediately surrounding neighborhood is primarily single-family residential lots of varying sizes over 6,000 square feet. The proposal creates smaller lots that minimize maintenance commonly associated with homeownership and residential lots.

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.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

Section 5.3.1.D.1.b.vi to exceed four contiguous attached units

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the proposal is for single-family attached sidewall construction and appropriate transitions have been provided to abutting property.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 1 calls for compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 3 encourages residential character that is compatible with adjacent residential areas. Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to mitigate nuisances and provide an appropriate transition between the areas. The immediately surrounding neighborhood is primarily single-family residential lots of varying sizes over 6,000 square feet. The proposal adds diversity to the housing stock in the area through the creation of smaller lots that minimize maintenance commonly associated with

homeownership and residential lots. Renderings provided by the applicant appear to be consistent with design of nearby structures.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the proposal is consistent with the existing structures on the subject site and the previous proposal, while providing ownership of the lot.

- (d) Either:  
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the proposal is consistent with the existing structures on the subject site and the previous proposal, while providing ownership of the lot. The waiver would not allow an unreasonable circumvention of the design standards established by the form district and would not have any adverse impacts on the public health, safety, or welfare of the community.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP and AMENDMENT TO BINDING ELEMENTS**

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The design of the proposed subdivision respects the environmental features on site. ACOE approval and permit has been provided and incorporated into the record of this case for potential wetlands.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation has been provided. An internal network of walkways will allow for the movement of pedestrians within the site and to an abutting open space. Sidewalk will be provided where previously absent along Moorman Road. The nearest transit stop is route 18 located one-half mile from the subject site near Valley Station Shopping Center and operates during peak weekday hours

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is being provided as required per the PRD, Planned Residential Development standards. Over three acres of open space is being provided on the thirteen acre site.

- d. 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;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure in coordination with the ACOE 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.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Renderings provided by the applicant appear to be consistent with design of nearby structures and the previous proposal to create a multi-family development with attached units. Appropriate transitions are provided between abutting development.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan as Guideline 3, Policy 1 calls for compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 3 encourages residential character that is compatible with adjacent residential areas. Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to mitigate nuisances and provide an appropriate transition between the areas. The immediately surrounding neighborhood is primarily single-family residential lots of varying sizes over 6,000 square feet. The proposal adds diversity to the housing stock in the area through the creation of smaller lots that minimize maintenance commonly associated with homeownership and residential lots..

#### **TECHNICAL REVIEW**

The proposed application for change in zoning from R-5A to PRD, supporting documentation, revised detailed district development plan, and major preliminary subdivision plan are in order. Preliminary approvals have been received from Transportation Planning and the Metropolitan Sewer District.

#### **STAFF CONCLUSIONS**

The immediately surrounding neighborhood is primarily single-family residential lots of varying sizes over 6,000 square feet. The proposal adds diversity to the housing stock in the area through the creation of smaller lots that minimize maintenance commonly associated with homeownership and residential lots. The design of proposed structures as shown on the rendering is compatible with the surrounding area and existing units from the previous proposal. Lots will be served by a private roadways maintained by a cross-access agreement. While access to the nearby Dixie Highway commercial corridor is sparse via public sidewalks, sidewalks will be provided where previously absent along Moorman Road. The nearest transit stop is route 18 located one-half mile from the subject site near Valley Station Shopping Center and operates during peak weekday hours. An internal network of walkways will allow for the movement of pedestrians within the site and to an abutting open space.

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

- **APPROVED** or **DENY** the **Change-in-Zoning** from R-5A, Multi-Family Residential to PRD, Planned Residential Development
- **APPROVED** or **DENY** the **Waiver** of Land Development Code, section 5.3.1.D.1.b.vi to exceed four contiguous attached units
- **APPROVED** or **DENY** the **Major Preliminary Subdivision Plan & Revised Detailed District Development Plan**

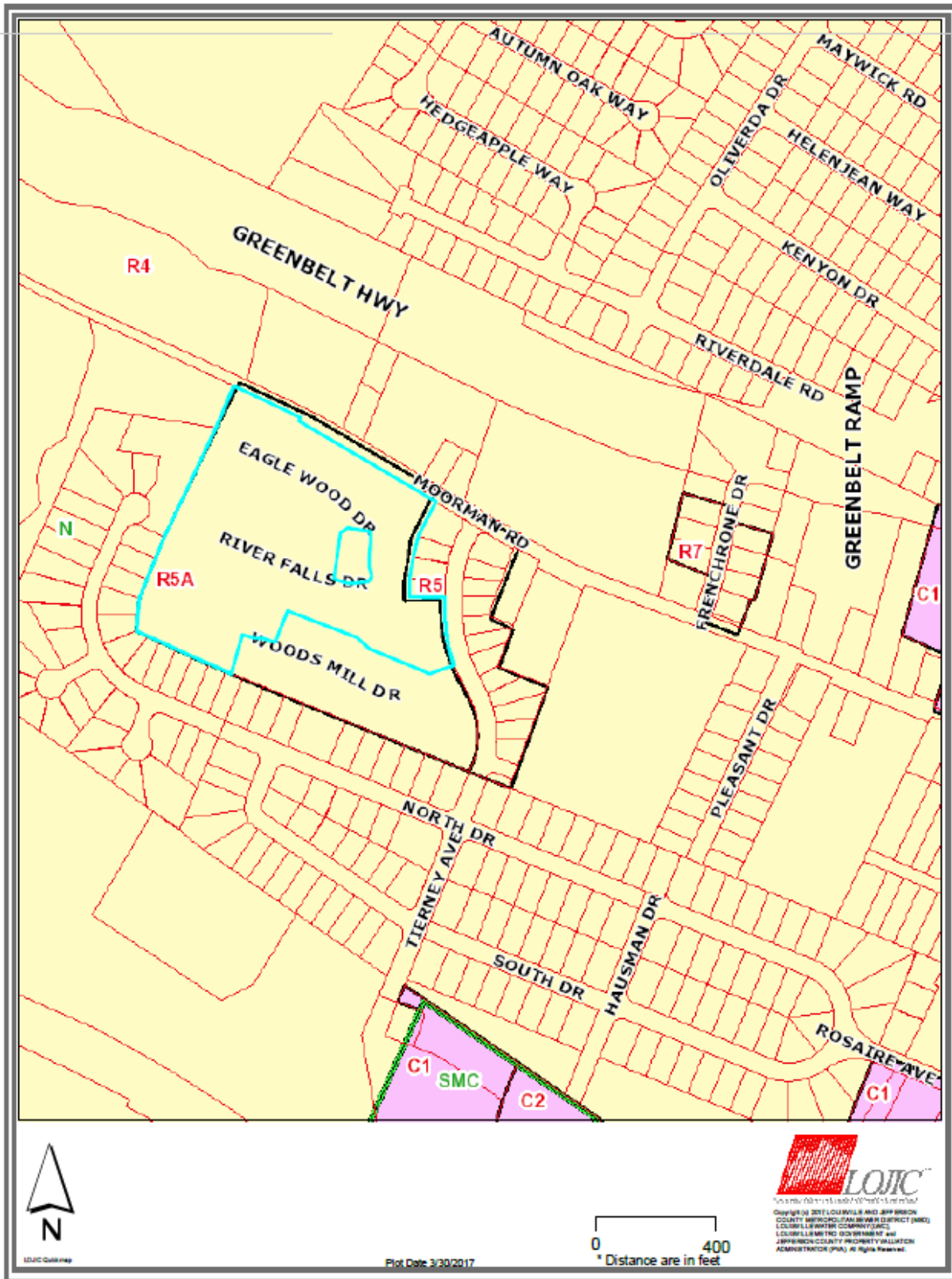
## NOTIFICATION

Date	Purpose of Notice	Recipients
2/24/17	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 17 Notification of Development Proposals
3/23/17	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 14 Notification of Development Proposals
3/27/17	Hearing before PC	Sign Posting on property
3/25/17	Hearing before PC	Legal Advertisement in the Courier-Journal

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Review Checklist
4. Existing Binding Elements (docket 9-45-01)
5. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph





### 3. Cornerstone 2020 Staff Review 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 subject site will create townhouse style single-family units at a higher density than the surrounding predominately R-4 single-family residential subdivisions.
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.	NA	Density proposed is 6.2 du/ac
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.	✓	Lots are for single-family residential use of a townhouse style. Renderings of the buildings provided by the applicant appear to be compatible with the surrounding area and existing units from the previous proposal.
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 will be provided where previously absent along Moorman Road. An internal network of walkways allows for the movement of pedestrians.
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	Proposed rezoning is for low-density (max. 7.26 du/ac) townhouse subdivision

#	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	Proposed rezoning is for low-density (max. 7.26 du/ac) single-family subdivision
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.	✓	Proposed rezoning is for low-density (max. 7.26 du/ac) townhouse subdivision. Subject site is within proximity to services, transportation, and recreational amenities. Existing infrastructures from previous proposal appears to be utilized in full.
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.	✓	Proposed rezoning is for low-density (max. 7.26 du/ac) townhouse subdivision abutting existing subdivisions. Pedestrian connection has been made to a vacant open space lot to the West and Tierney Avenue which has a sidewalk network. TARC facility is within ½ mile to the subject site.
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	Proposed rezoning is for low-density (max. 7.26 du/ac) townhouse subdivision.
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.	✓	The subject site is within proximity to a commercial corridor which provides 1 <sup>st</sup> and 2 <sup>nd</sup> order goods, as well as access to public transportation.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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	Proposed rezoning is for low-density (max. 7.26 du/ac) subdivision
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	Proposed rezoning is for low-density (max. 7.26 du/ac) attached unit subdivision
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	Proposed rezoning is for low-density (max. 7.26 du/ac) subdivision
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	Subdivision will utilize existing vehicular access to public roads and connect to existing sidewalk network and pedestrian connection to adjacent 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.	✓	Utility easements will be provided as required by utility agencies and have been labeled on the proposed plan
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.	✓	Lots will be served by a local road and sidewalks will be provided. Individual driveways will provide safe parking off-street.
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 subject site is not a center but is within proximity to a center/corridor. Access to Dixie Highway is not friendly to pedestrians as sidewalks are sparse to the East of the development and do not fully connect to the subject site. Dixie Highway currently has poor pedestrian facilities, especially South of the Gene Snyder.
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 proposed subdivision is for single-family attached-unit residential use only and will promote vehicular and pedestrian connection to adjacent residential areas of the form district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.)	✓	Lots are for single-family residential use of a townhouse style. Renderings of the buildings provided by the applicant appear to be compatible with the surrounding area and existing units from the previous proposal.
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 proposed PRD district will create townhome style single-family lots which are compatible with the surrounding single family residential uses. Open space will separate sections of units and provide green space between the subject site and adjacent single-family detached subdivisions.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Existing roadway infrastructure will be utilized. No through-traffic will be created as no connection to Moorman Road is proposed or required based on the number of units (Below an aggregate of 200).
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 shall not exceed what is necessary for single-family residential uses and 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 proposal introduces a attached sidewall townhome style single-family units with smaller lot size pattern to surrounding low density residential subdivisions
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 subject site utilizes existing infrastructure in place from a previously proposed multi-family development. Density proposed with rezoning is being reduced from previous R-5A zoning district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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).	✓	While specific housing for the elderly has not been designated, the proposal creates smaller lots that minimize maintenance commonly associated with homeownership and residential lots.
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 immediately surrounding neighborhood is primarily single-family residential lots of varying sizes over 6,000 square feet. The proposal adds diversity to the housing stock in the area through the creation of smaller lots that minimize maintenance commonly associated with homeownership and residential lots
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.	✓	No buffers are required to abutting uses. Minimum tree canopy compliance is indicated on the site plan.
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.	✓	The use is compatible with adjacent uses as the subject site is proposed for single-family attached unit subdivision.
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.	✓	Setbacks will be as required by the LDC for PRD attached common sidewall unit single-family residential development in the neighborhood form district
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.	✓	Maintenance of open space will be outlined in bylaws, deed of restrictions, etc. during the Record Plat phase of the project.
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 appears to meet the intent of the PRD district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	ACOE approval and permit has been provided and incorporated into the record of this case for potential wetlands.
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.	✓	ACOE approval and permit has been provided and incorporated into the record of this case for potential wetlands.
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.	✓	The subject site does not appear to have any historic or architectural features of significance.
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.	✓	MSD will ensure proper drainage in coordination with the developer and ACOE.
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.	✓	Sidewalks will be provided where previously absent along Moorman Road. An internal network of walkways allows for the movement of pedestrians.

#	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.	✓	Proposal utilizes existing infrastructure from previous development. Access to Moorman Road has been restricted by previous rezoning and recorded restrictions. No requests have been made to connect to Moorman road. Two points of access exist to Tierney Avenue.
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.	✓	Streets and sidewalks are in compliance with the LDC. The nearest transit stop is route 18 located ½ mile from subject site near valley Station Shopping Center and operates during peak weekday hours.
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.	✓	Pedestrian connection has been made to an adjacent subdivision ending in a cul-de-sac. No other stub streets are needed from this development
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.	✓	Subject site is accessed through public roads and the density of development is being reduced from the previously existing R-5A 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.	✓	Public roads within the development are not being proposed and no additional connection to public roads is being proposed with this rezoning request.
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.	✓	While access to nearby Dixie Highway commercial corridor is sparse via public sidewalks, sidewalks will be provided where previously absent along Moorman Road. An internal network of walkways allows for the movement of pedestrians within the site and to an abutting open space.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	MSD will ensure proper drainage in coordination with the developer and ACOE.
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.	✓	The proposal provides open space which may provide habitat for small grass or tree species.
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utility easements will be provided as required by utility agencies and have been labeled on the proposed plan
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 has requested fire hydrant flow tests to ensure adequate pressure and flow rates. The applicant will ensure proper flow prior to development.
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.	✓	Louisville Metro Department of Public Health and Wellness has not expressed objections to the proposal..



#### **4. Binding Elements (docket 9-45-01)**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The density of the R-5A development shall not exceed 6.98 dwelling units per acre (116 units on 18.35 acres).
3. There shall be no direct vehicular access to Moorman Drive other than the Tierney Avenue extension.
4. A signature entrance may be provided at the main entrance(s) in accordance with Section 9.1.A of the Louisville and Jefferson County Development Code. Any freestanding signs in accordance with the parkway designation standards and Article 11 of the Louisville and Jefferson County Development Code may be approved by Planning Commission staff.
5. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
8. 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.
9. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The Tree Preservation Plan shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
10. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12, prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
11. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
12. 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.

13. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
14. 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.
15. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
16. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.
17. The site shall be developed in accordance with the woodland protection areas delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
18. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel.

(Note: on preliminary subdivision plans, only note #1 below is required; notes #2-4 should be placed on actual woodland protection plan, not preliminary plan)

All plans setting out woodland protection areas must contain the following notes:

1. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat.
  2. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
  3. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.
  4. No parking, material storage or construction activities are permitted within the WPAs.
19. The dumpster shall not be emptied between the hours of midnight and 6 a.m.
  20. 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.
  21. 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.
  22. Multi-family development of the property shall be limited to development under a horizontal property regime.
  23. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 18<sup>th</sup>, 2001 Planning Commission meeting.
  24. A minimum of 150 street trees plus an additional 100 trees shall be provided throughout the development along both public streets and internal drives. The plantings shall be of native species.
  25. The buildings will be entirely brick except for accents, trim, and gables as shown on the renderings presented at the October 18<sup>th</sup> Planning Commission meeting.
  26. Should improvements shall be provided along the frontage on Moorman Road to meet the Director of Public Works approval.
  26. All single family homes shall be stick built.
  27. Moorman Road pavement width shall be widened to 12 feet from center adjacent to the subject property, and a 6-8 foot earthen shoulder shall be constructed along the frontage of the subject property, as required by the Director of Metro Public Works. These improvements shall be completed prior to requesting a certificate of occupancy for any structure on the subject property.

**5. Proposed Binding Elements (PRD/subject site only)**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. The density of the R-5A development shall not exceed 6.98 dwelling units per acre (116 units on 18.35 acres).~~
- 2. There shall be no direct vehicular access to Moorman Drive other than the Tierney Avenue extension.**
- ~~4. A signature entrance may be provided at the main entrance(s) in accordance with Section 9.1.A of the Louisville and Jefferson County Development Code. Any freestanding signs in accordance with the parkway designation standards and Article 11 of the Louisville and Jefferson County Development Code may be approved by Planning Commission staff.~~
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
6. 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.
- ~~9. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The Tree Preservation Plan shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.~~
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - ~~a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~
  - ~~b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
  - ~~c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12, prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~
  - ~~d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.~~
  - a. 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.**
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a permit for building or any clearing/grading activities. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter**

- c. **A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits, except that grading/clearing and foundation only permits may be issued to ensure the accuracy of property lines as they relate to common side walls for residential units.**

- ~~11. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
8. 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.
9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
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.
11. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
12. The site shall be developed in accordance with the tree preservation areas delineated on the ~~site plan and related notes~~ **tree preservation/landscaping plan**. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

~~All plans setting out tree preservation areas must contain the following notes:~~

- ~~1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.~~
- ~~2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.~~
- ~~3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.~~
- ~~4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.~~
- ~~5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter~~

~~measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.~~

13. The following note shall be provided within the deed restrictions for the subject site prior to recording of the record plat:
- a. **Tree Canopy Protection Areas (TCPAs) are individual trees and/or groupings of trees (trees may be existing or proposed) designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code (LDC), and are to be permanently protected. There shall be no disturbance or removal of any trees in the TCPAs identified on the tree preservation/landscape plan on file in the offices of the Planning Commission. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of preliminary plan approval. No further clearing, grading, construction or other land disturbing activity shall take place beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved preliminary subdivision plan.**

- ~~17. The site shall be developed in accordance with the woodland protection areas delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.~~
- ~~18. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel.~~

**(Note: on preliminary subdivision plans, only note #1 below is required; notes #2-4 should be placed on actual woodland protection plan, not preliminary plan)**

~~All plans setting out woodland protection areas must contain the following notes:~~

- ~~1. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve **all existing vegetation**. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat.~~
  - ~~2. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.~~
  - ~~3. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.~~
  - ~~4. No parking, material storage or construction activities are permitted within the WPAs.~~
- ~~19. The dumpster shall not be emptied between the hours of midnight and 6 a.m.~~
14. 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, TCPAs 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.

15. 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.
- ~~22. Multi-family development of the property shall be limited to development under a horizontal property regime.~~
- ~~23. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 18<sup>th</sup>, 2001 Planning Commission meeting.~~
- ~~24. A minimum of 150 street trees plus an additional 100 trees shall be provided throughout the development along both public streets and internal drives. The plantings shall be of native species.~~
- ~~25. The buildings will be entirely brick except for accents, trim, and gables as shown on the renderings presented at the October 18<sup>th</sup> Planning Commission meeting.~~
- ~~26. Should improvements shall be provided along the frontage on Moorman Road to meet the Director of Public Works approval.~~
- ~~27. All single family homes shall be stick built.~~
28. Moorman Road pavement width shall be widened to 12 feet from center adjacent to the subject property, and a 6-8 foot earthen shoulder shall be constructed along the frontage of the subject property, as required by the Director of Metro Public Works. These improvements shall be completed prior to requesting a certificate of occupancy for any structure on the subject property.