

Land Development & Transportation Committee
Staff Report
 March 9, 2017



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

REQUEST

- **Change in zoning** from R-5A, Single-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-two single-family attached townhouse style lots will be created. Each unit will have individual driveways and garages accessed through an internal network of private access easements utilizing the existing paved roadway network from a previously proposed multi-family development. Two points of access to Tierney Ave exists. 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.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-5A	N
Proposed	Single-family Attached	PRD	N
Surrounding Properties			
North	Single-family Residential	R-4	N
South	Single-family/Multi-family	R-4/R-5A	N
East	Single-family Residential	R-5	N
West	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, specifically the *Plan Elements* contained in *Guidelines 3 & 4*. These elements overlap with the implementation of the provisions outlined by the Neighborhood Form District.

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.

TECHNICAL REVIEW

All agency comments have been addressed.

Transportation staff is looking into compliance with binding element #27 of docket 9-45-01, copied below:

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.

If this binding element has been satisfied it may be removed from the binding elements of the rezoning request. If it has not, the Department of Public Works, applicant, and Planning Commission shall determine whether it should still be required.

STAFF CONCLUSIONS

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. This case is ready to be docketed for a public hearing before the Planning Commission.

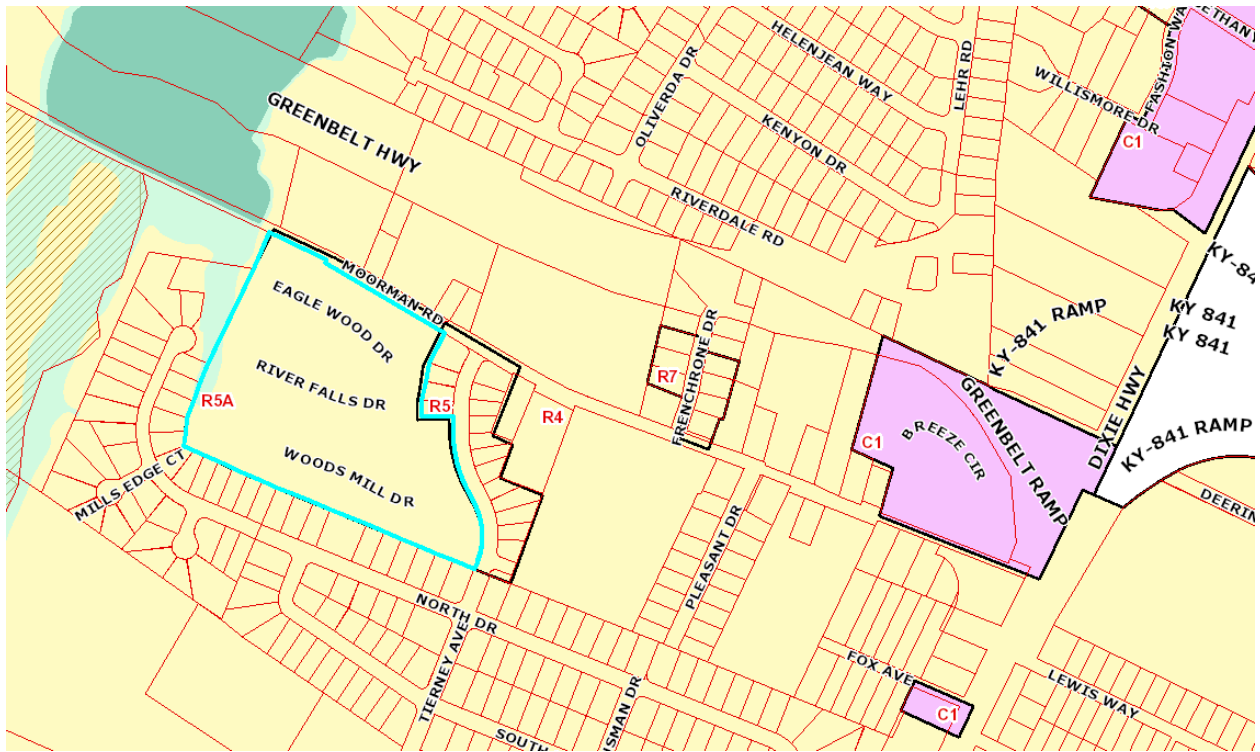
NOTIFICATION

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

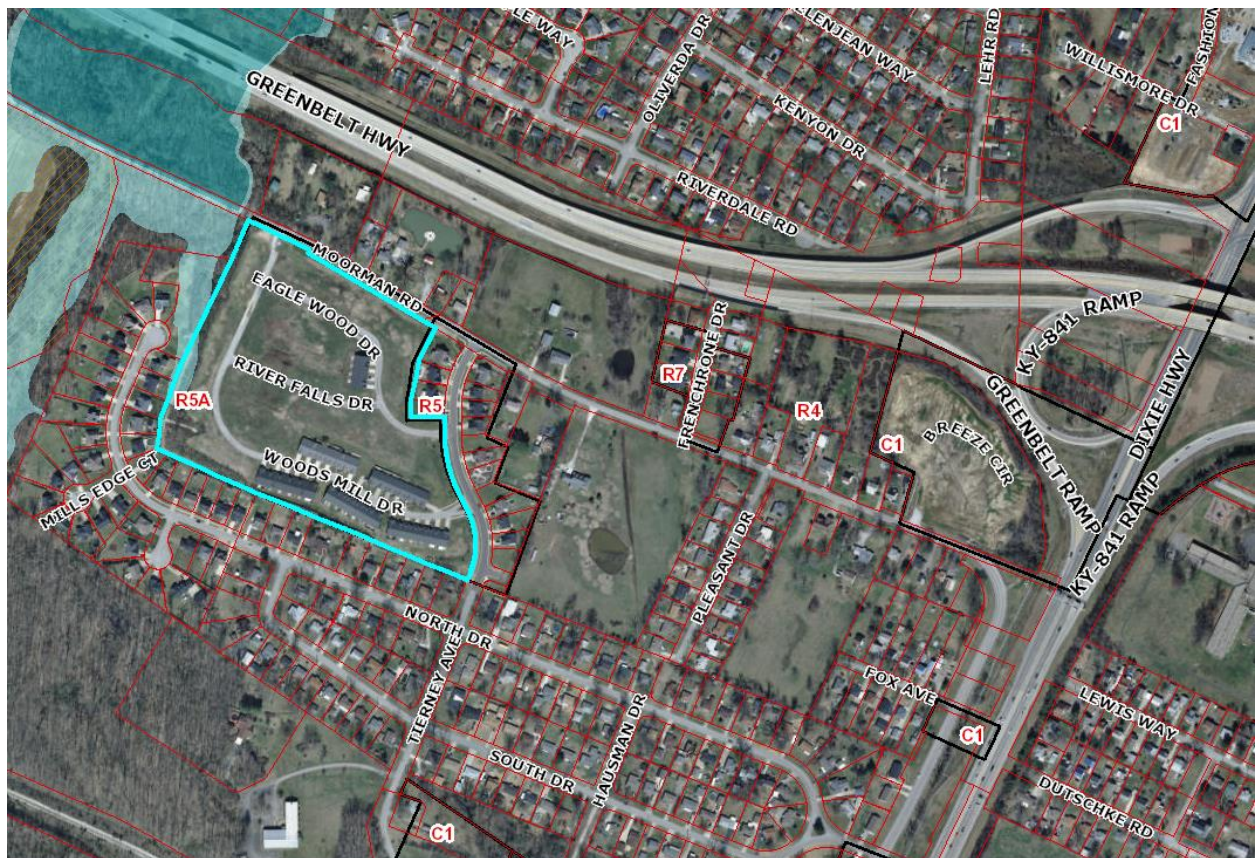
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements (docket 9-45-01)
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. 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 18th, 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 18th 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.

3. 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.
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 - ~~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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter**
 - c.. **A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.**
- ~~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.~~
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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.~~
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