CONDITIONS OF APPROVAL 9456

1. The development chall be The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.

The applicant shall submit a plan for approval by Planning Commission staff 2. showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features

(LOJIC topographic information is acceptable).

Preliminary drainage considerations (retention/detention, ditches/large b. swales, etc.).

Location of all existing trees/tree masses existing on the site as shown by C. aerial photo or LOJIC maps.

- Location of construction fencing for each tree/tree mass designated to be d. preserved.
- An original stamped copy of the approved Tree Preservation Plan shall be 3. present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
- A note shall be placed on the preliminary plan, construction plan and the record 4. plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
- Prior to the recording of the record plat, copies of the recorded documents listed 5. below shall be filed with the Planning Commission.
  - Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners

A deed of restriction in a form approved by counsel of the Commission b. outlining responsibilities for the maintenance of open space.

- Bylaws of the Homeowners' Association in a form approved by Counsel C. for the Planning Commission.
- At the time the developer turns control of the homeowners association over to the 6. homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

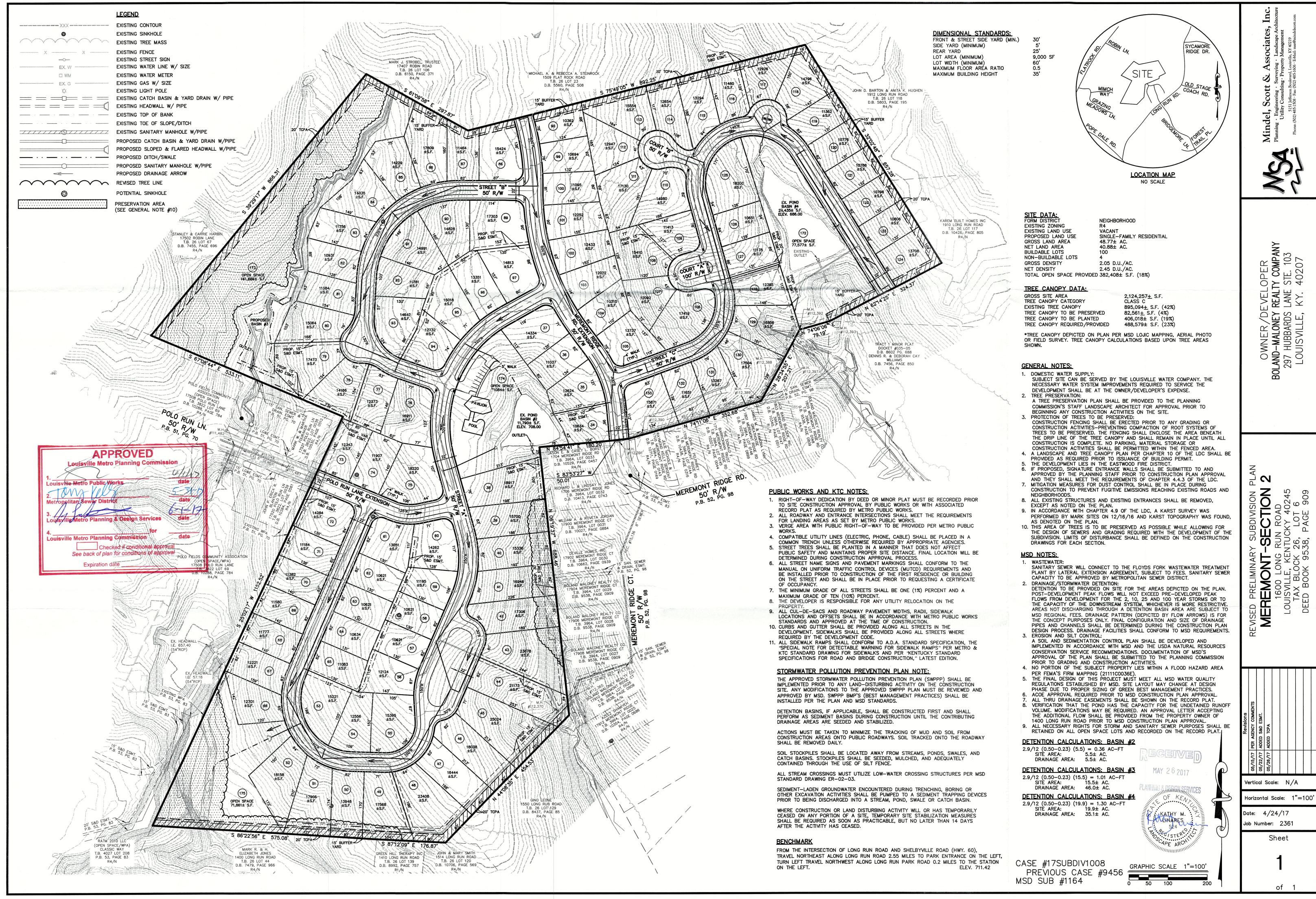
- 7. The site shall be developed in accordance with the Tree Canopy Protection Areas (TCPAs) delineated on the site plan and related notes. Any modification of the woodland protection areas requires notification of adjoining property owners and LD&T action.
- 8. The applicant shall provide deeds of restriction ensuring that TCPAs 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.
- 9. Tree Canopy Protection Areas (TCPAs) 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 TCPAs 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, or for the installation of sewer or drainage facilities.
- 10. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. 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 development or preliminary subdivision plan.
- 11. When limits of disturbance are shown on the plan. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
- 12. The signature entrance shall be submitted to the Planning Commission staff for review prior to recording the record plat. The signature entrance shall not exceed a height of eight feet. The maximum length of the signature entrance shall be ninety feet (this includes the entrance road width). The signage area shall not exceed fifteen square feet.
- 13. If sinkholes are found on the property or if ponds are to be filled on the site, a geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval and the recommendations of the report shall be carried out during construction on the site.
- 14. A minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
- 15. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

- 16. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall also provide additional tree plantings along the perimeter to fill in gaps in the Tree Canopy Preservation Areas. The trees shall be planted in a natural arrangement at a ratio of one tree per ten feet. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
- 17. Prior to requesting certificates of occupancy, the developer shall post street signs and address numbers.
- 18. The applicant shall obtain approval of a detailed landscape plan for the 30-foot Landscape Buffer Area along Long Run Road. The landscape buffer area shall include a berm, hedge, fence or wall adequate to form an effective visual screen at least six feet in height. The landscape buffer area shall be maintained by the property owners association. The landscape plan shall be submitted for review and approval by DPDS staff prior to record plat approval.
- 19. (a.) **20-foot TCPA Perimeter Buffer Area.** A TCPA perimeter buffer area shall be established at the perimeter property line of the subdivision for a width of 20-feet; however, no perimeter buffer is required where the subdivision abuts the following properties: 1.) Reserve at the Meadows, LLC; 2.) Polo Fields, Inc.; 3.) Dennis Williams and Debora Cay; and 4.) Along the Long Run Road frontage.
  - (b.) 15-foot MSD easement on lots bordering properties owned by Godshall, White, Cochran and Jones. Except as may be necessary for utility construction Developer agrees not to remove any trees within the 15-foot MSD easement on subdivision lots abutting individual properties owned by Godshall, White, Cochran and/or Jones (or their successors) each has:
  - A. Signed a certificate stating that he, she or they do not object to the direct flow of storm water runoff from the subdivision onto their individual property(ies), and
  - B. Executed and recorded a deed restriction (or other appropriate recordable instrument) in a format acceptable to MSD in the chain of title so that notice is provided to prospective purchasers that MSD will not require ditching or other improvements within the subdivision adjacent to any of the consenting foregoing property owners' properties.

It is understood, however, that this Binding Element is subject to the right of MSD to remove any trees or vegetation within the 15-foot MSD easement if MSD determines in its sole discretion that it is necessary to construct facilities within the easement.

Developer shall have no duty to protect trees within the 15-foot MSD easement adjacent to individual properties owned by Godshall, White, Cochran and Jones to the extent any of the foregoing property owners have not performed A. and B. above within 60 days of preliminary subdivision plan approval.

- (c.) Developer shall provide a provision in the Master Declaration notifying lot purchasers that any tree of 6-inch caliper or greater in the 20-foot TCPA perimeter buffer area (including the 15-foot MSD easement, if applicable) shall not be removed unless dead or diseased or dying; such requirement shall be enforced by the homeowners' association.
- 20. **15-foot MSD Easement on Perimeter Lots.** Within the MSD easement located on perimeter lots located generally abutting the 20-foot perimeter buffer area no trees of 6-inch caliper or greater shall be removed by the lot owner or others. However, MSD shall retain the right to remove trees and vegetation where it determines its necessary in its sole discretion to in order to construct facilities.
- 21. Planting Exhibit. (a.) A planting plan for the 20-foot TCPA Perimeter Buffer Area on lots abutting the Godshall, White, Cochran and Jones properties shall be submitted to DPS staff for review and approval prior within 60 days of preliminary subdivision plan approval. Developer shall furnish this plan to the Eastwood Association 7 days prior to submission to DPS staff for review and comment; however, if the Planting Exhibit conforms with the requirements of Chapter 10 the Planting Exhibit shall be approved. The Planting Exhibit shall specify the locations where a 50-50 mix of deciduous and evergreen trees shall be planted. Deciduous trees must be 2 3 inch caliper at time of planting and evergreen trees shall be 6-feet tall at time of planting. Planted trees shall be on linear 10-foot centers.
  - (b.) Planting in accordance with the Planting Exhibit shall occur within 60 days (weather permitting) of approval of the record plat for each section in which planting is required.
- 22. **Long Run Road Frontage.** (a.) Along the Long Run Road frontage of the subdivision a 30-foot perimeter "no disturb" zone shall be established, in which all vegetation will remain undisturbed; however, vegetation may be removed for construction of the subdivision entrance road and for utility construction; any vegetation that is dead, dying or diseased may be removed.
  - (b.) Lots 20, 19, 1, 170, 156, 155 and 154. A TCPA shall be established within the 30-foot area extending from the property line nearest Long Run Road to the building limit line on Lots 20, 19, 1, 170, 156, 155 and 154 as shown on the preliminary subdivision plan. Within this TCPA no trees 6-inch caliper or greater shall be removed.



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