

**PLANNING COMMISSION MINUTES  
FEBRUARY 1, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1052**

Project Name: The Farms at Lovers Lane  
Location: 6015 Lovers Lane  
Owner(s): Superior Builders, Inc.  
Applicant: Superior Builders, Inc.  
Representative(s): BlueStone Engineers, PLLC – Chris Crumpton  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel  
Case Manager: Joel P. Dock, Planner II

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

**02:18:27** Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Chris Crumpton, 3703 Taylorsville Road, Suite 205, Louisville, KY 40220  
Brian Wacker, Superior Builders, Inc., 9300 Bates Rd, Louisville, KY 40228

**Summary of testimony of those in favor:**

**02:22:33** Chris Crumpton summarized the applicant's proposal and showed a presentation. Mr. Crumpton responded to questions from the Commissioners.

**The following spoke in opposition to this request:**

Robert Poulton, 6005 Lovers Lane, Louisville, KY 40291

**Summary of testimony of those in opposition:**

**02:33:00** Robert Poulton lives near the subject site. He understands that the area is growing, but acknowledged the need for better growth management. He would like to keep the current zoning intact.

**Rebuttal:**

**02:35:43** Brian Wacker spoke in rebuttal.

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**02:37:41** Mr. Wacker and Mr. Crumpton responded to questions from the Commissioners.

**Deliberation:**

**02:41:29** The Commissioners concur that the proposal is justified.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Zoning Change from R-4 to R-5**

**02:46:19** On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's zoning justification, and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the subject site is surrounded by lower density subdivisions and would create an inter-connected slightly higher density development. The gross density proposed is 4.5 du/ac and the net density is 5.61 du/ac which is considered to be low density residential and similar to the maximum density of the existing zoning district which is 4.84 du/ac. The requested district would allow for lot sizes to be a minimum of 6,000 sq. ft. Proposed lots are for single-family residential use only and will comply with LDC 5.4.2. 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 and connections to abutting subdivision both proposed and exiting are being provided, as well as a stub connection to facilitate future growth, and

**WHEREAS**, the Commission further finds that the proposal meets the Centers guideline because proposed rezoning is for low-density (7.26 du/ac) single-family subdivision. The proposed density is higher than that of surrounding developments and utilizes the land area in a manner that compatible with adjacent R-4 districts, while also continuing the hierarchy of the street grid and infrastructure. The design of the subdivision does not hinder the mobility of users of multiple modes of transportation and promotes the future growth of transportation infrastructure through provision of sidewalks and connectivity. The subject site is within 1-mile of a commercial corridor which provides 1st and 2nd order goods, as well as access to public transportation. The sharing of entrance and parking facilities to reduce curb cuts and surface parking is provided as the Subdivision will connect to an existing subdivision and share access points to Lovers lane and Billtown Road. Utility easements to provide access for maintenance and to provide services in common for adjacent developments has been provided. Single-family lots will be served by a local road and sidewalks will be provided. Although pedestrian access to centers is not friendly the subject is within 1-mile of a commercial corridor which provides 1st and 2nd order goods, as well as access to public transportation. The Development plan provides sidewalks along the subdivisions frontage, and

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**WHEREAS**, the Commission further finds that the proposal meets the Compatibility guideline because 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 residential use only and will promote vehicular and pedestrian connection to adjacent residential areas of the form district. Residential development will occur in accordance with the residential site design standards of LDC 5.4.2. While the density will be increased slightly by the proposed zoning change all lots will be restricted to single family use only. The subject site is at the edge of an existing R-4 subdivision and proposed R-4 preliminary subdivision with frontage and nearest access from Lovers Lane, a collector level roadway. The proposal will not create significant amounts of traffic as it is for single-family use and has appropriate connections to roadway and adjacent lands. Lighting will not exceed what is necessary for single-family residential use and safety. 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 smaller lot size pattern to surrounding low density residential subdivisions. The subject site is located along a collector level roadway. The subject site is located within proximity to a commercial corridor providing first and second order goods to meet the needs of persons with disabilities or the elderly. The smaller lot size also decreases the burden of maintenance on homeowners. Smaller lot sizes are being proposed which aids in creating a variety of housing options to decreases the burdens of the cost of maintenance of land. Surrounding uses are single family residential and compatible with the proposed development. A larger lot to the North is being buffered with a 15' LBA as required by the LDC. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. Residential site design standards of LDC 5.4.2 are applicable, and

**WHEREAS**, the Commission further finds that the proposal meets the Open Space guideline because tree canopy in excess of the existing coverage is being provided. Open space is not required in this form district for standard subdivisions, and

**WHEREAS**, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the site contains hydric soils, potential wetlands, and possible erodible soils. MSD has approved the preliminary plans and will ensure the appropriate development of the lands to reduce the impact of development that may result in environmental degradation. The subject site does not appear to have any historic or architectural features of significance, and

**WHEREAS**, the Commission further finds that the proposal meets the Circulation guideline because 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. Note 45 on the proposed development indicate the specific details of these roadway improvements. 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 from an adjacent subdivision to the collector roadway and adequate street stubs have been provided from a proposed subdivision

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to the South and to large residential tracts to the North. Streets and sidewalks are in compliance with the LDC. The nearest transit stop is at Seatonville Road and Bardstown Road, and

**WHEREAS**, the Commission further finds that the proposal meets the Transportation Facility Design guideline because adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. Stubs are provided to the North and to the South. The proposed development is accessed to through areas of significantly lower intensity or density. The density is only slightly higher and has frontage on a collector level roadway. The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. Sycamore Bend Trace is a local road. Lovers Lane is a collector level roadway. Lovers Lane continues to Seatonville Road and connects to Bardstown Road which is a commercial corridor, and

**WHEREAS**, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity. Sidewalks and streets are provided to encourage the safe movement of pedestrians and vehicles from adjacent developments, proposed developments, and to accommodate future growth, and

**WHEREAS**, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area, and

**WHEREAS**, the Commission further finds that the proposal meets the Landscape Character guideline because the proposal does not abut any natural corridors that would need to be continued, and

**WHEREAS**, the Commission further finds that the proposal meets the Infrastructure guideline because the precise location of utilities and service will be determined at the record plat stage in consultation with all utility providers. The Fern Creek fire department has expressed no concerns with the proposed development. LWC has no objections to the proposal, and

**WHEREAS**, the Commission further finds that the intent of this guideline is to "ensure that new development will be designed to be compatible with the scale, rhythm, form and function of the existing development as well as with the pattern of uses" and "to use patterns of development ...identified as 'community forms' as guides for land use decisions..." In addition, this guideline, evaluates the appropriateness of a land development proposal in the "context of the description, character and function of the form district designated for the area, the intensity and density of the proposed land use or mixture of land uses; the effect of the proposed development on the movement of people and goods; and the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with the

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surrounding buildings. The applicant of this proposal has addressed, as much as possible, the many aspects, goals and objectives, guidelines and policies, of Cornerstone 2020, taking into account that this property, is currently zoned R-4 and is adjacent to Lover's Lane Section 3. The applicant has prepared a detailed district development and subdivision plan for the creation of 44 single family homes. Each lot is a minimum of 55 feet in width. The property is uniquely available to be an extension of Sycamore Bend Trace and a connection to Lover's Lane for Lover's Lane Subdivisions and Jefferson Trace Subdivisions. Jefferson Trace Subdivision contains 150 lots or more and has only one access point at the present time. This is approaching the maximum with only one access and would be a welcomed connection by emergency services. This proposal is compatible with the surrounding uses in relation to use, mass, scale... The applicant will be providing a signature entrance and landscaping. The development will have sidewalks on both sides of the street creating connectivity throughout the area. The proposal will not be out of character in the neighborhood since it is of similar intensity, mass and scale with the other residential housing types in this area. The proposed R-5 zoning is compatible with the surrounding single family zoning classifications. The neighborhood form area "is characterized by predominantly residential uses that vary from low to medium densities that blend compatibility into the existing landscape and neighborhood. 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. Examples of design elements that encourage interaction include narrow streets, street trees, sidewalks, shaded seating/ gathering and bus stops..." The proposal appears in compliance with the Neighborhood form area for the following reasons, among others identified elsewhere in this proposal and herein below. The site is located within the Neighborhood Form District where there is already a variety of housing opportunities and within close proximity to the commercial and non-residential uses. This portion of Fern Creek is mostly residential with a commercial center located at Bardstown Road. The proposed development will provide a small open space for its residents as well sidewalks and a stub street for future connectivity. The development as mentioned above provides for adequate internal and external circulation and connectivity for the proposed and existing residences of Lover's Lane and Jefferson Trace Subdivisions, and

**WHEREAS**, the Commission further finds that the intent of this guideline is to "encourage mixed land uses organized around compact activity centers that are existing, proposed or planned. To promote an efficient use of land and investment in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation related air pollution..." The applicant of this proposal has addressed, as much as possible, the many aspects, goals and objectives, guidelines and policies, of Cornerstone 2020, taking into account that this property, is located within close proximity to the commercial corridor of Bardstown Road, north of I-265 and north of Seatonville Road. The layout is efficient and clear and provides a connective layout for this piece of property, and

**WHEREAS**, the Commission further finds that the intent of this guideline is to " allow a mixture of land uses and densities near each other as long as they are designed to be compatible with each other, to prohibit the location of sensitive land uses in areas where accepted standards for

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noise, lighting, odors, or similar nuisances are violated or visual quality is significantly diminished ... and to preserve the character of the existing neighborhoods." The applicant of this proposal has addressed, as much as possible, the policies of this Guideline for one the proposed use is the same as other uses in the area and is being designed in a similar intensity, mass and scale. In regards to policy 2 and 3, the proposed units will be of a mostly brick construction which is comparable to the existing residential uses in the area. The property will be landscaped according to L.D.C. requirements. Any proposed lighting will be standard low wattage street lighting and residential house lighting. In regards to policy 10, this development will provide an alternative to single family detached housing that is prominent in this area. The development will provide home ownership to people wanting variety while remaining in the area. In regards to policy 28, any proposed signage will be compatible with the existing residential community and in compliance with the Land Development Code. The developer is proposing a signature entrance with landscaping at the main entrance of Lover's Lane. The Air Pollution Control District has performed a preliminary screening and indicates that this project will not have an adverse impact on air quality. The proposal has received preliminary approval from the Metropolitan Sewer District and Louisville Metro Public Works. The applicant is providing stub streets to adjacent properties for future activity, and

**WHEREAS**, the Commission further finds that the intent of this guideline is to "enhance the quality of life in Jefferson County by ensuring well designed permanently protected open spaces that meet the community needs." The proposal complies with this guideline as the projects open spaces are integrated as slots located at the entry and signature entry with landscape areas, and

**WHEREAS**, the Commission further finds that the intent of this guideline, among others, is "to protect natural areas, features and important scenic and historic resources." This proposal complies with this guideline as the creation of a signature entry along the Lover's Lane. There are no blue line stream corridors, significant environmental or historical features on site, and

**WHEREAS**, the Commission further finds that the intent of this guideline, among others, is "to ensure the availability of necessary land to facilitate commercial, industrial and residential development" by reducing public and private costs for land development. The proposal complies with this guideline because it uses existing and adequate infrastructure for development. This location is quite appropriate for the use due to its location along a major arterial and that it is a low intensity residential use with access from an established residential street, and

**WHEREAS**, the Commission further finds that the intent of this guideline is "to provide safe and proper functioning of the street network..., to ensure that new developments do not exceed carrying capacity of streets, to ensure that internal and external circulation of all new development provides safe and efficient travel movement by all types of transportation..., to address air quality and congestion issues and to ensure that transportation facilities are compatible with district goals and objectives..." This proposal complies with this guideline in the fact that site access will be through a functioning street network and that the development will not exceed carrying capacity of the streets. Internal and external circulation will be designed

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in a manner to promote safe and efficient access by all means of transportation, not limited to vehicles, and

**WHEREAS**, the Commission further finds that the intent of this guideline is "to increase energy efficiency, as well as to promote improved air quality and recreational opportunities, to manage the demand for travel and improve the efficiency of the transportation system, to improve pedestrian access..., to reduce major conflicts between vehicular, bicycle and pedestrian movements for improved safety." This proposal complies with the intent and policies of this guideline because, as noted above and on the detailed district development plan accompanying this application, there are existing sidewalks along Sycamore Bend Trace and Gordon Fann Trace and will provide good internal circulation and better access south, which meets the requirements of the Louisville Metro Department of Public Works, and

**WHEREAS**, the Commission further finds that the intent and policies of this guideline pertain to minimizing the potential impacts of flooding and effectively managing stormwater through such things as, mitigating negative development impacts the watershed and regulatory floodplain, by minimizing impervious surface area, protecting blue line streams...This proposal complies with the intent and policies of this guideline because the development will utilize best management practices for construction activities. The applicant will make all necessary site improvements to provide adequate drainage on site and will not hamper surrounding properties, and

**WHEREAS**, the Commission further finds that the intent and policies of this guideline is to prevent the degradation of water quality due to erosion and sedimentation from developments. This proposal complies with the intent and policies of this guideline because, among other things, the applicant will prepare and follow an erosion and sedimentation control plan prepared in accordance with MSD Soil and Erosion Control Ordinance for any proposed construction activity that may be necessary to make required improvements to the entrance. Construction on the site will utilize best management practices to ensure that water quality is not compromised by the development, and

**WHEREAS**, the Commission further finds that the intent and policies of this guideline are to minimize, reduce or eliminate the impacts on air quality through appropriate land use planning and design. This proposal complies with the intent and policies of this guideline because of the specific use, has been in existence for some time and is located in close proximity to other similar uses and therefore will not generate large amounts of traffic at one time. The development plan has received preliminary approval by the Air Pollution Control District, and

**WHEREAS**, the Commission further finds that the intent and policies of this guideline is to "protect and enhance landscape character". This proposal complies with the intent and policies of this guideline by preserving as many existing trees as possible and by landscaping the site in accordance with the Land Development Code, and

**WHEREAS**, the Commission further finds that the intent and policies of this guideline is to "develop effective connections between land use patterns... to ensure that the carrying capacity of the land and infrastructure is not exceeded ...This proposal complies with the intent and policies of this guideline. With the expansion of Sycamore Bend Trace and other cross road

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infrastructure being constructed. The expansion strengthens the existing system. The developer is also in negotiations to use the road bond money's to be set assign to complete the Veteran's Drive along the frontage of the Lover's Lane subdivision from Section 1 to Section 2; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-family Residential to R-5, Single-family Residential on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

**Major Preliminary Subdivision/District Development Plan**

**02:46:57** On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the site contains hydric soils, potential wetlands, and possible erodible soils. MSD has approved the preliminary plans and will ensure the appropriate development of the lands to reduce the impact of development that may result in environmental degradation, and

**WHEREAS**, the Commission further finds that the proposal includes at least one continuous roadway through the development from an adjacent subdivision to the collector roadway and adequate street stubs have been provided from a proposed subdivision to the South and to large residential tracts to the North. Sidewalks are provided along all proposed roadways and along the frontage of the subject site at Lovers Lane, and

**WHEREAS**, the Commission further finds that open space is not required for standard subdivision in the Neighborhood Form District, and

**WHEREAS**, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

**WHEREAS**, the Commission further finds that setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. Residential site design standards of LDC 5.4.2 are applicable. Surrounding uses are single family residential and compatible with the proposed development. A larger lot to the North is being buffered with a 15' LBA as required by the LDC, and



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**WHEREAS**, the Commission further finds that the development plan is consistent with applicable policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Checklist and as provide for in the Staff Analysis of the rezoning; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the major preliminary subdivision/district development plan, **SUBJECT** to the following binding elements:

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. 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.
3. 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 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. A major subdivision plat creating the lots, easements, and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
4. 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.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development

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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.

6. The site shall be developed in accordance with the tree preservation areas delineated on the 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
7. 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.
8. 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.
9. 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

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\$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.

10. Developer shall post a bond for future speed hump installation along Sycamore Bend Trace if speed hump warrants are met and affected property owners support installation in accordance with the current Public Works and Assets speed hump policy. If warrants are not met within two years of the subdivision bond release, the speed hump bond will be released back to the developer.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**