

R-4 REQUIREMENTS

MINIMUM LOT AREA	= 9,000 SF
MINIMUM SIDE YARD	= 5'
MIN. FRONT YARD & STREET SIDE YARD	= 30'
MINIMUM LOT WIDTH	= 60'
MINIMUM REAR YARD	= 25'
MAX. BUILDING HEIGHT	= 35'
# OF LOTS > 9,000 SF	= 36 LOTS (30%)
# OF LOTS < 6,000 SF	= 0 LOTS (0%)

R-5A REQUIREMENTS

MINIMUM LOT AREA	= 6,000 SF
MINIMUM SIDE YARD	= 5'
MIN. FRONT YARD & STREET SIDE YARD	= 20'
MINIMUM LOT WIDTH	= 50'
MINIMUM REAR YARD	= 25'
MAX. BUILDING HEIGHT	= 35'

BENCHMARK DESCRIPTIONS

TRIMMS-RAILROAD SPIKE IN UTILITY POLE. UTILITY POLE IS LOCATED ON THE NORTH SIDE OF OLD HEADY ROAD 100%+/- EAST OF THE CENTERLINE OF THE DRIVEWAY AT 5020 OLD HEADY ROAD. ELEVATION=683.78' (NAVD 88)

SOURCE - ELEVATIONS ARE BASED ON LOCAL MONUMENT ELEVATION=683.88'

PRELIMINARY APPROVAL DEVELOPMENT PLAN

CONDITIONS:

BY: *Garrett Bridwell*

DATE: *8/5/21*

LOUISVILLE/JEFFERSON COUNTY METROPOLITAN WORKS

TO EXISTING SARATOGA SPRINGS PUMP STATION

TO EXISTING FANCY GAP PUMP STATION

TO EXISTING SADDLE BEND WAY (LOCAL ROAD - 50' R/W)

TO EXISTING CHENOWETH RUN RD (SECONDARY COLLECTOR - 60' R/W)

TO EXISTING OLD HEADY RD (SECONDARY COLLECTOR 80' R/W)

TO EXISTING GENE SWYDER FREEWAY (I-265)

SLOPES TABLE

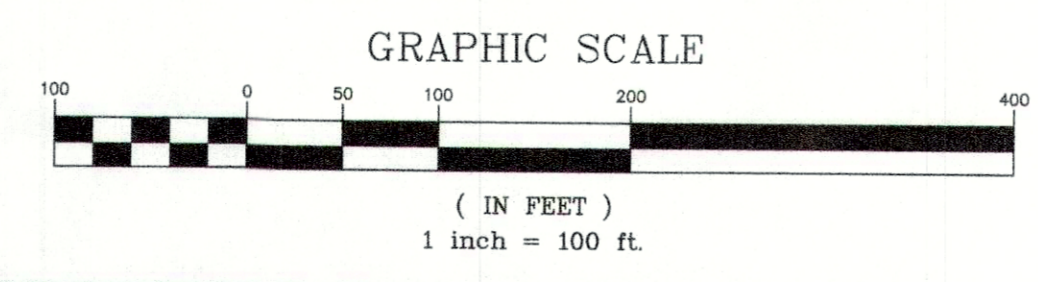
MINIMUM SLOPE	MAXIMUM SLOPE	COLOR
20.00%	30.00%	
30.01%	>	

LEGEND

	PROPOSED STORM SEWER, CATCH BASIN AND CREEKSTONE HEADWALL		UTILITY POLE
	PROPOSED SEWER AND MANHOLE		FIRE HYDRANT
	PROPOSED DRAINAGE SWALE		CATCH BASIN
	PROPOSED DRAINAGE ARROWS		WATER VALVE
	LIMITS OF DISTURBANCE		UNDERGROUND WATER LINE
			UNDERGROUND GAS LINE
			OVERHEAD ELECTRIC LINE

REVISIONS

NO.	DATE	DESCRIPTION	BY
3.	05/3/21	REVISED PER AGENCY COMMENTS	DT
4.	05/28/21	REVISED PER AGENCY COMMENTS	DT
5.	06/21/21	REVISED PER AGENCY COMMENTS	DT
6.	07/1/21	LOTS 1-7 AND LOTS 20-21	BB
7.	07/12/21	REVISED PER AGENCY COMMENTS	DT



VARIANCE REQUESTS

- A VARIANCE IS REQUESTED FROM SECTION 5.3.1.C.4 OF THE LAND DEVELOPMENT CODE TO NOT PROVIDE THE FUTURE URTON LANE COLLECTOR LEVEL ROAD SUPPLEMENTAL SETBACK WITHIN THE PROPOSED SUBDIVISION.
- A VARIANCE IS REQUESTED FROM SECTION 5.3.1.C.4 OF THE LAND DEVELOPMENT CODE TO NOT PROVIDE THE FUTURE URTON LANE COLLECTOR LEVEL ROAD SUPPLEMENTAL SETBACK WITHIN THE MULTI-FAMILY PORTION OF THE PROPOSED DEVELOPMENT.

MAXIMUM BALANCE TRANSFER LOT CALCULATIONS (TRACT 1)

MLP - MAXIMUM LOTS PERMITTED = 49.6± AC.

TA - TOTAL LAND AREA = 49.6± AC.

SS - STEEP SLOPES = 3.6± AC.

IA - INFRASTRUCTURE = 9.7± AC.

MLP - [(TA - SS - IA) 4.84] + SS X 4.84/2 = 182 LOTS

NOTE: Only the areas of steep slopes within open space lots are being used for the balance transfer area calculations.

PROJECT DATA

TOTAL SITE AREA	= 56.3± AC. (2,452,707 SF)
RIGHT OF WAY DEDICATION AREA	= 0.3± AC. (11,939 SF)
NET SITE AREA	= 56.0± AC. (2,440,768 SF)
EXISTING ZONING	= R-4
FORM DISTRICT	= NEIGHBORHOOD
EXISTING USE	= SINGLE FAMILY RESIDENTIAL
PROPOSED USE	= SINGLE FAMILY/MULTI-FAMILY RESIDENTIAL

TRACT 1

TRACT 1 AREA	= 49.6± AC. (2,161,259 SF)
AREA OF RIGHT OF WAY	= 9.7± AC. (412,112 SF)
NET SITE AREA	= 39.9± AC. (1,749,147 SF)
EXISTING ZONING	= R-4
FORM DISTRICT	= NEIGHBORHOOD
EXISTING USE	= SINGLE FAMILY RESIDENTIAL TO REMAIN
TOTAL # RESIDENTIAL LOTS	= 119 LOTS
TOTAL AREA OF LOTS	= 281,335' AC. (954,188 SF)
DENSITY	= 2.39 DU/AC. (7.26 DU/AC. MAX. ALLOWED)
NET DENSITY	= 2.98 DU/AC. (7.26 DU/AC. MAX. ALLOWED)
OPEN SPACE PROVIDED	= 18.1± AC. (789,492 SF)

TRACT 2

TRACT 2 AREA	= 6.4± AC. (279,521 SF)
EXISTING ZONING	= R-4
PROPOSED ZONING	= R-4
FORM DISTRICT	= NEIGHBORHOOD
EXISTING USE	= SINGLE FAMILY RESIDENTIAL
PROPOSED USE	= MULTI FAMILY RESIDENTIAL
TOTAL UNITS	= 25 UNITS
BUILDING HEIGHT	= 28' (35' MAX. ALLOWED)
BUILDING AREA	= 51,058 SF
F.A.R.	= 0.18 (0.5 MAX. ALLOWED)
GROSS DENSITY	= 3.91 DU/AC. (12.01 DU/AC. MAX. ALLOWED)

PARKING REQUIRED

1 SP/UNIT MIN.	= MIN.	MAX.
2 SP/UNIT MAX.	= 25 SP	50 SP

TOTAL PARKING PROVIDED = 50 GARAGE SPACES

TOTAL VEHICULAR USE AREA = 34,342 SF

INTERIOR LANDSCAPE AREA REQUIRED = 2,572 SF

INTERIOR LANDSCAPE AREA PROVIDED = 12,691 SF

OPEN SPACE REQUIRED PER TABLE 5.4.1 = 0% REQUIRED PER TABLE 5.4.1

OPEN SPACE PROVIDED = 3.0± AC. (126,715 SF)

EXISTING IMPERVIOUS = 0 SF

PROPOSED IMPERVIOUS = 85,400 SF

NOTES

- GENERAL**
- No title shown herein may be subdivided or resubdivided resulting in the creation of a greater number of lots than originally approved by the planning commission.
 - Construction fencing shall be erected at the edge of the limits of disturbance areas prior to any grading or construction activities. The fencing is to remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area.
 - All soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and USDA Soil Conservation Service recommendations.
 - All open space lots are non-buildable and will be recorded as open space and utility easements.
 - Benchmark and topographical information shown herein were derived from Lojic data. Boundary information was taken from deeds.
 - Compostable on-site utilities (electric, phone, cable) shall be placed in a common trench unless otherwise required by appropriate agencies.
 - Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
 - Street trees shall be planted in a manner that does not affect public safety or hamper sight distance. Final location will be determined during construction approval process.
 - TRACT 2 shall have rollout garbage cans.
 - There was no evidence of KARST features observed during a site visit on 7/31/2020 by Derek Triplett R.L.A.
 - A geotechnical report shall be provided prior to construction plan approval.
 - Street trees shall be provided to meet Chapter 10 requirements.
- SEWER & DRAINAGE**
- Grade detention will be provided. Post-developed peak flows will be limited to pre-developed peak flows for the 2,10,25 and 100 year storms or to the capacity of the downstream system, whichever is more restrictive. Capacity of the downstream system shall be determined by the downstream driveway crossing.
 - No portion of the site is located in a floodplain per FRM map 21111 C 0082 E dated December 5, 2006.
 - Sanitary sewer service provided by Laterals Extension, subject to fees and any applicable charges. Gravity service to Fancy Gap Pump Station, sewer shall be served to eliminate Saratoga Springs Capacity for Garrett Bridwell property dated 11-19-20 for additional information.
 - A "Request for Sanitary Sewer Capacity" has been filed with MSD.
 - All proposed sewer and drain easements shall be 15' unless otherwise indicated.
 - The Louisville Water Company will determine the width of their easement prior to construction plan approval.
 - LO&E approval required prior to the proposed sewer alignment prior to MSD construction plan approval.
 - The applicant shall provide an evaluation of the sewerage upstream of this property. Sewer alignment and easement locations may be modified from locations depicted on this conceptual plan and shall be placed and used to consistency with the "SUPPORT" shall be in agreement consistent with MSD's excess cost policy prior to construction approval.
 - Any proposed lots encroaching into the required 25' buffer areas shall be shown and noted on the record plat.

STREETS & SIDEWALKS

- All roads within the development shall have curb and gutters. Cul-de-sacs shall have a pavement width of 20 feet with a radius of 35 feet at Cul-de-sac. All other roads shall be 22 feet in width with a 35 foot radius at intersections.
- Sidewalks within the subdivision shall be provided in accordance with Table 6.2.1 of the Land Development Code.
- Street grades shall not be less than 1% (min.) or 10% (max.).
- A Bond & Encroachment Permit is required by Metro Public Works for all work within the Old Head Road Right-Of-Way, and for roadway approaches on all surrounding access roads to the subdivision site due to damages caused by construction traffic.
- Verges shall be provided as required by Metro Public Works.
- All streets, intersections, loop roads, cul-de-sacs, bulbs, traffic circles and rights-of-way shall be in accordance with the Development Code and Metro Public Works' standards and approved at the time of construction.
- All street name signs shall conform with the MUTCD requirements and shall be installed prior to the recording of the applicable subdivision plat or prior to obtaining the first certificate of occupancy and shall be in place at time of bond release.
- The location and type of plantings within the street right-of-way will be evaluated for roadway safety and sight distance requirements by Metro Public Works which reserves the right to remove them without the property owner's approval.
- Should any existing drainage structures and/or utilities located within offsite rights-of-way become necessary to be altered, extended or relocated, such shall be at the owner's/developer's expense.
- A Bond and Encroachment Permit will be required by Metro Works for roadway repairs within the site due to damage caused by construction traffic activities.
- All roadway intersections shall meet the requirements for landing areas as set by Metro Public Works.
- Sidewalks shall be provided within the Old Head Right of Way.

DETENTION BASIN #1 CALCULATIONS

$X = \Delta C / R$

$\Delta C = 0.5 - 0.25 = 0.30$

$A = 18.4 \text{ ACRES}$

$R = 2.8 \text{ INCHES}$

$X = (0.30)(18.4)(2.8) / 12 = 1.27 \text{ AC.-FT.}$

REQUIRED X = 58,200 CU.FT.

PROVIDED BASIN = 31,000 SQ.FT.

TOTAL = 31,000 SQ.FT. @ APPROX. 2 FT. DEPTH = 62,000 CU.FT. > 58,200 CU.FT.

DETENTION BASIN #2 CALCULATIONS

$X = \Delta C / R$

$\Delta C = 0.5 - 0.25 = 0.25$

$A = 4.02 \text{ ACRES}$

$R = 2.8 \text{ INCHES}$

$X = (0.25)(4.02)(2.8) / 12 = 0.23 \text{ AC.-FT.}$

REQUIRED X = 10,200 CU.FT.

PROVIDED BASIN = 3,236 SQ.FT.

TOTAL = 3,236 SQ.FT. @ APPROX. 3.5 FT. DEPTH = 11,326 CU.FT. > 10,200 CU.FT.

DETENTION BASIN #3 CALCULATIONS

$X = \Delta C / R$

$\Delta C = 0.50 - 0.25 = 0.25$

$A = 10.3 \text{ ACRES}$

$R = 2.8 \text{ INCHES}$

$X = (0.25)(10.3)(2.8) / 12 = 0.60 \text{ AC.-FT.}$

REQUIRED X = 26,100 CU.FT.

PROVIDED BASIN = 9,690 SQ.FT.

TOTAL = 9,690 SQ.FT. @ APPROX. 3 FT. DEPTH = 29,070 CU.FT. > 26,100 CU.FT.

TREE CANOPY CALCULATIONS

TOTAL SITE AREA	= 2,440,768 S.F.
EXISTING TREE CANOPY COVERAGE	= 60% (1,486,348 S.F.)
EXISTING TREE CANOPY TO BE PRESERVED	= 20% (297,270 S.F.)
TOTAL TREE CANOPY AREA REQUIRED	= 40% (976,307 S.F.)
TOTAL TREE CANOPY TO BE PROVIDED	= 40% (976,307 S.F.)

PRELIMINARY NOT FOR CONSTRUCTION

7/26/21

STATE OF KENTUCKY

DEREK M. TRIPLETT

LAND SURVEYOR

604

PROFESSIONAL STAMP

GARRETT BRIDWELL

PRELIMINARY SUBDIVISION PLAN

RECEIVED

JUL 26 2021

PLANNING & DESIGN SERVICES

OWNERS:

DANIEL T & TODD A BRIDWELL

560 CHATMAN LN

TAYLORSVILLE, KY 40071

SITE ADDRESS:

OLD HEADY ROAD

LOUISVILLE, KY 40299

TAX BLOCK: 0047, LOT 0292,0293&0294

D.B. 10297, PG. 0408

PREPARED BY:

LAND DESIGN & DEVELOPMENT, INC.

503 WASHINGTON AVENUE, SUITE 101

LOUISVILLE, KENTUCKY 40202

PHONE: (502) 426-9374

FAX: (502) 426-9375

JOB: 20159

WM #12239

DATE: 2/22/21

CASE #21ZONSD016 0016

**BINDING ELEMENTS/CONDITIONS OF APPROVAL
CASE NO. 21-ZONE-0016**

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Major Preliminary Subdivision with Development Potential Transfer and review of land disturbing activity on slopes greater than 20% (21-MSUB-0010), **SUBJECT** to the following conditions of approval:

Proposed Conditions of Approval (Tract 1)

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works 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 certificate of occupancy. 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 minor subdivision plat or legal instrument shall be recorded creating Tracts 1 and 2 and dedicating right-of-way along Old Heady Road as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. 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 for Tract 1.
5. 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.
6. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
7. A note shall be placed on the preliminary plan, construction plan and the record 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."
8. 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.

19. The CCRs shall prohibit the lot owners from erecting fences or any other structures in the Urton Lane Corridor ROW, or from taking any other action therein which would constitute dominion and control over the property (including, but not limited to playgrounds, etc.). The homeowners' association shall be responsible for enforcing this restriction contained in the CCRs.

20. Developer shall provide the swale along the western area of proposed Street 'A' within the right-of-way abutting the adjacent property, as shown at the July 15, 2021 hearing.

21. Prior to approval of the clearing and grading permit, developer shall consult with Public Works and Transportation Planning to match up the proposed finish grade of the property lines adjoining the future Urton Lane Corridor to the anticipated grade of the future roadway. Public Works and Transportation Planning shall approve the proposed elevations shown on the construction plans along the adjoining property lines.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following binding elements:

Binding Elements (Tract 2)

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works 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 certificate of occupancy. 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. The materials and design of proposed multi-family structures shall be substantially the same as depicted in the rendering as presented at the July 15, 2021 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - e. A minor subdivision plat or legal instrument shall be recorded creating Tracts 1 and 2 and dedicating right-of-way along Old Heady Road as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
5. 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.

LOUISVILLE & JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

9. 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."

10. All street signs shall be installed by the Developer and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

11. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.

12. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

13. The applicant shall provide language in the deed restrictions notifying lot and/or house purchasers that a future road corridor is planned in the area of the subdivision. The form of such restrictions shall be approved by Planning Commission counsel. The area reserved for future road corridor shown on the approved preliminary plan shall also be shown on the record plat.

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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association. b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space. c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.

15. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.

16. At the time the developer turns control of the homeowners' association over to the 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.

17. No residential structures shall be permitted within 250 feet of the edge of pavement of the Gene Snyder Freeway's nearest travel lane.

18. The landscape plan shall be in compliance with Chapter 10 of the LDC but shall include no less vegetation than that shown in the landscape exhibit presented at the July 15, 2021 Planning Commission hearing. Developer shall plant a 6' shrub screen and one Type A tree every 50 linear feet (to match the proposed patio home development's screen) along the future Urton Lane Corridor ROW dedication as shown on the landscaping exhibits presented at the July 15, 2021 hearing. Pursuant to the Declaration of Covenants, Conditions, and Restrictions (CCRs), these plantings shall be maintained by the homeowners (which shall include a specific prohibition against removal), and if not so maintained, shall be maintained by the homeowners' association. Maintenance of these plantings shall specifically include replacement of any dead trees or shrubs. The CCRs shall be reviewed and approved by the Planning Commission legal counsel.

6. 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.

7. No residential structures shall be permitted within 250 feet of the edge of pavement of the Gene Snyder Freeway's nearest travel lane.

8. The landscape plan shall be in compliance with Chapter 10 of the LDC but shall include no less vegetation than that shown in the landscape exhibit presented at the July 15, 2021 Planning Commission hearing. Developer shall plant a 6' shrub screen and one Type A tree every 50 linear feet (to match the proposed subdivision's screen) along the future Urton Lane Corridor ROW dedication as shown on the landscaping exhibits presented at the July 15, 2021 hearing. Pursuant to the Declaration of Condominium Regime (Declaration), these plantings shall be located in the common areas and maintained/replaced by the condominium association. The Declaration shall be reviewed and approved by the Planning Commission legal counsel.

9. At the time the developer turns control of the condominium association over to the condominium owners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the condominium association account. No condominium association funds shall be used by the developer to fulfill either the developer's obligations under Plan 2040 or any improvement submitted as part of the approved development plan, including but not limited to plantings and paving. Notwithstanding the foregoing, the condominium association funds may be used for the post-construction maintenance obligations of common elements, including maintenance of the condominium open space. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.