

Neighborhood Meeting Summary

A neighborhood meeting was held on Tuesday, July 17th at 7:00 p.m. at the Heritage Creek Community Center located at 8700 Justice Way. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, and David Mindel, land planner and engineer with Mindel Scott & Associates.

Nick started the meeting by showing a Powerpoint presentation showing the location of the proposed subdivision and its location in relation to Mount Washington Road and the subdivisions of Heritage Creek, Creekview, and Primrose Meadows. Next Nick showed aerial photographs of the property and the natural characteristics of the property. Nick then showed the proposed subdivision plan describing the open space, the entrances off of Cedar Creek Road, and reasons for the proposed layout. Nick showed photographs of the current condition of the property as a field for farming. Nick then described the Conservation Subdivision Regulations and the requirements contained therein. He then explained the subdivision approval process going through each step and the anticipated timing. David Mindel then described some of the technical details of the subdivision plan and why it was laid out in the way it was. He described the conservation areas and why these were chosen for permanent preservation. Nick then opened the floor up for questions asking those in attendance to raise their hands so that everyone hears the question and the answer provided.

Many of the questions raised related to concerns over additional traffic in the area as well as the desire to preserve the area as a more rural area with farms. Nick and David explained the reason for the three proposed entrances and the traffic on Cedar Creek Road in relation to other areas of Metro Louisville. David explained that the exact locations of the entrances might change after we receive agency comments and meet with Transportation Planning and Public Works. There was concern about a hill in Cedar Creek Road and David explained the requirement for six seconds or more of reaction time. David explained the more entrances helps with traffic on Cedar Creek Road by allowing more options for entering or leaving the subdivision helping to avoid backups. Nick explained the other recent subdivisions in the area, including the other Conservation Subdivisions and the similarities and differences between this proposal and the others. David Mindel answered questions as to the Resource Plan prepared for the subdivision and the reason for preserving the areas shown, mainly being those are the areas that has trees, being a farm, as well as the creek to the rear of the property. Those in attendance asked questions about the types of homes that will be built, and Nick and David explained that the applicant, John Schutte, is the developer, but will sell lots to a builder or possibly a few builders to actually construct the homes. Nick and David explained how the real estate recession put almost all local developers out of business and John is one of the few local developers. David discussed the various production builders, such as Elite, Fischer, Ball Homes, Inverness, Pulte, etc. that build most residential homes in such subdivisions. Nick and David explained the lot width, being smaller lots, and the reasons this is the lot width that almost all new subdivisions are currently due to the amount of demand for this product.

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Neighbors had some objections to the requirements of the Conservation Subdivision Regulations and Nick explained the two recent revisions thereto to address many of these concerns and the changes to promote protection of tree canopy, etc. Councilman Peden arrived at the meeting and asked questions as to the connection of open space areas as well as the buffering around the subdivision. David explained the plan and the current regulation requirements. Nick and David answered many questions from Councilman Peden and those in attendance as to these issues. Nick explained the neighborhood meeting is the first step in the process and the official application has not been filed, but there were many comments that were very useful.

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BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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August 20, 2018

Jay Lockett, Case Manager
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Louisville, Kentucky 40202

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Re: Docket No. 18SUBDIV1013; Conservation Subdivision on Cedar Creek Road

Dear Jay:

This letter is submitted along with our subdivision application, which contains, among other things, the environmental resources maps and the proposed subdivision plan. We have attached hereto a draft set of applicable Declaration of Covenants and Restrictions (“CCRs”) provisions relating to open spaces and protection of certain environmental features. This and the following are submitted in order to demonstrate compliance with LDC Section 7.11.5.B.9.

- a. Describe how the existing natural features of the site are being preserved and incorporated into the layout.

The existing natural features on the site are being preserved and incorporated into the subdivision layout through the inclusion of the tree masses and creek on the eastern portion of the site being included in the Conservation Areas, with the majority of the site having no trees currently being a working farm. The pond in the center of the property, along with the trees surrounding same are also being preserved. The Conservation Area around the creek on the east side of the property having approximately 208,000 square feet of open space, along with all existing tree canopy in this open space.

This application for a conservation subdivision is located on 79.19 acres located on the east side of Cedar Creek Road. The lots have been arranged with open space in the interior with the maximum number of lots abutting the open space, including interior open space areas totaling approximately 265,000 square feet and 348,000 square feet respectively.

- b. Explain how clustering of dwelling units will:
 - i. Minimize disturbance of woodlands, wetlands, grasslands, mature trees and steep slopes

Lots have been located to preserve the existing creek and the steep slopes associated therewith on the eastern boundary of the property. Further, the lots have been arranged so as to preserve the pond and trees in the center of the

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property, with the maximum number of trees preserved to the extent practicable and still provide accessible open space to the lots. This is demonstrated on the accompanying “Existing Resources & Site Analysis Plan” and as described above.

- ii. Prevent downstream impacts due to runoff through storm water techniques including minimizing impermeable areas, using bio swales, rain gardens, permeable pavements, small-scale, infiltration and green roofs.

Conceptual stormwater strategies include a combination of use of the existing pond for detention as well as a green dry basin and water quality units for the treatment of stormwater runoff. Final designs will be determined at the time of construction plan approval and will meet all MSD requirements.

- iii. Protect views of open land from existing adjacent roadways through practices such as orienting structures to align with topographic character of land, tucking structures behind tree lines or knolls, using vegetation as a backdrop to reduce prominence of the structures, varying setbacks, setting aside required conservation land as a visual amenity into and within the development site, or any combination of these practices.

The frontage of the property includes 4.50 acres of open space with the closest subdivision lots being 150 feet from Cedar Creek Road. The landscaping and trees planned with the proposed divided median signature entrance will also help preserve the view shed from Cedar Creek Road. This is demonstrated on the accompanying “Existing Resources & Site Analysis Plan” in combination with the submitted Conservation Subdivision Plan and as described above.

- iv. Protect archaeological site and existing historic buildings or incorporate them through adaptive reuse.

No known archaeological features or historic structures exist on this site.

- v. Avoid encroaching on sensitive areas such as rare plant communities, high quality habitats, or endangered species habitats identified by the Kentucky Department for Natural Resources.

This is demonstrated on the accompanying “Existing Resources & Site Analysis Plan” in combination with the submitted Conservation Subdivision Plan and as described above.

- c. Explain how the design and location of buildable lots will ensure compatibility with existing adjacent development.

This is demonstrated in the Public Hearing exhibit books to be presented to the Planning Commission and also accompanies this letter.

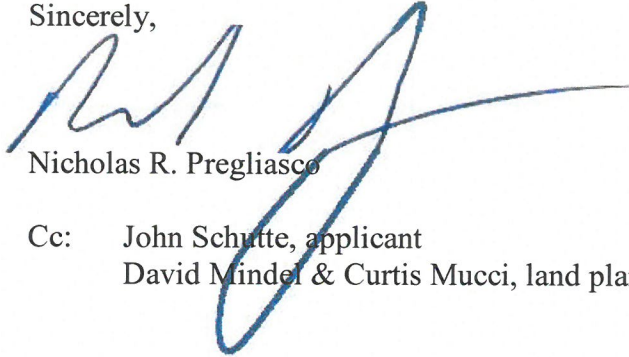
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- d. Justification must be provided for any cases where proposed open space areas within the development will not abut existing open space areas on adjoining parcels.

To the extent that open space exists on adjoining properties, open spaces shown on the submitted Conservation Subdivision Plan will connect.

Please let us know if you need anything other than this letter and the attachments hereto.

Sincerely,



Nicholas R. Pregliasco

Cc: John Schutte, applicant
David Mindel & Curtis Mucci, land planners with Mindel Scott & Associates

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Applicable Declaration of Covenants and Restrictions (“CCRs”) provisions relating to open spaces and protection of certain environmental features

Section 1.03 Open Space Lots

Anything to the contrary herein notwithstanding, _____ Homeowners Association, Inc., a Kentucky non-profit corporation (the “Association”), which shall be organized with the Kentucky Secretary of State prior to the filing of this Declaration, shall be responsible for the maintenance of all open space lots, Private Streets, islands in the right-of-way, and signature entrances, so long as the Subdivision is used as a residential subdivision or until properly dedicated to a unit of local government. In addition to the foregoing, the Association shall also be responsible for maintenance and repair of the noise barriers, if any, required as a condition of approval in docket no. _____. Declarant may dedicate utility service or drainage easements upon, through or under same at its sole discretion so long as there is in existence the Class B membership in accordance with Article VII, Section 7.02. When Class B membership ceases, this right of Declarant shall automatically pass to the Board of Directors of the Association. The restriction contained in this Section 1.03 shall not be amended without approval from the Louisville Metro Planning Commission.

Section 7.03 Rights and Obligations of the Association.

The Association shall maintain, operate and keep in good repair, unless such obligations are assumed by any municipal or governmental agency, authority or utility having jurisdiction thereof, those items specifically set forth in Article III and Article IV, the common areas, including, without limitation, any open spaces, Private Streets, entrance signs, entranceways, storm drains, common drainage swales, basins, and landscaping located therein. The Association shall also perform the other duties prescribed by this instrument or the Association's rules and regulations, which duties may include, among other things, collection of garbage (if not collected by a municipality). All rights reserved by Declarant in this Declaration shall automatically pass to the Association when Class B membership ceases pursuant to Section 7.02 above, and thereafter any reference to Declarant shall be construed to mean the Association. Prior to the Class B membership interests ceasing pursuant to Section 7.02 above, the Declarant shall ensure that all road, drainage, sanitary sewer, water service, required landscaping, and other required infrastructure are installed by the Declarant.

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