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August 15, 2022

Case Manager
Louisville Metro Division of Planning & Design Services
Develop Louisville
444 S. Fifth Street, 3rd Floor
Louisville, Kentucky 40202

Re: Waiver of 24-month tree-removal rule in LDC 7.2.20.A.3 for processing applications relating to 21-RSUB-0010, 9551 Brooks Bend Road, Greenridge Estates.

Dear Case Manager:

After discussions with Emily Lu, DPDS Director, Joe Reverman, DPDS Assistant Director, and Laura Ferguson, Assistant County Attorney, the latest of which occurred on July 29, 2022, we are herewith requesting that you waive application of LDC 7.2.20.A.3's 24-month rule for tree removal on the above-referenced subdivision, address and docket number.

LDC 7.2.20.A.3 allows for formal application and submittal inasmuch as:

A site shall be ineligible for filing an application for a major subdivision if 20% or more of a site has been clear-cut at any time within twenty-four (24) months prior to application submittal *without consultation and approval of the Planning Director or designee*. . . .

Regarding Greenridge Estates, our client does have prior consultation and approval from the Planning Director or designee. Attached is the "Clearing & Tree Preservation Plan" for this property that appears to have the signature of Beth Allen approving the Plan in 2006. There is no expiration on the "Clearing & Tree Preservation Plan." The Plan and approval directly relate to the subdivision for which an application is sought. It is approval that occurred prior to any clearing on this site (and it is noteworthy that it was called a "Clearing" plan). It is still valid approval. In other words – it checks off every box in LDC 7.2.20.A.3, and it should permit our client to file and have processed an application as any clearing occurred with consultation and approval of the Planning Director or designee.

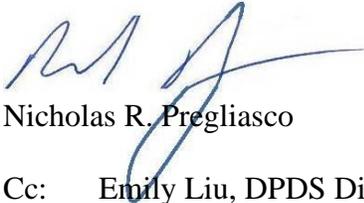
For clarification purposes, a revised preliminary subdivision plan was filed on November 29, 2021, in Docket # 21-RSUB-0010, and DPDS has refused to process the same. The applicant proposed to otherwise fully comply with the tree canopy regulation, including preservation of 139,052 square feet out of 199,717 square feet of existing tree canopy, and providing a total canopy of 40%. This request is to allow the application to be processed.

This application is timely made for two reasons. First, it is made within 30 days of the decision by Laura Ferguson, the Assistant County Attorney. Additionally, the 24-month prohibition against filing an application for a major subdivision constitutes an ongoing, daily decision from which Jagoe may appeal.

Please let us know if we can schedule this for the earliest BOZA hearing.

Many thanks.

Sincerely,

A handwritten signature in blue ink, appearing to read 'N. Pregliasco', with a long horizontal flourish extending to the right.

Nicholas R. Pregliasco

Cc: Emily Liu, DPDS Director
Joe Reverman, DPDS Assistant Director
Laura Ferguson, Assistant County Attorney
Joel Dock, Planner II, Case Manager