

PLANNING COMMISSION MINUTES

May 15, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0112

Request: Change in Zoning from R-R, R-4 Single-Family Residential to Planned Residential Development (PRD), Floyds Fork Special Zoning Overlay District Review with associated waiver(s) and Detailed District Development Plan /Major Preliminary Subdivision Plan with binding elements.

Project Name: The Reserves at Parklands, Phase II

Location: 8000 Broad Run Road

Applicant: Highgates Management

Representative: Bardenwerper, Talbott, & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 22 – Kevin Bratcher

Case Manager: Amy Brooks, Planning Supervisor

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 Office of Planning offices, 444 S. 5th Street.)

Agency Testimony:

03:53:10 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks outlined the development plan, elevations, tree canopy, access, and turn lane exhibit. Brooks responded to questions from Commissioners. (See recording for details).

The following spoke in favor of this request:

John Talbott, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

David Mindel, 11501 Hickory Bend Hollow, Louisville, KY 40291

Summary of testimony of those in favor:

04:06:30 John Talbott provided an overview of the request and presented a PowerPoint presentation. Talbott talked about the proposed plan, tree canopy, landscaping, access, street stubs, and road improvements. Talbott stated that this

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development does fall in category of high density and complies with DRO and PRD regulations. Talbott stated that no houses will be built on steep slopes. Talbott responded to questions from Commissioners. (See recording for details).

04:40:00 David Mindel emphasized that constructing houses on small lots can help lower costs and make housing more affordable. He believes this development plan is designed to be more environmentally friendly and balanced. Mindel responded to questions from Commissioners. (See recording for details).

The following spoke in opposition of this request:

Randy Strobo, 730 W Main Street, Suite 202, Louisville, KY 40202

Brenda J Richardson, 8315 Broad Run Road, Louisville, KY 40291

Scott Simonton, 1091 Haines Branch Road, Sissonville, WV 25320

Lucas Frazier, 15700 Piercy Mill Road, Louisville, KY 40245

Kacey Frazier, 15700 Piercy Mill Road, Louisville, KY 40245

Sherry Chinn, 7701 Broad run Road, Louisville, KY 40291

Wilson Frazier, 8400 Broad run Road, Louisville, KY 40291

Scott Skinner, 10400 Broad run Road, Louisville, KY 40291

Steve Henry, 2550 Ransdell Avenue, Louisville, KY 40204

Jeff Frank, 16509 Bradbe Road, Fisherville, KY 40023

Cathy Less, 12311 Marki Lane, Louisville, KY 40291

Michelle Bordenkircher, 8201 Broad Run Road, Louisville, KY 40291

Sheron Lear, P.O. Box 91041, Louisville, KY 40291

Summary of testimony of those in opposition:

04:45:00 Randy Strobo representing the opposition, provided an overview of the request and presented a PowerPoint presentation. Strobo raised concerns about environmental risks, storm water issues, high density housing, dangerous road

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conditions, and traffic. Strobo responded to questions from Commissioners. (See video for details).

04:51:50 Brenda Richardson stated that the area has mixed types of housing and dense. Richardson raised concerns about neighborhood character, environmental risks, safety, steep slopes, mud slides, traffic, and narrow roads. Richardson responded to questions from Commissioners. (See video for details).

04:57 :50 Scott Simonton criticized the environmental assessment which is lacking an alternative analysis. Simonton raised concerns about environmental risks, non-compliance with standards, poor site planning, steep slopes, and stormwater basins. Simonton responded to questions from Commissioners. (See video for details).

05:02 :20 Lucas Frazier spoke in opposition and presented a PowerPoint presentation. Frazier raised concerns about traffic study, road safety, proposed road improvements, density, steep slopes, future traffic, and narrow roads. Frazier responded to questions from Commissioners. (See video for details).

05:07 :20 Kacey Frazier spoke in opposition and presented a PowerPoint presentation. Frazier raised concerns about Floyd Fork DRO, open space, amenities traffic, steep slopes, and zoning change. Frazier responded to questions from Commissioners. (See video for details).

05:20 :00 Sherry Chinn raised concerns about parklands protection, wildlife, tree preservation and traffic. Chinn responded to questions from Commissioners. (See video for details).

05:23:20 Wilson Frazier raised concerns about delay of emergency services due to narrow roads, traffic, lack of alternate routes, and safety. Frazier responded to questions from Commissioners. (See video for details).

05:26:30 Scott Skinner spoke in opposition and presented a PowerPoint presentation. Skinner raised concerns about tree preservation, public health risks, wildlife, and steep slopes. Skinner responded to questions from Commissioners. (See video for details).

05:30:10 Stephen Henry spoke in opposition and presented a PowerPoint presentation. Henry raised concerns about protection of Floyds Fork DRO, preservation of park lands, and tree preservation. Henry responded to questions from Commissioners. (See video for details).

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05:33:40 Jeff Frank spoke in opposition and presented a PowerPoint presentation. Frank raised concerns about protection of Floyds Fork DRO, tree preservation, density, and storm water runoff. Frank responded to questions from Commissioners. (See video for details).

05:37:10 Cathy Less raised concerns about rural lifestyle, property value, traffic, environmental risks, water runoff, construction traffic, and safety. Less responded to questions from Commissioners. (See video for details).

05:40:20 Michelle Bordenkircher raised concerns about storm water runoff, flooding, wildlife, safety, and density. Bordenkircher responded to questions from Commissioners. (See video for details).

05:43:30 Sheron Lear raised concerns about preservation of Floyds Fork, illegal dumping, ancient fossils, Karst area, mud slides and unstable land. Lear responded to questions from Commissioners. (See video for details).

Rebuttal:

05:47:40 John Talbott stated that the project supports affordable housing and ideal for young people and seniors. Talbott stated that choice of smaller lots helped to preserve 45 acres of open space and trees and offer more diverse housing choice. Talbott stated that developer is investing over \$1 million in road improvements and intersections, addressing the concerns about traffic and road conditions. Talbott stated that concerns about emergency services, infrastructure, traffic, environmental impact, and water quality concerns were addressed through expert reports. Talbott stated that the project meets most zoning requirements, provides infrastructure, and aligns with comprehensive housing goals. Talbott responded to questions from Commissioners. (See video for details).

Deliberation:

05:58:00 Planning Commission deliberation.

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

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06:16:10 On a motion by Commissioner Fischer, seconded by Commissioner Lannert, the following resolution, based on the testimony heard today and applicant justification statement, was adopted:

WHEREAS, the Planning Commission finds the proposed "Planned Residential District" is compatible with adjacent land uses as the PRD district does not exceed the density levels of the R-5, single-family district. Natural elements of the site will need be preserved and the site does not appear to contain historic structures. Currently, during heavy rainfall events and wetter times of the year, the site experiences heavy runoff of stormwater down the steep slopes, which has resulted in some erosion of the headwater streams and sediment entering streams. Based on the submitted Environmental Site Assessment, recognized environmental concerns will need to be avoided, minimized, or mitigated. There are several binding elements that address the standard techniques that would allow development on the subject site to minimize the impact to streams, tree clearing, sediment erosion, flow velocity and rate, and steep slopes. Detention basins will be installed on the upper levels of the property. Tree clearing will take place in the unoccupied season and a per acre mitigation fee for tree clearing impacts is required prior to any tree clearing occurring, along with USFWS concurrence, is proposed. There is concern for the clearing of the Indiana bat habitat that will happen, and

WHEREAS, the Planning Commission finds the site is in the Neighborhood Form District which permits low to high density and intensity uses and a range of housing opportunities, which this "planned residential development" proposes. Proposed density will remain in the low (4 dwelling units per acre) range, even though middle density development is contemplated by the PRD regulation. By maintaining density in the defined "low" range, even though a rezoning is required to achieve the proposed PRD plan, compatibility with existing densities, home designs and both frontage and nearby collector road capacities is assured. As such, this proposed zoning district will not exceed the density levels of the R-4, single-family district. Land Development Code (LDC) height, sidewalk, setback, lighting and signage restrictions and perimeter and frontage landscaping, screening and buffering requirements will all be met, and

WHEREAS, the Planning Commission finds the proposed development is only short drives from sizable and growing commercial activity centers along Bardstown Road in the Fem Creek area and west along Billtown and Taylorsville Roads in the Jeffersontown area. It is also relatively short distances from schools in both Fem Creek and Jeffersontown and travel distances for purposes of going shopping and attending school are reduced. Likewise, as stated above, the nearby and readily accessible Bardstown

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and Billtown Road arterial road systems, plus 1-265, assure easy access to employment centers, thereby contributing to improved air quality, and

WHEREAS, the Planning Commission finds the proposed PRD community is in a Neighborhood Form District, proximate to already existing activity centers, schools and places of employment. It will develop otherwise vacant land, transitioning the grounds into compatible, residential lots that will further complement the character of the area. The development plan shall utilize external roads leading to and from the proposed development to other activity centers. These areas will benefit from greater demand generated by more housing such as that resulting from this proposed PRD development. Also, the proposed PRD development will add to the opportunities existing and planned in this high growth area of Louisville Metro to reside in close and convenient proximity to places of employment, food, shopping and education along Bardstown, Billtown, and Taylorsville Roads, that extend all directions from Snyder Freeway and connect via multiple collector level roads surrounding the proposed development, and

WHEREAS, the Planning Commission finds the proposed zone change will serve and fit with the transportation characteristics of the surrounding area. It will continue to assist a growing residential population by providing them with access and connectivity to nearby future activity and employment centers in the city. The property will continue to be in walking distance from other nearby residential areas and commercial activity and will allow for different modes of transportation and allow for ease of transport for people with disabilities.

The proposal continues to encourage transportation patterns which support the Neighborhood Form District, in terms of encouraging safe residential access to and from the property to many side streets, arterials, commercial activity locations, and other residential areas. This proposal continues to be located near transit lines and is within a walkable neighborhood with sidewalks. This proposal would have no difference in impact on air quality or the transportation network, and no direct residential access to high-speed roadways is proposed.

Also, all drive lanes, sidewalks and stub connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW &TP) requirements. These are preliminarily depicted on the DDDP filed with this application. While TARC service is generally unavailable in areas like this, basic service is available along nearby Bardstown and Billtown Roads. Further, all necessary utilities are located proximate to this site and accessible by it via public right-of-way or easements, and

WHEREAS, the Planning Commission finds the proposed rezoning and development will incorporate numerous policies and features that all support the natural character of the land, including greenspaces and a tree canopy that will encourage growth of many native

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plant species. The plan also promotes pedestrian and bicycle connectivity while not creating large amounts of unnecessary traffic for the area, therefore keeping carbon emissions to a minimum. It will continue to deal with any impacts to drainage associated with the site, therefore accounting for the increased impervious surface. All requirements will be followed, as systems will be implemented to further protect groundwater and any other natural water sources. Landscaping will be added where necessary and required under the Land Development Code to reduce the impact of the site to nearby residential uses, and

WHEREAS, the Planning Commission finds the Environmental Assessment report was updated as of April 30, 2025, which thoroughly covers the issues raised at LD&T. The report provides an analysis of the current state of the property environmentally, as well as alternatives to address impacts from the development. The report goes through detail on all of the various scenarios and concludes that “based on the review of recognized environmental concerns, the concerns will be avoided, minimized, or mitigated” through EPSC measures, BMP’s sediment basins, water quality units, and detention basins which “minimize sediment runoff, erosion, and water flow rate and flow velocity impacts.”, and

WHEREAS, the Planning Commission finds the detailed district development plan (DDDP) filed with the rezoning application for this proposed PRD community includes open natural and communal spaces for the passive aesthetic and active recreational use by residents. Those spaces will be maintained in perpetuity by the community association. The site is not in the floodplain and does not contain wet or highly permeable soils. The plan avoids any steep or unstable slopes entirely. Furthermore, the zone change will not diminish natural resources, and it avoids any other significant change in topography. It will not cause any severe environmental changes or damage, and

WHEREAS, the Planning Commission finds that there are no historic buildings or distinctive cultural assets on the site. The rezoning will continue to promote residential living without disturbance of any historical sites or important archeological resources. Therefore, it also continues its preservation of these components and many natural features of the site, and

WHEREAS, the Planning Commission finds a Kentucky glade cress survey during the flowering window was completed by RES on April 5, 2021, and April 2, 2025. No Kentucky glade cress individuals were identified on the site during the 2021 and 2025 survey; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the Change-in-Zoning from R-R, Rural Residential & R-4 Single-Family Residential to Planned Residential Development (PRD).

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The vote was as follows:

YES: Commissioners Lohan, Lannert, Cheek and Fischer

NO: Commissioner Steff, Mims and Sistrunk

ABSENT: Commissioners Benitez, Kern, and Bond

Floyds Fork Waiver from Land Development Code (LDC) Section 3.1.3.E to allow disturbance of slopes greater than 30%.

06:17:50 On a motion by Commissioner Fischer, seconded by Commissioner Lannert, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the proposed development does not appear to disturb many of the steepest areas of the site and is designed to consider the environmentally sensitive nature of the site. Greater clustering on flatter areas of the site is being utilized to avoid unnecessary disturbance of steep and unstable slopes., and

WHEREAS, the Planning Commission finds the final location of all utilities will be determined prior to the recording of the record subdivision plat. The preliminary location of drainage features has received approval from the Metropolitan sewer District, and

WHEREAS, the Planning Commission finds a visual reconnaissance of selected slope area was performed in 2024 by ECS Southeast LLC. That preliminary review noted minor indications of erosion including occasional patches of bare soil and sparse bent trees. No visual indications of slope instability were observed. However, the report did note conditions that indicate past slope instability along the hillside, including the sparsely observed bent trees which appeared to be the result of slope movement that occurred several years prior to this site visit based on the tilt and bow of trees observed. The analysis also opined that the time of the year (late fall) might have obscured the presence of slope instability because of fallen leaves covering the area. The analysis suggested once the areas of interest had been cleared of dense vegetation, another evaluation would be needed, and

WHEREAS, the Planning Commission finds the Comprehensive Plan calls for the integration of natural features into the pattern of development and that proposal should respect the natural features of the site through sensitive site design, avoiding substantial changes to the topography that minimizes property damage and environmental degradation resulting from disturbance of natural systems. The site design integrates natural features into the site because the proposed site design calls for limited clearing

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and grading of land in the areas of steep slopes. Those slopes in excess of 30% slope will not be buildable but reserved for the installation of utilities.; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Floyds Fork Waiver from Land Development Code (LDC) Section 3.1.3.E to allow disturbance of slopes greater than 30%.

The vote was as follows:

YES: Commissioners Lohan, Lannert, Cheek and Fischer

NO: Commissioner Steff, Mims and Sistrunk

ABSENT: Commissioners Benitez, Kern, and Bond

Floyds Fork Special Zoning Overlay District Review

06:19:00 On a motion by Commissioner Fischer, seconded by Commissioner Lannert, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the waiver or modification will not adversely affect adjacent property owners as the installation of headwalls are not visible by adjacent neighbors and are not meant to direct water onto any adjacent areas, and

WHEREAS, the Planning Commission finds the subject site is not subject to any neighborhood or small area plans approved by Metro Council. Plan 2040 Community Goal 3 Policy 7 encourages natural features to be integrated within the prescribed pattern of development. Community Goal 3 Policy 8 calls to conserve, restore, and protect vital natural resource systems such as mature trees, steep slopes, streams, and wetlands. Open space should be integrated with other design decisions to shape the pattern of development. This policy further encourages the use of conservation subdivisions, conservation easements, transfer of development rights and other innovative methods to permanently protect open space. Community Form Goal 3 Policy 9 also encourages development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems. Livability Goal 1 Policy 1 similarly encourages the use of conservation subdivisions and other practices that conserve open space and natural features. The proposal does utilize the smaller lot sizes afforded by the PRD zoning district to allow a clustering of smaller residential lots with the preservation of environmental features. Community Goal 3 Policy 10 calls for development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exist in order to prevent property damage

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and public costs associated with soil slippage and foundation failure and to minimize environmental degradation. Per the Environmental Impact Statement, recognized environmental concerns to the Floyds Fork watershed were noted including erosion and sediment runoff, impact to streams, water flow rate and velocity, and threatened/endangered species. However, based on the analysis of the site, the project will be designed to avoid, mitigate, and minimize these impacts, and

WHEREAS, the Planning Commission finds the extent of the waiver or modification of the regulation is the minimum necessary to afford relief to the applicant. Disturbing the slopes greater than 30 percent is unavoidable in the design of the subdivision due to the installation of utilities, and

WHEREAS, the Planning Commission finds the waiver or modification of the design standard will not adversely impact the health of the waterways of the Floyds Fork Special Zoning Overlay District as supported by the Environmental Impact Statement. With proper Best Management Practices (BMPs) and Erosion and Sediment Control (EPSC) measures utilized during grading and construction, the project will be designed to avoid and minimize impacts to the Floyds Fork waterway and on-site tributaries, and

WHEREAS, the Planning Commission finds the waiver or modification of the design standard will not adversely impact the visual quality of the waterways or designated Floyds Fork Special Zoning Overlay scenic corridor. The headwalls will be placed at the top of the hill, fully buffered by a thick, protected tree canopy making it well-shielded from the scenic corridor which surrounds the perimeter of the site, and

WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant. While these slopes will be protected in non-buildable open space lots, the sheer scale of the development could be reduced limiting the overall impact of drainage on the steep slopes themselves; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Floyds Fork Special Zoning Overlay District Review.

The vote was as follows:

YES: Commissioners Lohan, Lannert, Cheek and Fischer

NO: Commissioner Steff, Mims and Sistrunk

ABSENT: Commissioners Benitez, Kern, and Bond

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Detailed District Development Plan /Major Preliminary Subdivision Plan with review of land disturbing activity on steep slopes and binding elements.

06:20:00 On a motion by Commissioner Fischer, seconded by Commissioner Lannert, the following resolution, based on the applicant and staff testimony heard today and applicant justification statement, was adopted:

WHEREAS, the Planning Commission finds the applicant has provided an exhibit indicating turns lane from Broad Run Road and sidewalks within the proposed development, and

WHEREAS, the Planning Commission finds the development is providing open space in excess of the minimums required for both the PRD area. All required recreational open space is being provided, including a variety of amenities and preservation of the more environmentally sensitive areas, and

WHEREAS, the Planning Commission finds the developer will construct sidewalks and accessway improvements and cost-share to-be-determined, if necessary, off-site road improvements. Access to the site is through areas of residential development, and

WHEREAS, the Planning Commission finds the overall development plan enhances the quality of life in the area by developing a community that will improve the overall aesthetic and protect and improve the economic value of surrounding areas by assisting the economic viability of those activity centers. The development will further serve as a facilitator for job creation, housing the workforce near these market centers. This proposed PRD community will both stabilizes and offers increased opportunities for employment in all associated industries. It also increases the Metro Louisville tax base essential to the provision of government services, and

WHEREAS, the Planning Commission finds that storm water run-off can be accommodated in the manner proposed by MSD. On-site detention will be implemented to further control any issues with run-off. Water quality control measures under authority of MSD regulations governing same will also be implemented as part of construction of this development project. Similarly, MSD regulated measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated. Floyds Fork and other nearby regulatorily protected waterways will also be safeguarded because of this development project's observance of 100-foot streambank setbacks, and

WHEREAS, the Planning Commission finds the Sanitary sewer service is available at the nearby Cedar Creek regional wastewater treatment plant, which can be accessed via lateral extension to and from an existing nearby manhole, and

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WHEREAS, the Planning Commission finds that existing natural features including waterways, floodplain, and steep slope areas and those with other environmental constraints or valuable topographic features, it's evident on the plan that ample open space is preserved where these features plainly exist and will therefore remain protected, and

WHEREAS, the Planning Commission finds the proposal will help diversify housing options for the population. It will also be suitable for an aging or elderly segment of the population, as well as those with disabilities, as it will be located near major activity centers and promote ease of access and travel. The development creates housing options for a mixture of residents. The prime location of this residential area near other residential zones while help solidify the area's prominence in the city and will likely serve to attract additional services and commercial activity to the area to support the growing residential base. No existing residents will be displaced by the proposal. It will implement design elements which promote safety and incorporate increased visibility for deterrence of any criminal activity, and

WHEREAS, the Planning Commission finds the proposed plan complies with all other applicable Goals, Objectives, and Policies of the "Plan 2040" Comprehensive Plan; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan /Major Preliminary Subdivision Plan with review of land disturbing activity on steep slopes and **SUBJECT** to the following Binding Elements:

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. 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.
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.

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4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. 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.
 - d. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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, 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. The applicant shall submit a Tree Preservation Plan for approval by Planning and Design staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e., clearing, grading, demolition). An original stamped copy

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of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.

8. 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."
9. 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.
10. 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."
11. 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.
12. 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.
13. 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.
14. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

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- 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. The 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. No homeowners' 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 homeowners' association funds may be used for the post-construction maintenance obligations of common elements, including maintenance of the open space. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
 17. Prior to site disturbance, any chimney, foundations, cellars, ruined structures etc. shall be mapped and catalogued, with photographs and other documentation to be provided to Louisville Metro Landmarks Commission staff.
 18. Prior to requesting a building permit for the 200th dwelling unit on site, the second street accessing Broad Run Road shall be constructed.
 19. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur and be offered pre-blast surveys. Any homeowners who opt to have a pre-blast survey conducted shall be provided copies of all materials resulting from that survey, including any photos and/or videos. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.
 20. The development shall be constructed in accordance with the techniques outlined in the Preliminary Slope Evaluation dated January 24, 2025, and the Karst Survey dated December 14, 2021, both prepared by ECS Southeast. A licensed geotechnical engineer shall be on the construction site to observe and verify that the

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correct treatment is applied during construction. The licensed geotechnical engineer shall submit a letter to the Office of Planning stating that the approved treatment method was applied. Additionally, the development shall be constructed in accordance with any techniques outlined in the Environmental Assessment Summary Report dated February 17, 2025, prepared by RES Kentucky, LLC.

21. To the extent that Broad Run Road is not a minimum of 18 feet in width from entrance of site to Seatonville Road, applicant shall widen road to 18 feet.
22. For the Brentlinger Lane, Seatonville Road, and Broad Run Road intersection, the applicant will either (1) construct the Phase 1 intersection improvements (Option A), (2) construct the Phase 2 Option B intersection improvements, or (3) the Phase 2 Option C intersection improvements must be completed.
23. Until (1) Applicant constructs Phase 2 Option B, or (2) Phase 2 Option C is completed for the Brentlinger Lane, Seatonville Road, and Broad Run Road intersection, as presented at the May 15, 2025 Planning Commission Hearing, the Applicant is limited to 149 buildable lots in Phase 2.

The vote was as follows:

YES: Commissioners Lohan, Lannert, Cheek and Fischer

NO: Commissioner Steff, Mims and Sistrunk

ABSENT: Commissioners Benitez, Kern, and Bond