

Davis, Brian

From: Bruce Zoeller <bzoeller@thechristianadvantage.com>
Sent: Wednesday, December 13, 2023 7:59 PM
To: Davis, Brian
Subject: Floyds Fork Zoning Overlay District - comments

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Brian,

Thanks for all your work on the Floyds Fork Zoning Overlay District.

Some final comments:

- There should be NO waivers for the primary components of the ZOD. This would apply to the no build distance table, banks of the stream, flood plains, etc.
- Land that is unreachable, untouchable, and unbuildable should not be included in Open Space calculations.
- All sewage pump stations should be located outside ALL streamside buffers - preferably outside the flood zone.
- Water basins should be treated as an impervious surface, because when they are "in use" they are functioning as an impervious surface.
- Impervious Surface limits within the ZOD should be set. My recommendation is for them to be set to a max of 25%
- Remove the 25% buffer offset language to fully protect the floodplain areas
- Hydrologic modeling studies should be conducted after approval of 3000 new units built within the ZOD to ensure there has been ZERO impacts to velocity & height for ALL 31 miles of Floyds Fork. This should be paid for by those building in the designated areas.

Thanks again for all the work you and your team have invested in this effort. We know this is a difficult task to complete, and what is approved will be much more difficult to adjust in the coming decades.

Bruce Zoeller
The Christian Advantage
502-419-8248
www.TheChristianAdvantage.com

Davis, Brian

From: David A Dries <davidadries@gmail.com>
Sent: Saturday, December 16, 2023 4:14 PM
To: Davis, Brian
Cc: Kim Brice
Subject: Comments on the Floyds Fork Zoning Overlay District

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Brian,

My comments follow regarding the Floyds Fork Zoning Overlay District:

Hillside protection. Hillside protection (proposed Section 3.1.3.E), with slopes exceeding 20%, provides the best opportunity for Floyds Fork conservation. Hillside protection also appears to be the weakest part of the FF Overlay District Plan. For example:

- In proposed Section 3.1.3.E, **the Do Not Disturb area should not be increased from 20% to 30%**. These hillside areas with slopes between 20% and 30%: consist of the largest mature trees; include valuable natural habitat; and provide the important tree canopy edge along the Floyds Fork stream corridor.
 - Slopes between 20% and 30% are not prevalent for much of Jefferson County. However these 20% to 30% slopes are a predominant and extremely important feature of the Floyds Fork area. As a result, 20% to 30% slopes in the Floyds Fork area require much greater attention than the minimum geotechnical and slope stability standards described in LDC Section 4.7.5.
- **Environmental protection (in addition to Geotechnical protection).** The requirements in LDC Section 4.7.5 for slopes exceeding 20% appear to have a heavy emphasis on accommodating development through the use of geotechnical reports, soil stability measures, and an emphasis on construction impacts (as opposed to the long-term damage to the tree canopy, unnecessarily eliminating mature trees along the stream corridor, and creating other long-term environmental impacts in the watershed after construction). For the Floyds Fork area with steep slopes as a predominant natural feature, much greater emphasis is needed for the protection of the mature tree canopy along steep slopes and for overall environmental protection . . . compared to the existing LDC emphasis on geotechnical soil stability.
 - For example, a geotechnical report related to slope stability for a development proposal should not allow the damaging removal of Steep Slopes with mature trees. These steep slopes with mature trees are then commonly replaced with steeper new 2:1 to 3:1 slopes with new sapling trees. The removal of these 20%+ slopes unnecessarily results in crowding a protected area, and will destroy the scenic character of the Floyds Fork watershed.
- **And new development proposals should not allow a stormwater detention basin built on modified side-hill slopes exceeding 20%**, which will greatly reduce the tree canopy along the Floyds Fork watershed . . .as opposed to the common-sense addition of a storm water detention basin in a natural valley, and not on a steep hillside. Building a stormwater detention basin on a steep side slope

wil crowd the floodplain, and might provide a small increase in buildable land (rather than maintaining the mature tree canopy along the Floyds Fork hillside slope).

Protect the Chenoweth Run creek area. On a different topic, it seems like the FF Overlay District Plan should include the Chenoweth Run creek watershed through Lake Forest. Chenoweth Run creek is a major tributary of Floyds Fork which:

- Includes a large 59-acre Future Fund Conservation Easement.
- Needs protection of additional Industrial Development along Chenoweth Run creek near I-265., which could cause significant environmental and tree canopy damage affecting:
 - The I-265 Snyder Freeway scenic character and LDC development standards.
 - The large 59-acre Future Fund Conservation Easement along Chenoweth Run creek.
 - And the downstream area along Floyds Fork including Valhalla Golf Club and the Parklands.

Thanks for your consideration.

Davis, Brian

From: Steve Henry <daddytc@bellsouth.net>
Sent: Saturday, December 16, 2023 10:59 AM
To: Davis, Brian
Subject: Floyds Fork DRO Comments

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

Thank you for providing the recent open house at Lake Forest Lodge. Below are our comments, concerns, and recommendations.

We recognize the need for more affordable housing units in Jefferson County. We understand that the area in question, the Floyds Fork watershed, offers some opportunity for needed development. However, we believe that what is proposed, indeed underway, is far too much. This area would, potentially, be radically altered, with significant environmental damage if what is proposed is realized.

*Louisville's Urban Tree Canopy, while showing recent slowing in percentage decline, is still significantly below the goal of 45%. Proposed development will further diminish UTC.

*According to a recent report, every single mile of Floyds Fork is listed as impaired due to findings of sewage, urban runoff, E. Coli, and sedimentation. Proposed development would increase further stream degradation.

*Roads in the area aren't built for the potential population spike. The current lack of infrastructure is representative of the area's intended rural character, which would be threatened significantly by proposed development.

*Local residents have long resisted this level of development. Those who have long lived here would be those who would be most impacted.

We strongly encourage a significant reduction in the level of development that is currently proposed. We also recommend:

*a 200 foot total buffer along Floyds Fork.

*no tree removal and no waivers in any streamside buffer zone.

*no excavation or disturbance at all in the 100 year flood plain.

*total impervious surface should not exceed 30%. Any additional impervious surface shall require green infrastructure, in addition to required basins, to mitigate 95% of stormwater runoff.

*at least 50% of the existing tree canopy within the DRO must be preserved, with special attention to large (>5,000 sq.ft.) patches.

Thank you for your consideration.

Sincerely,

Joy and Steve Henry
3951 Gilman Ave.
Louisville, KY 40207

Mr. Brian Adams
Department of Planning and Design Services
444 S. 5th Street Louisville, KY 40202

Dear Brian,

Thank you for the opportunity to make comments on the Floyds Fork DRO revisions. While I am a leader in the Sierra Club, Kentucky Chapter and have participated in discussions with Floyds Fork residents and others who have provided input, this letter is my individual response and does not necessarily reflect the opinions of Sierra Club or any other group or individual. I could write more but time is limited for comments on draft 2.

First, the process for public engagement in these revisions was not, in my opinion, designed to get the most out of the time spent over the last year or so. The recommended way to engage multiple stakeholders in conversations about major community decisions, whether zoning, housing, transportation, and so on, is to provide a round table format where representatives from all stakeholder groups can sit down together and come to a consensus on language before the drafts are prepared. In this way, items that are less contentious can be resolved early in the process and the more challenging issues can be resolved in a focused, give and take, fact based fashion. After the final draft of the DRO revision is prepared, many stakeholders will still be unhappy and contentious debate that might have been avoided will continue all the way through the Metro Council and beyond.

Second, our local land development code seems to be very highly prescriptive and complex. It is easily readable by a high school student but it takes a wizard to actually understand it. The apparent goal is to find language that covers every conceivable situation in each and every parcel of land. This by definition is impossible. Times change, knowledge grows, and needs change which lead to the ever present requests for zoning changes, variances, waivers, etc, until the intention of the original language becomes meaningless. With regard to the FFDRO process, I have spent a lot of time reading the drafts and proposing language with my interest groups with the full understanding that our carefully constructed language will likely not be included in the next draft. If the ideas in our comments are addressed in the next draft, there will almost certainly be changes. I believe form based codes, like those appearing in some of our form district regulations, can more easily communicate intentions to stakeholders than strict, yet ultimately malleable, prescriptive language.

Third, the vast majority of land in the DRO south of I 64 is zoned RR. Under RR zoning it is likely that most of the environmental and viewshed concerns could easily be satisfied with any new regulations. But it is abundantly clear that builders, and developers are intent on rezoning the RR sites wherever possible and the planning agencies in Metro Government have been for the most part willing to comply. This makes the final DRO revision ordinance critically important. If zoning cannot be depended on to provide the necessary environmental protections then the overlay regulations need to be strong, clear, and immutable under the vast majority of circumstances. As of draft 2, I see somewhat improved (shall's vs should's for one) but still very

weak regulations in several of the most critical elements, if protection of aquatic and riparian ecosystems is truly a primary concern and not simply wasted ink.

Fourth, the three most important regulations for protection of Floyds Fork and the ecosystems it supports have to do with impervious surfaces, stream buffers, and tree canopy. It is well known that when more than 10% of a drainage is converted to impervious surface, declines in stream health become measurable. As impervious cover increases, stream health can degrade in a nonlinear fashion. It is also well known that tree cover is substantially better at mitigating stormwater runoff than grassy yards and fields. Detention basins alone do not substantially reduce runoff volume, they only delay it. As a result of existing developments throughout the watershed, Floyds Fork is already stressed and prone to “flashiness.” Buffers provide riparian habitat and a final stop for runoff from saturated and compacted soils. I do not know what an appropriate % of impervious coverage should be written into the regulation but a good start would be a combination of tree canopy, “green infrastructure,” open space (including buffers), and detention basins that mitigates 95% of the post-development runoff.

Fifth, while the text in draft 2 states that the goal is to protect Floyds Fork and its environment we have no baseline ecological conditions from which to judge the effectiveness of our decisions. What is a healthy environment? What is the current state of the environment in the DRO? How will we know if our decisions are actually doing what they intend? There are no metrics for this. It is a glaring flaw.

Finally, while I love the Parklands of Floyds Fork, I find the exclusion of 21st Century Parks and their endowment from all regulations concerning. It appears as though the rich and famous are able to dictate terms regarding the management of our commons. There ought to be some limits on what they can do without review in the parklands or we could be faced with monstrous consequences without recourse, especially if there are residential or commercial developments in endowment properties. My suggestion would be that you run 21st Century Parks exclusions up the chain to metro attorneys.

Yours truly,

Terrell Holder,
3113 Albans Place
Louisville KY, 40241

Davis, Brian

From: kacey <kaceydf@fastmail.com>
Sent: Tuesday, December 19, 2023 2:21 PM
To: Davis, Brian
Cc: O'Brien, Jeff; Piagentini, Anthony; Benson, Stuart; Kramer, Kevin; Engel, Robin; Winkler, Markus; Ruhe, Betsy; Owen, Andrew
Subject: Re: Floyds Fork DRO/ZOD revisions comments

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Dear Brian,

I thank you for all the work PDS has put into this process and revisions. I wanted to send you the section of the Floodplain Management Ordinance that I mentioned at last week's meeting regarding the newly-implemented Conveyance Zone on the northern 9 miles of Floyds Fork; please note the lack of Conveyance Zone for the *remaining 22 miles under Louisville Metro's care*.

When my husband and I personally met with Tony Parrott (MSD CEO) regarding Floyds Fork, Mr. Parrott said, "MSD doesn't protect the DRO; that's the [Planning Commission]'s job." MSD iterated to us that MSD only enforces the ordinances or regulations which are 'in the books.' I want to point out that, in the Floodplain Management Ordinance, the Conveyance Zone allows the following

157.03 FLOOD HAZARD REDUCTION PROVISIONS.

(A) Local Regulatory Conveyance Zone.

(1) No development, shall occur in the local regulatory conveyance zone except as approved in a permit issued by the administering agency and are one of the following:

(a) Detention, retention, or other stormwater, flood control, or water quality facilities which are beneficial to the stream corridor and riparian environment...

This means that MSD has no regulations regarding elevation changes (excavating/filling) in the floodplain, even though we *know* (based on the model created by Stantec) that adding fill and/or basins in the conveyance zone are detrimental to Floyds Fork, its banks, and all properties up- and downstream of an altered floodplain. The Floyds Fork DRO/ZOD absolutely must prohibit *any* elevation changes in the floodplain for any Tier 2 Restricted Activity, with NO WAIVERS. *No waivers* even for basins or berming. These are science-based regulations that need to be 'in the books.'

Additionally, I want to point out that, despite the introduction to the FF ZOD mentioning the regulations "constitute a second level of development standards," the current revisions lack any major difference between it and the remaining Land Development Code—other than streamside buffers for Floyds Fork and perennial streams. The revisions contain NO regulations requiring ANY open space nor residential impervious surface restrictions. The revisions look eerily similar to chapters 4-11 and contain no additional protections for intermittent streams, tree canopy, nor stricter water quality treatment.

In summary, the FF ZOD revisions need to contain the following for **Tier 2 Activity only**

- NO Disturbance Zone—**with no waivers**—for *at least* 150' from FF top-of-bank for Wildlife Protection Area, and 200' in floodplain where no Conveyance Zone exists
- NO Disturbance Zone—**with no waivers**—within Conveyance Zone

- Stringent Open Space Requirements (currently there are *NONE*)
 - Land that is unreachable, untouchable, and unbuildable should not be included in Open Space/Tree Canopy Credit (e.g. islands located IN the waterway)
 - Basins should not be included in Open Space calculations
- Impervious Surface Limits must be included: 30% for 5 acres or less, 15-30% for greater than 5 acres
 - Basins should be included in impervious surface calculations
- Sewage pump stations should be located outside all streamside buffers and conveyance zone
- All basins in the DRO should be landscaped with walking paths around them (following Land Development Code 5.11.4.C.3.a & b)
- Either remove 25% Buffer offset language or ensure it includes elevation criteria; allow no reduction in floodplain areas
- Require hydrologic modeling to show *zero* impacts to velocity & height for *all* 31 miles of Floyds Fork

Thank you,

Kacey Frazier

Good Afternoon,

Thank you very much for those who were able to come out to the Floyds Fork Zoning Overlay District open house last night. And a big thank you to Lake Forest for allowing us to host the meeting at their lodge. Your hospitality was greatly appreciated!

Here is the link to the Floyds Fork DRO page: <https://louisvilleky.gov/government/planning-design/floyds-fork-dro>. We will continue to put updates on this page. Also, if you didn't fill out a survey form last night, you may do so by going to the link, scrolling to the bottom of the page, and completing that form. Or if you would rather email comments to us, you may direct those to Brian Davis at brian.davis@louisvilleky.gov.

We will be considering all the comments we have received while we prepare the third and final draft before the draft regulations go to the Planning Commission. As a reminder, we will publish the third draft on the page on Thursday, December 21. We will continue to take comments up until noon on January 2, and then all comments will be forwarded to the Planning Commission members. The Planning Commission public hearing will take place on **Thursday, January 4, 2024 at 1:00 pm** at the Old Jail Auditorium, 514 W. Liberty Street, Louisville, KY. Anyone wishing to attend virtually will be able to do so via Webex, and that link will be published on this page, <https://louisvilleky.gov/government/planning-design/upcoming-public-meetings>, once the meeting has been created.

Again, thank you for your feedback. Please send your comments or feel free to reach out to me if you have any questions.

Thanks,
Brian Davis

Brian Davis, AICP
Assistant Director
Office of Planning
Louisville Metro Government

444 S. Fifth St. #300, Louisville, KY 40202

O: 502-574-5160 | C: 502-528-8956

<image001.png>

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Davis, Brian

From: Kris Zoeller <bezboone@aol.com>
Sent: Wednesday, December 13, 2023 11:21 AM
To: Davis, Brian
Subject: DRO / ZOD

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Brian,

I attended the meeting last night. It was so crowded it was difficult to speak with the people at the tables. I guess the crowd was a good thing as so many are interested in smart development and protecting our environment.

I do have some additional suggestion for you to consider for the ZOD:

- There should be a NO disturbance Zone with NO waivers for at least 200 ' in the floodplain, 150' elsewhere for Wildlife Protection Area
- The Residential Impervious Surface Limits must be included: 30% for 5 acres or less, 15%-30% for greater than 5 acres
- All sewage pump stations should be located outside ALL streamside buffers
- There needs to be stringent Open Space Requirements for the Floyds Fork area
- Land that is unreachable, untouchable, and unbuildable should not be included in Open Space / Tree Canopy Credit
- Basins should be included in impervious surface calculations and not included in open space calculations
- All basins in the DRO (ZOD) should be landscaped with walking paths around them (following Land Development Code 5.11.4.a&b)
- Either remove 25% buffer offset language or ensure it includes elevation criteria; allow no reduction in floodplain areas
- Require hydrologic modeling to show ZERO impacts to velocity & height for ALL 31 miles of Floyds Fork

Thank you again for all your hard work. I know this is a very complex issue but it is very important to get this right. The river and its inhabitants are counting on us

Kris Zoeller
1844 Boone Trail
Louisville, KY 40245
502-419-4236

Davis, Brian

From: lkfrazier01@gmail.com
Sent: Wednesday, December 20, 2023 10:57 PM
To: Davis, Brian
Cc: lkfrazier01@gmail.com
Subject: Floyds Fork ZOD comments
Attachments: Floyds Fork ZOD revisions.docx; 21-ZONE-0001_ApprovedPlanWithExtension_071723.png

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Dear Brian,

Thank you for all your work on the Floyds Fork ZOD.

Attached are the comments that I am submitting for your consideration.

I'm also attaching the Perfection development. You had asked me for this digital version while at Lake Forest and I forgot to send it.

Please note that there is one lot in the DRO portion that is less than 4,000 sq ft!

Thank you again!

Lucas Frazier
[Louisville Keep Your Fork](#)

Floyds Fork ZOD revisions

1. There shall be no basins in the conveyance zone. If the conveyance zone is less than 200' or there is no conveyance zone, there shall not be basins or structures for the first 200'. This will protect the wildlife corridor.
2. There shall be no elevation changes (berming) on the stream side of the basin.
3. Flood basins/retention basins/water quality basins shall not be counted toward green space.
4. Basins to be landscaped with walking paths around them.
5. What the environmental assessment is assessing needs to be clearly defined.
 - a. Wildlife
 - b. Water quality
 - c. Hydrologic study
 - d. Soil
 - e. Erosion
 - f. Air pollution
 - g. Noise pollution
 - h. Light pollution
6. What/who determines if the environmental impact is too much?
7. How will/would these new regulations impact properties to be developed? Does the DRO/ZOD language treat these properties differently with stronger protections?
 - a. The DRO portion of 8000 Broad Run Rd (22-MSUB-0001)
 - i. This property does not have any floodplains
 - b. 2200 Eastwood Fisherville Rd (23-MSUB-0014)
 - i. This property does not have any floodplains
 - c. 16907 Aiken Rd (21-ZONE-0001)
 - i. This property was more densely developed in the DRO than the non-DRO portion
 - d. 8604 Broad Run Rd (privately owned, not currently for sale)
 - i. This property is primarily in the DRO, very little floodplains

There are certainly dozens of examples, but the truth is that the ZOD should treat the ridgeline-to-ridgeline land differently. For example, the steep slopes in the DRO/ZOD are different than the steep slopes along rolling hills. The ZOD steep slopes have immediate impact to the waterway. Water quality basins in a floodplain make zero sense as they will be overwhelmed and under water during a flood, losing their effectiveness. What other waterway in Louisville swells from 45' to 1,400' during a 4" rain event?

Aiken Rd

Davis, Brian

From: Steve Rungwerth <steverungwerth@gmail.com>
Sent: Saturday, December 16, 2023 3:45 PM
To: Davis, Brian
Subject: Floyds Fork DRO

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To: Brian Davis

Re: Floyds Fork DRO Comments

Thank you for reaching out to solicit comments regarding the proposed DRO revisions. I was not able to attend the open house in Lake Forest and would like for you to consider the following:

Mayor Greenberg recognizes the need for Louisville to accelerate its growth, as evidenced in the just released "Growing Louisville Together" document. We have fallen behind our peer cities in generating the growth that is necessary to provide the taxable resources to fund the initiatives that our city needs to improve the quality of life for our entire population.

One of the four prominent themes in the document is "Investing in Quality of Place". Fortunately, Louisville has already invested over \$125 million to create the unique asset of The Parklands of Floyds Fork. I am not aware of any other city of our size that has such a park system with a pristine waterway like Floyds Fork. This is a world class urban asset!

The DRO is the mechanism that can protect this asset for future generations. We all know that our city needs more housing, especially affordable housing. However, development that degrades the water quality of Floyds Fork will damage one of the premier Quality of Place assets that our city has. There exist many tracts of land within Jefferson County that can be developed or redeveloped. This is our chance to preserve Floyds Fork responsibly by restricting development within a fairly narrow corridor.

Specifically, the Louisville Keep Your Fork team has done an outstanding job in highlighting the issues. For example, the proposed buffer regulations are inadequate to protect the water quality that is so unusual near a major urban center. Please carefully consider their inputs and perspectives. Getting this right will make a major contribution to the desirability of Louisville for future economic development. Talent has choices - lets do our part to make it compelling to choose Louisville.

Again, thank you for taking the initiative to solicit comments from residents.

Steve Rungwerth
15805 Waterstone Court
Louisville, KY 40245

Davis, Brian

From: Richard Wolford <wolford.richardt@gmail.com>
Sent: Thursday, December 14, 2023 8:47 AM
To: Davis, Brian
Subject: Floyds Fork Corridor

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

My name is Richard Wolford. I am living at my home of 45 years at 815 Gilliland Rd.
I have three recommendations for the new draft.

1. I believe the 200' setback from the Forks edge is absolutely necessary for both filtering runoff into the fork and to reduce bank erosion, but it will be only effective if that setback is vegetated with natural growth, preferably native growth, and definitely not mowed lawn or landscape beds.

2 Required open spaces should not be septic areas, retention basins, cultivated, or building sites of any type.

3 there should be no building allowed on floodplains or slopes.

Thank you for considering my input.

Richard T. Wolford

Sent from my iPhone