

DEVELOPMENT REVIEW COMMITTEE

MINUTES

March 19, 2025

NEW BUSINESS

CASE NO. 24-DDP-0078

Request: Revised Detailed District Development Plan, Revised Major Preliminary Subdivision, & Floyds Fork Overlay Review with a Floyds Fork Waiver

Project Name: Aiken North Subdivision

Location: 16907 Aiken Rd; 16907 R Aiken Rd.

Applicant: Aiken 103 Partners, LLC

Representative: Bardenwerper, Talbott, & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 19 – Anthony Piagentini

Case Manager: Kaitlin Dever, Planner I

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 Committee received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:39:12 Kaitlin Dever provided an overview of the request and presented a PowerPoint presentation. Dever responded to questions from Committee Members (see recording for details).

The following spoke in favor of the request:

John Talbott, Bardenwerper, Talbott, & Roberts, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

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

Summary of testimony of those in favor:

00:45:24 John Talbott spoke support of the proposal and presented a PowerPoint presentation. Talbott provided an overview of the development plan and discussed the details of steep slopes. Talbott responded to questions from Committee Members (see recording for details).

00:51:58 David Mindel spoke in support of the proposal. Mindel elaborated on the development plan and the green space that would be provided (see recording for details).

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01:02:06 Rachel Casey responded to questions from Committee Members pertaining to Flat Rock Road (see recording for details).

The following spoke in opposition to the request:

Lucas Fraizer, 15700 Piercy Mill Rd, Louisville, KY 40245

Summary of testimony of those in opposition:

01:03:27 Lucas Fraizer spoke in opposition to the proposal and presented a PowerPoint presentation. Fraizer expressed his concerns pertaining to the number of lots that would be developed and the placement of lots within the floodplain area (see recording for details).

Rebuttal:

01:07:53 John Talbott spoke in rebuttal. Talbott stated that the number of lots will not be accurate until the lots have been platted and the amount of lots will not exceed the 866 lots without additional approval. Talbott responded to questions from Committee Members (see recording for details).

01:12:02 David Mindel spoke in rebuttal. Mindel mentioned that the alleyways from the original plan have been eliminated and that there would be less storm water runoff that would be directed to Floyds Fork. Mindel responded to questions from Committee Members (see recording for details).

Deliberation:

01:16:43 Committee deliberation

01:20:21 Public hearing reopened

01:20:25 John Talbott stated that the cemetery would be maintained through the HOA (see recording for details).

01:21:11 Committee deliberation

An audio/visual recording of the Development Review Committee meeting 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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Floyds Fork Waiver from Land Development Code (LDC) Section 3.1.3.E to allow disturbance of slopes greater than 30%.

01:21:19 On a motion by Commissioner Benitez, seconded by Commissioner Steff, the following resolution, based on the standard of review contained in the staff report and staff analysis and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds the waiver or modification will not adversely affect adjacent property owners as none of the steep slopes within the limits of disturbance extend onto adjacent properties and are not of significant size to affect the drainage of the greater area. A portion of the small ridgeline of slopes greater than 30% on Lots 193, 199, and 200 are protected within a non-buildable open space lot part of the original development plan under case 21-ZONE-0001. These slopes abut an intermittent stream internal to the subject site and will not affect or be visible to adjacent property owners, and

WHEREAS, the Development Review Committee 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 and public costs associated with soil slippage and foundation failure and to minimize environmental degradation. Per the Environmental Impact Statement, the slopes within the limits of site disturbance do not contain jurisdictional streams, wetlands, threatened or endangered species, and found that grading of these areas will result in more stable site conditions than present. Furthermore, the Environmental Impact Statement does not

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anticipate any sediment runoff into jurisdictional streams or wetlands in the vicinity of these slopes. The nearby intermittent stream will maintain the 25' streamside buffer as required by the LDC and will not be affected by the disturbance of slopes greater than 30 percent. Therefore, the proposed slope disturbance will not contribute to any severe erosion problems in the area, and

WHEREAS, the Development Review Committee finds the extent of the waiver or modification of the regulation is the minimum necessary to afford relief to the applicant. Disturbing the scattered pockets of slopes greater than 30 percent is unavoidable in the design of the subdivision. The ridgeline of steep slopes at the rear of Lots 193, 199, and 200, were previously approved for development in the original subdivision under case 21-ZONE-0001 and are not proposed to change at this time, and

WHEREAS, the Development Review Committee 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 Environmental Impact Statement does not anticipate any sediment runoff into jurisdictional streams or wetlands in the vicinity of these slopes. It further states that the existing protected 25' streamside buffer on the mainstream channel through the central portion of the parcel will continue to be protected and act as a buffer from any natural sediment or runoff from upland areas, and

WHEREAS, the Development Review Committee 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 as the adjacent intermittent stream will observe the 25' streamside buffer required by the LDC. The proposal is located approximately 2,250 feet from the nearest scenic corridors at the intersection of Aiken Road and Johnson Road. The portions of the revised subdivision disturbing slopes greater than 30 percent are approximately 3,350 feet away and will not affect the quality of the aforementioned scenic corridors, and

WHEREAS, the Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant as it would prevent the construction of housing on lots which have been evaluated by a qualified third party to have minimal impact on the environmental integrity of the area. A portion of these slopes near the intermittent stream will be protected in Open Space Lot 220 and another non-buildable

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open space lot as approved in the original subdivision under case 21-ZONE-0001; now, therefore be it.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested 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 Lannert, Benitez, Steff, and Fischer

ABSENT: Commissioner Kern

Floyds Fork Special Zoning Overlay District Review

01:22:03 On a motion by Commissioner Benitez, seconded by Commissioner Steff, the following resolution, based on the standard of review contained in the staff report and staff analysis and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Floyds Fork Special Zoning Overlay District Review.

The vote was as follows:

YES: Commissioners Lannert, Benitez, Steff, and Fischer

ABSENT: Commissioner Kern

01:24:18 Public hearing reopened

01:24:18 John Talbott requested that the development plan be sent to Planning Commission to address the applicant's request for increased density, which would trigger Binding Element #25 that requires Planning Commission review and recommendation with final approval by Metro Council, and responded to questions from Committee Members (see recording for details).

01:37:26 Committee deliberation

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Revised Detailed District Development Plan / Revised Major Preliminary Subdivision Plan subject to existing binding elements.

01:37:39 On a motion by Commissioner Benitez, seconded by Commissioner Steff, the following resolution, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested Revised Detailed District Development Plan / Revised Major Preliminary Subdivision Plan to the March 20, 2025, Planning Commission meeting.

The vote was as follows:

YES: Commissioners Lannert, Benitez, Steff, and Fischer

ABSENT: Commissioner Kern