

Land Development and Transportation Committee Staff Report March 27, 2025



Case No:	24-ZONE-0112
Project Name:	The Reserves at Parklands, Phase II
Location:	8000 Broad Run Road
Applicant:	Highgates Management
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	22 – Kevin Bratcher
Case Manager:	Amy Brooks, Planning Supervisor

REQUEST(S)

- **Change-in-Zoning** from R-R, Rural Residential & R-4 Single-Family Residential to Planned Residential Development (PRD)
- **Floyds Fork Waiver** from Land Development Code (LDC) Section 3.1.3.E to allow disturbance of slopes greater than 30%
- **Floyds Fork Special Zoning Overlay District Review**
- **Detailed District Development Plan /Major Preliminary Subdivision Plan** with binding elements

CASE SUMMARY

The applicant is requesting a change in zoning to allow for development under the Planned Residential Development (PRD) site standards for The Reserves at Parklands, Phase II. On approximately 107 acres, the subject site is near the intersection of Broad Run and Seatonville Roads and lying within the Floyds Fork Special Zoning Overlay District Review. The proposal is for 370 buildable, single-family residential lots. A significant portion of the site will remain as open space with 12 lots being designated as non-buildable. The site has several environmental constraints including steep slopes and karst features. Additionally, the parcel to the immediate west of the subject site has been approved for a revised major subdivision under case # 24-RSUB-0005. That portion of the development site is Phase I of the Reserves at the Parklands. Phase I remains zoned as R-4 with 243 that will integrate both single-family and multi-family options.

STAFF FINDING

The proposal is ready for a public hearing before the Planning Commission

TECHNICAL REVIEW

- Transportation Planning and MSD have preliminarily approved the proposal.

Traffic Impact Study

- A Traffic Impact Study final report was prepared by Diane Zimmerman, PE dated December 2, 2024. The study examined the traffic impacts of the development upon the adjacent highway system in close proximity to Phase I and Phase II of the development site.

Karst Survey

- The development site is located within the Karst Prone area of Jefferson County. A karst survey was conducted by ECS on April 27, 2021, with several areas of karst terrain identified which will require remediation with a geotechnical consultant on site.

Steep Slopes

- LDC Section 4.7.5 states that land disturbing activities on slopes greater than 20% is permitted on lots created by major subdivision after the effective date of this regulation only if the activity is in keeping with the Comprehensive Plan and the proposed activity complies with the following standards:
 - The Commission finds that the design and configuration of the development results in the minimum disturbance of slopes greater than 20% necessary to accommodate the proposed use of the site; and,
 - Compatible on-site utilities (electric, phone, cable) are placed in a common trench; and,
 - A geotechnical survey report shall be submitted for land disturbing activities on slopes greater than 20% and less than 30%. A geotechnical survey report shall be submitted for land disturbing activities on slopes greater than 30%. Such survey will ordinarily include information obtained by drilling, locating of bedrock and testing of soils for shear strength. The report shall be prepared by a licensed and Kentucky-registered professional engineer practicing in accordance with KRS 322 and whose area of expertise includes geotechnical engineering. The report shall include mitigation measures as needed to ensure stability and minimize environmental impact during site preparation and construction phases of the regulated activity, including erosion and sediment control measures to assure compliance with the Jefferson County Erosion and Sediment Control Ordinance. The report shall demonstrate that:
 - ❖ The slope's ground surface and subsurface are not unstable;
 - ❖ Development of the slope and associated mitigation measures will not increase the degree of risk of slope instability both on-site and on adjacent lands; and,
 - ❖ If a geotechnical report is required, the applicant provides a plan, acceptable to the Commission, that specifies how the mitigation measures and construction practices, including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site as recommended in the geotechnical report will be implemented.

A preliminary slope evaluation was submitted on January 24, 2025.

Floyds Fork Special Zoning Overlay District

- A portion of this subdivision plan is subject to the Floyds Fork Special Zoning Overlay District (FFSZOD) regulations. This proposed development meets the threshold for Tier 2 Regulated Activities in LDC Table 3.1.1, which requires approval by the Planning Commission or its designee.
- LDC Section 3.1.3.E states that areas with slopes 30 percent or greater shall not be disturbed. This proposed development site contains steep slopes greater than 30%. The areas of note are confined to non-buildable Open Space Lot 359 where man-made improvements to install utilities are proposed and is the subject of the Floyds Fork Waiver.

- LDC Section 11.11.3 states that waiver applications which request to waive or modify the prohibition on disturbing slopes 30 percent or greater shall require an independent environmental assessment of the impact to the health of the Floyds Fork waterway. The review has been conducted by a party licensed to perform such environmental assessments. Its purpose is to provide relevant information to the Planning Commission or its designee on the potential environmental impact of projects that include requests for waivers to the required design standards. The applicant has submitted an Environmental Impact Statement prepared by Kaitlin Illick of RES LLC dated 2/17/2025, which has been included in the material provided to the LD&T in advance of the hearing.
- LDC Section 11.11.7 states that the Commission may impose additional conditions or restrictions intended to mitigate the impact of the modification or waiver. These conditions or restrictions shall be considered as binding elements. A copy of the Floyds Fork Special Zoning Overlay District regulation is attached as an agenda item.

INTERESTED PARTY COMMENTS

- All comments received have been placed in the record and made available to the Committee in advance of the public meeting.

STANDARD OF REVIEW FOR ZONING/FORM DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable Land use and Development policies of Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in

the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

REQUIRED ACTIONS:

Set the public hearing date.

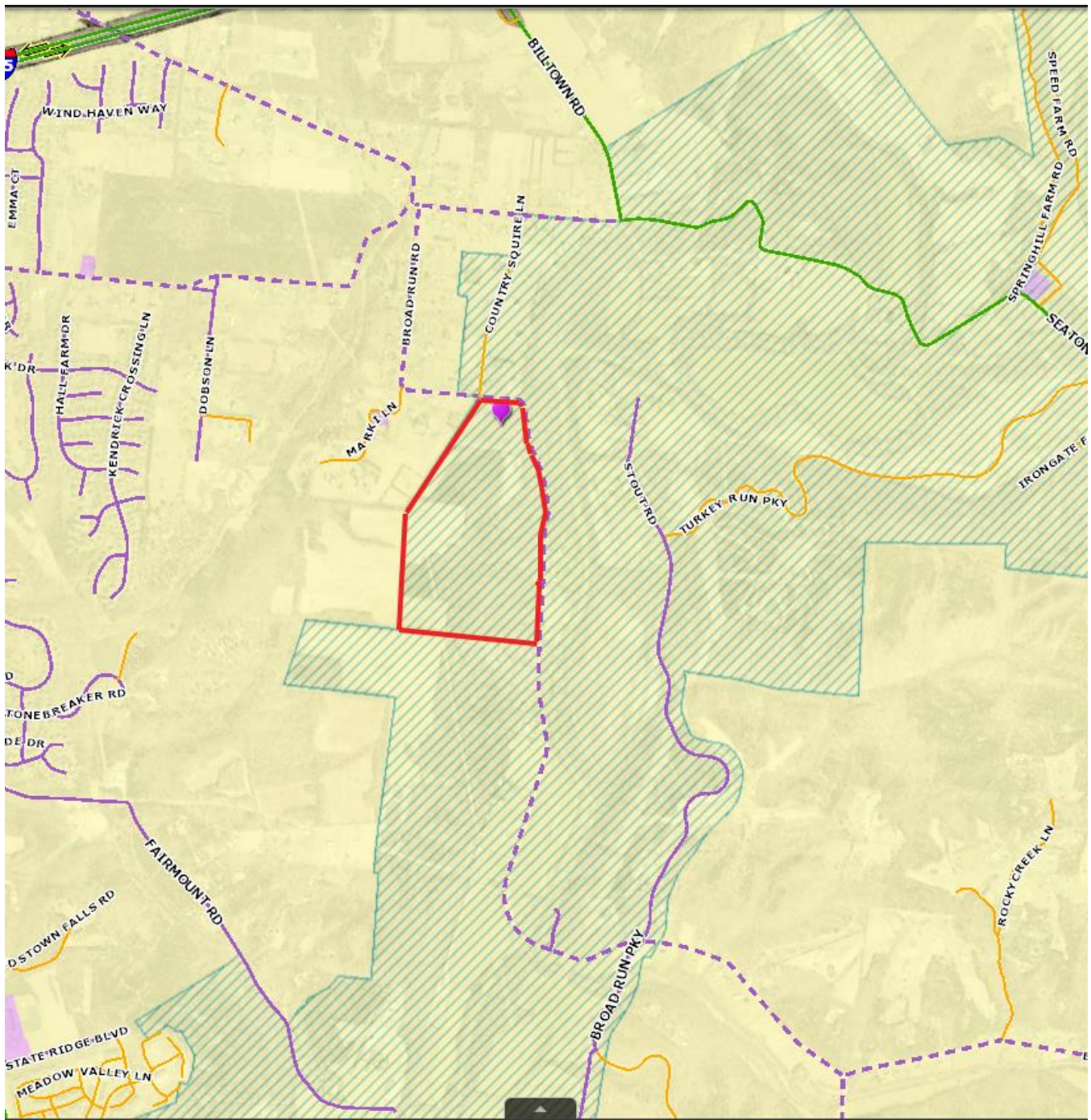
NOTIFICATION

Date	Purpose of Notice	Recipients
03/07/2025	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 22
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 22
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

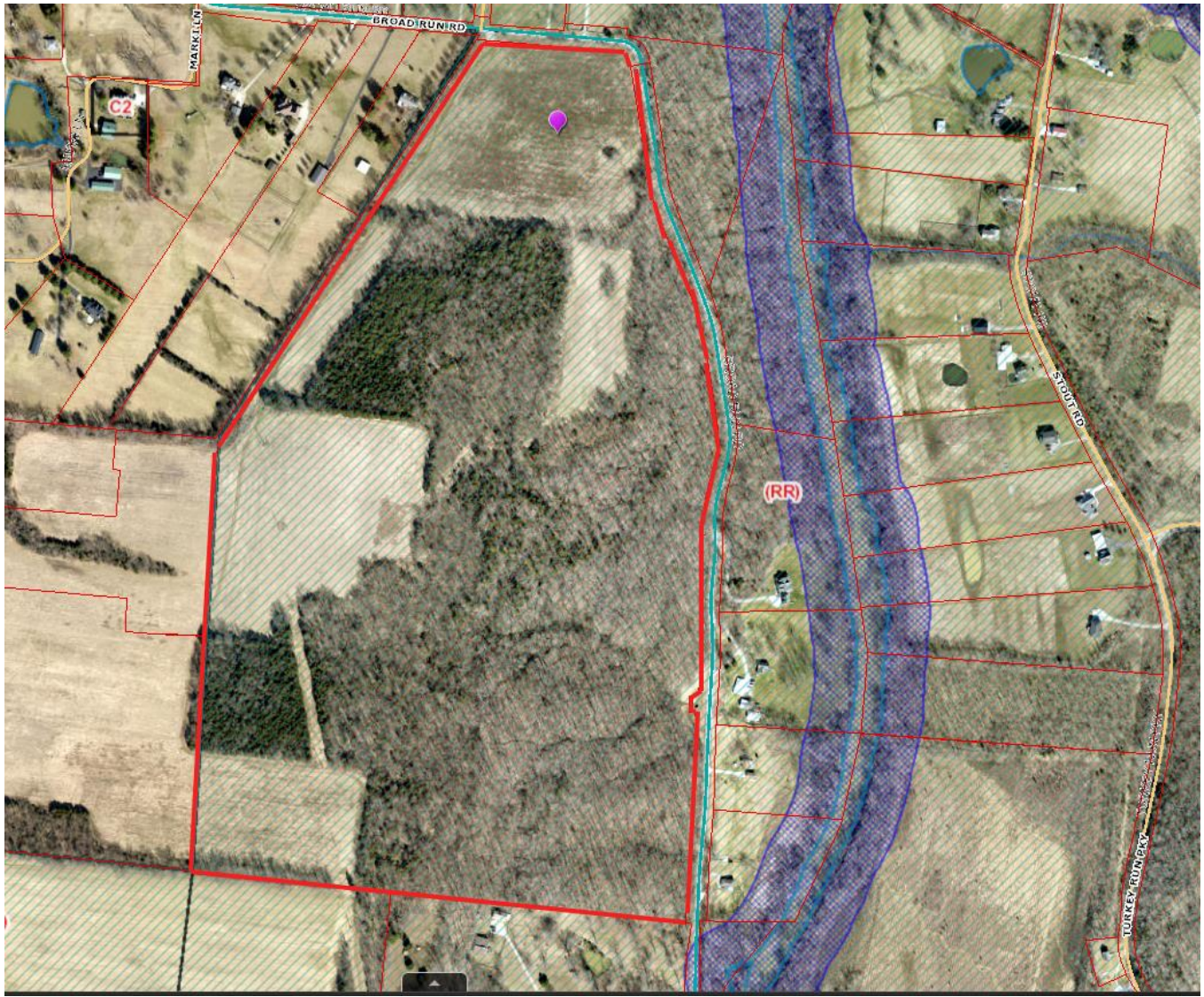
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing 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.
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 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.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. 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 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.