

Planning Commission

Staff Report

May 15, 2025



Case No:	24-ZONE-0112
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

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 review of land disturbing activity on steep slopes and 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 350 buildable, single-family residential lots. A significant portion of the site (45%) 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. The site drains east through multiple ephemeral and intermittent streams that connect offsite to Floyds Fork. Floyds Fork is located 525 feet east of the eastern project boundary, on the east side of Broad Run Road. 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 lots that will integrate both single- family and multi-family options.

STAFF FINDING

The proposed change in zoning does not conform to several of the land use and development policies of Plan 2040 as demonstrated in the Plan 2040 Staff Analysis. Staff is concerned that the scale of the development could have negative impacts on the adjacent residential uses and transportation network. While the proposed PRD district allows flexibility from the traditional pattern of R-4 or R-5 single-family development, the proposed development plan could better integrate proposed housing options. Staff also has concern with the lack of

connectivity between nearby service areas. Hence, the change in zoning and development plan are not justified for approval.

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 then revised on April 10, 2025. The study examined the traffic impacts of the development upon the adjacent highway system near 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%.

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 REZONING AND 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 guidelines and policies 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 / FORM DISTRICT

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

The site is located in the Neighborhood Form District

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.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks,

The proposed 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.

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.

The proposed district, Planned Residential Development, can be utilized to encourage fair and affordable housing by allowing a variety of ownership options and unit costs throughout Louisville Metro. While the proposal allows for this type of development this request has concerning issues that do not align with Plan 2040

1. The proposal does not integrate housing options. It is highly encouraged that a variety of lot sizes are dispersed throughout the subdivision.
2. The site is disconnected from transportation and employment centers, and multi-modal options are not currently available. This restricts access to automobile travel alone. No sidewalks or transit service is readily available to connect to services areas at Bardstown Road.
3. The roadway surrounding network does not support multi-modal options.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Plan 2040.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The site contains areas of steep slopes and unstable soils. The applicant provided detailed information pursuant to Land Development Code sections 4.7.4 and 4.7.5 indicating that the development can be constructed as shown without negatively impacting adjacent residential properties. Documents submitted in detail reference several construction and remediation techniques that will need to be adhered to. A recent site reconnaissance indicated that the site slopes are generally stable but indicated that intense vegetation could have obscured the ability to see unstable slopes.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The applicant has provided an exhibit indicating turns lane from Broad Run Road and sidewalks within the proposed development.

- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: 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.

- (d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The land uses are compatible with the existing and future development of the area. Appropriate screening will be provided to screen adjacent properties and roadways.

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan does not conform to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The preliminary slope analysis indicated areas of concern that might have not been visible due to the presence of dense ground covering.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LAND DISTURBING ACTIVITIES ON SLOPES GREATER THAN 20%

- (a) 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,

STAFF: 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.

- (b) Compatible on-site utilities (electric, phone, cable) are placed in a common trench; and

STAFF: 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.

- (c) The Planning Commission may approve the activity if the geotechnical report opines and demonstrates that:
a. The slope's ground surface and subsurface are not unstable;
b. 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,
c. 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.

STAFF: 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.

- (d) The activity is in keeping with the Comprehensive Plan.

STAFF: 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 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR FLOYDS FORK WAIVER

- a. The waiver or modification will not adversely affect adjacent property owners; and,

STAFF: 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.

- b. The waiver or modification will not violate the Comprehensive Plan and any neighborhood or small areas plans approved by Metro Council that include the subject property; and,

STAFF: 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, 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.

- c. The extent of the waiver or modification of the regulation is the minimum necessary to afford relief to the applicant; and,

STAFF: 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.

- d. 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; and,

STAFF: 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.

- e. 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; and,

STAFF: 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.

- f. Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR,
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: 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.

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY Change-in-Zoning** from R-R, Rural Residential & R-4 Single-Family Residential to Planned Residential Development (PRD).
- **APPROVE** or **DENY Floyds Fork Waiver** from Land Development Code (LDC) Section 3.1.3.E to allow disturbance of slopes greater than 30%.
- **APPROVE** or **DENY Floyds Fork Special Zoning Overlay District Review**
- **APPROVE** or **DENY Detailed District Development Plan /Major Preliminary Subdivision Plan** with review of land disturbing activity on steep slopes and binding elements.

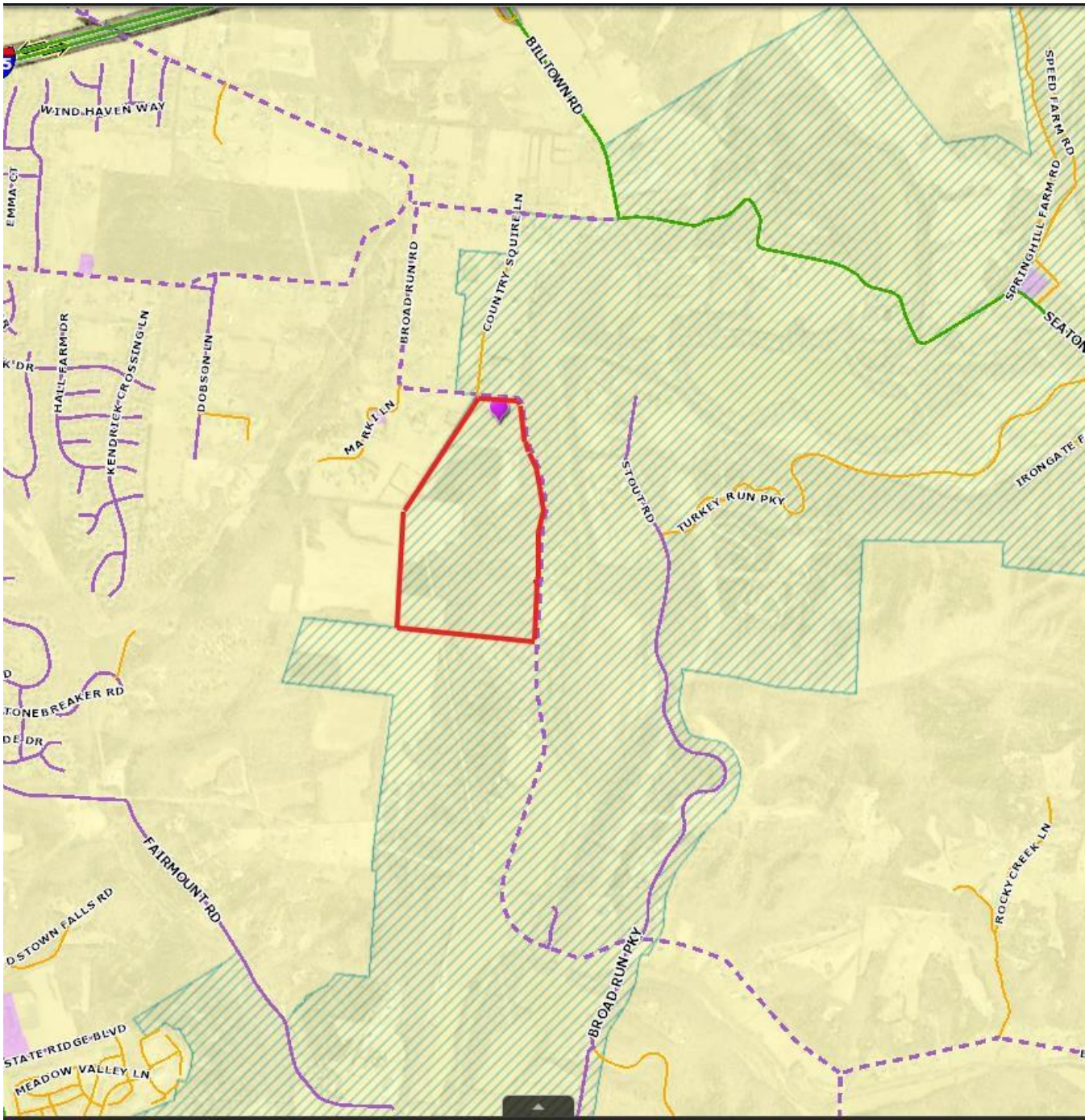
NOTIFICATION

Date	Purpose of Notice	Recipients
3/07/2025	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22
05/01/2025	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22
4/25/2025	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

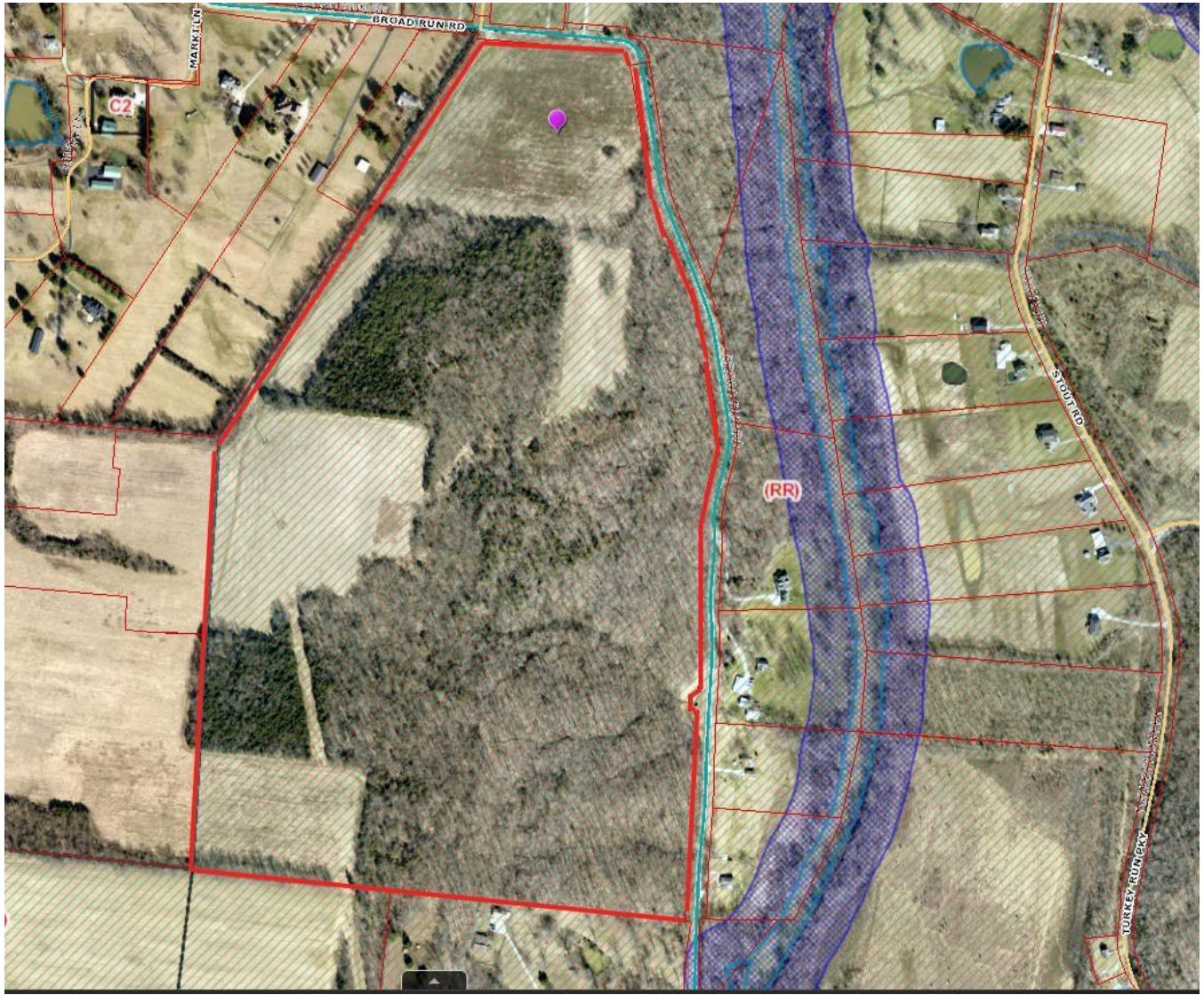
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Staff Plan 2040 Checklist

+	Exceeds Guideline
✓	Meets Guideline
-	Does Not Meet Guideline
+/-	More Information Needed
NA	Not Applicable

Neighborhood: Residential

Plan 2040 Plan Elements/Staff Analysis	
1	<p><u>Community Form: Goal 1, Policy 7.</u> Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.</p> <p><u>Staff Analysis:</u> The proposal is not for high-density development; however, it is disconnected from transportation and employment centers and restricted to automobile travel alone. No sidewalks or transit service is readily available. It would not appear that adequate transportation infrastructure is available to appropriately support the use</p> <p>-</p>
2	<p><u>Community Form: Goal 1, Policy 9.</u> Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.</p> <p>✓ <u>Staff Analysis:</u> The proposed district is compatible with adjacent land uses as the PRD district does not exceed the density levels of the R-5, single-family district.</p>
3	<p><u>Community Form: Goal 2, Policy 9.</u> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</p> <p>✓ <u>Staff Analysis:</u> The land is primarily vacant and will result in the development of housing.</p>
4	<p><u>Community Form: Goal 3, Policy 10.</u> Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.</p> <p>+/- <u>Staff Analysis:</u> The site contains steep slopes and unstable soils. Adequate analysis has not been completed to ensure the development as proposed can be safely completed on this site Development should be in accordance with LDC 4.7.</p>
5	<p><u>Community Form: Goal 4, Policy 2.</u> Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p> <p>✓ <u>Staff Analysis:</u> Natural elements appear to be preserved as the site will maintain required buffers and tree canopy. The site does not contain historic structures.</p>

Plan 2040 Plan Elements/Staff Analysis	
6	<p><u>Community Form: Goal 4, Policy 3.</u> Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.</p> <p><u>Staff Analysis:</u> The site does not contain historic structures.</p> <p>+/-</p>
7	<p><u>Mobility: Goal 1, Policy 4.</u> Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.</p> <p><u>Staff Analysis:</u> The density is no greater than permitted in the R-5 district which is not a high-density district. However, it is disconnected from transportation and employment centers and restricted to automobile travel alone. No sidewalks or transit service is readily available. It would not appear that adequate transportation infrastructure is available to appropriately support the use.</p> <p>-</p>
8	<p><u>Mobility: Goal 2, Policy 4.</u> Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</p> <p><u>Staff Analysis:</u> The density is no greater than permitted in the R-5 district which is not a high-density district. While the area is not developed in a pattern of R-4 or R-5, connectivity for the district through adjacent districts permitting similar density is appropriate.</p> <p>✓</p>
9	<p><u>Mobility: Goal 3, Policy 2.</u> To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.</p> <p><u>Staff Analysis:</u> The site is not easily accessible by bicycle, car, transit, pedestrians and people with disabilities.</p> <p>-</p>
10	<p><u>Mobility: Goal 3, Policy 5.</u> Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</p> <p><u>Staff Analysis:</u> All improvements required shall be made to ensure the transportation network can serve the use.</p> <p>+/-</p>
11	<p><u>Mobility: Goal 3, Policy 6.</u> Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</p> <p><u>Staff Analysis:</u> All improvements to the right-of-way or dedication will be made as requested and the turning lane off Broad Run Rd will be provided.</p> <p>✓</p>
12	<p><u>Mobility: Goal 3, Policy 9.</u> When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.</p> <p><u>Staff Analysis:</u> All improvements should be made. However, the lack of connectivity for all potential users within the development is concerning.</p> <p>-</p>
13	<p><u>Mobility: Goal 3, Policy 10.</u> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p> <p><u>Staff Analysis:</u> Metro improvements are planned for Brentlinger Lane that may aid in connecting the site to activity centers. Transportation Planning has approved the preliminary proposal.</p> <p>✓</p>
14	<p><u>Mobility: Goal 3, Policy 21.</u> Prevent safety hazards caused by direct residential access to high speed roadways.</p> <p><u>Staff Analysis:</u> No direct access to high speed roadways is provided for individual units.</p> <p>✓</p>
15	<p><u>Community Facilities: Goal 2, Policy 1.</u> Locate development in areas served by existing utilities or capable of being</p>

Plan 2040 Plan Elements/Staff Analysis	
	served by public or private utility extensions.
✓	Staff Analysis: The applicant is proposing to connect to the sewer system.
16	Community Facilities: Goal 2, Policy 2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.
✓	Staff Analysis: Utility service will be coordinated with all affected agencies.
17	Community Facilities: Goal 2, Policy 3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).
✓	Staff Analysis: MSD has approved the preliminary development plan.
18	Livability: Goal 1, Policy 5. Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.
+/-	Staff Analysis: The site contains environmental features that will need to be minimized or mitigated during the construction phase of the project
19	Livability: Goal 1, Policy 17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.
+/-	Staff Analysis: The site contains steep slopes. Adequate analysis has not been completed to ensure the development as proposed can be safely completed on this site
20	Livability: Goal 1, Policy 21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.
✓	Staff Analysis: The site is not within the floodplain.
21	Housing: Goal 1, Policy 1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.
-	Staff Analysis: The proposed district encourages a variety of housing types. However, the proposal does not integrate housing options
22	Housing: Goal 1, Policy 2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.
-	Staff Analysis: The proposed district promotes housing options and environments that support aging in place as senior. However, the subject site is disconnected from transit service which reduces the ability for some seniors to obtain care.
23	Housing: Goal 2, Policy 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.
-	Staff Analysis: The proposal does not integrate housing options
24	Housing: Goal 2, Policy 2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.

Plan 2040 Plan Elements/Staff Analysis	
-	Staff Analysis: The site is dislocated from services areas and no means of multi-modal access to these areas is currently available.
25	<p>Housing: Goal 3, Policy 1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.</p> <p>Staff Analysis: The proposed district encourages fair and affordable housing by allowing a variety of ownership options and unit costs throughout Louisville Metro. The district expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling the provision of affordable housing in dispersed locations throughout Louisville Metro. However, staff is concerned with lack of connectivity to the site.</p>
26	<p>Housing: Goal 3, Policy 2. As neighborhoods evolve, discourage displacement of existing residents from their community.</p> <p>✓ Staff Analysis: The proposed district allows for an increase in residential occupancy on a site that is vacant.</p>
27	<p>Housing: Goal 3, Policy 3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.</p> <p>+/- Staff Analysis: The proposed district encourages the use of innovative design methods by expanding the ability to provide a variety of housing types and styles. The proposed development plan should be revised to integrate housing and lot types.</p>

4. Proposed 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