

PLANNING COMMISSION MINUTES
January 4, 2024

PUBLIC HEARING

CASE NO. 23-ZONE-0128

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.

6. Any external changes to the subject site or modification of the exterior of the buildings shall be in accordance with a Certificate of Appropriateness for the Individual Landmark.

The vote was as follows:

YES: Commissioners Howard, Cheek, Fischer, Sistrunk, Pennix, Mims, Kern, Carlson, and Lewis

NO: None

PLANNING COMMISSION MINUTES
January 4, 2024

PUBLIC HEARING

CASE NO. FLOYDS FORK ZONING OVERLAY DISTRICT

Request: Floyds Fork Zoning Overlay District
Project Name: Floyds Fork Zoning Overlay District
Jurisdiction: Louisville Metro
Council District: District 19
Case Manager: Brian Davis, AICP, Assistant Director

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Office of Planning offices, 444 S. 5th Street.)

Agency Testimony:

00:45:12 Brian Davis provided an overview of the request and presented a PowerPoint presentation. Davis responded to questions from Committee Members (see video for details).

The following spoke regarding 23-LDC-0006

Derek Triplett, Land Development & Design, 503 Washburn Ave, Louisville, KY 40222

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

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

Adam Weaver, 2421 Hawthorne Ave, Louisville, KY 40205

Terry Lloyd, 291 N Hubbards Ln #172, Louisville, KY 40207

Rich Heareth, 1900 Dressage Circle, Louisville, KY 40245

Cliff Ashbuner, Dinsmore & Shohl, 101 S 5th St, Suite 2500, Louisville, KY 40202

Scott Hannah, 642 S 4th St, Louisville, KY 40202

David Mindel, Mindel Scott, 5151 Jefferson Blvd, Louisville, KY 40219

PLANNING COMMISSION MINUTES
January 4, 2024

PUBLIC HEARING

CASE NO. FLOYDS FORK ZONING OVERLAY DISTRICT

Jacob Belwood, 10709 Providence Dr, Louisville, KY 40291

Hal Heiner, 15101 Piercy Mill Rd, Louisville, KY 40245

Terrell Holder, 3113 Albams Place, Louisville, KY 40241

Jeff Frank, 16509 Bradbe Rd, Fisherville, KY 40023

Teena Halbig, 6505 Echo Trail, Louisville, KY 40299

Steve Porter, 2406 Tucker Station Rd, Louisville, KY 40299

Bertram Stocker, 16313 Crooked Ln, Fisherville, KY 40023

Harrell Hurst, 16200 Taylorsville Rd, Fisherville, KY 40023

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

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

Steve Rungwerth, 15805 Waterstone Ct, Louisville, KY 40245

Susan Zoller, 1844 Boone Trail, Louisville, KY 40245

Barbara Kelly, 6009 Mint Spring Branch Rd, Prospect, KY 40059

Carol Hurst, 16200 Taylorsville Rd, Fisherville, KY 40023

Michael Farmer, 15100 Old Taylorsville Rd, Fisherville, KY 40023

Bruce Zoeller, 1844 Boone Trial, Louisville, KY 40245

Tim Cook, 2410 Running Brook Trial, Fisherville, KY 40023

Lisa Poss, 1901 Whitewood Ridge Dr, Louisville, KY 40245

01:34:43 Steve Portor and Juva Barber requested that the case not be heard until all recommendations and comments have been put together and met with staff.

PLANNING COMMISSION MINUTES
January 4, 2024

PUBLIC HEARING

CASE NO. FLOYDS FORK ZONING OVERLAY DISTRICT

01:48:48 Derek Triplett stated he was concerned about the Independent Environmental Analysis section 11.12.3.B. Triplett mentioned there were no issues with the requirements for the assessment however feels that the implementation of choosing a consultant could be problematic (see recording for details)

01:50:32 John Talbott mentioned that the regulations should be clearer and more understanding. Talbott stated the problem with the Floyds Fork DRO is that they are not really regulations and might not be legally valid (see recording for details)

01:53:29 Juva Barber stated the amended version of the Floyds Fork DRO that was dated from December 21, 2023 to January 4, 2024 were different and the changes were caught after rereading the document. Barber mentioned that the development community wants a clear regulation that can be followed to protect Floyds Fork but still bring forth housing and development projects (see recording for details)

01:56:44 Adam Weaver mentioned that his company targets first time buyers and believes these regulations prevent the creation of houses at a density where they can provide things at an affordable level (see recording for details)

1:58:26 Terry Lloyd mentioned that he was the manager of Fischer Homes and provides affordable housing within Jefferson County. Llyod stated that 70% of the company's product is focused on first time home builders or young families. Llyod stated that the company is in support of the BIA however they would like more clarity subjectivity of the regulations (see recording for details)

01:59:31 Rich Heareth elaborated on the changes pertaining to WOTUS. Hearth specified that the Core of Engineers do not have a clear directions on which way to proceed when it comes to the streams of Floyds Fork (see recording for details)

02:01:09 Cliff Ashburner echoed the desire to come up with a regulation that works to protect Floyds Fork and the land around it. Ashburner stated that material that was presented will lead to confusion and many more meetings pertaining to individual projects (see recording for details)

02:06:22 Scott Hannah questioned the practicality of the regulations. Hannah specifies that section 3.1.8 mentions landscaping and lighting however those subjects are covered in Section 10 and section 4 of the Land Development Code (see recording for details)

02:07:26 Jacob Ellwood questioned section 3.1.3 item G pertaining to lighting in residential development. Ellwood stated he would like a better understanding of the plan

PLANNING COMMISSION MINUTES
January 4, 2024

PUBLIC HEARING

CASE NO. FLOYDS FORK ZONING OVERLAY DISTRICT

that forces the extensive lighting regulations especially for residential owners and the development as a whole (see recording for details)

02:09:07 David Mindel stated the proposal does not allow filling or excavation within the floodplain. Mindal elaborated on certain areas that could be cut from the proposal (see recording for details)

02:13:06 Hal Heiner explained that the stream side buffer goes from 25ft to 150ft and believes the footage is necessary for a wildlife corridor. Heiner highlighted on four major areas which included section 3.1.3.A.3 and pump stations being located in buffer areas (see recording for details)

02:16:59 Terrell Holder mentioned that the Sierra Club believes that the process for updating the social and environmental protection in section 3.1 was not designed with cooperation, collaboration, and consensus among stakeholders. Holder feels the biggest concern is storm water runoff mitigation (see recording for details)

02:20:11 Steve Rungwerth ceded his time to Jeff Frank

02:20:11 Jeff Frank elaborated on waterways, tree canopy, and the multiple drafts that were created. Frank stated there are inconsistency with the adopted Floyds Fork area study (see recording for details)

02:28:00 Barbara Kelly ceded her time to Teena Halbig

02:28:07 Tenna Halbig stated she is part of the Floyds Fork Environmentalist Association and was on the task force that created the Floyds Fork DRO. Halbig elaborated on comments that were made pertaining to the DRO (see recording for details)

02:36:40 Bruce Zoller ceded his time to Harrell hurst

02:37:14 Carol Hurst ceded her time to Steve Porter

02:37:16 Steve Porter talked about Floyds Fork regulations and ordinances. Porter gave examples of where the proposal is deficient (see recording for details)

02:43:45 Michael Farmer ceded his time to Bertram Stocker.

02:43:45 Bertram Stocker elaborated on tree preservation and tree canopy. Bertram Stocker presented a PowerPoint presentation (see recording for details)

PLANNING COMMISSION MINUTES
January 4, 2024

PUBLIC HEARING

CASE NO. FLOYDS FORK ZONING OVERLAY DISTRICT

02:48:54 Harrell Hurst discussed the issues that have caused problems to the environment and the local streams. Hurst presented a slide presentation pertaining to the stream health and impervious surface (see recording for details)

02:55:42 Tim Cook ceded his time to Lucas Fraizer

02:56:35 Lori Pause ceded her time to Lucas Fraizer

02:57:03 Lucas Fraizer talked about the development history of the DRO and the development pressure that dwelling units are causing. Fraizer highlighted on the Aiken North development and presented a PowerPoint presentation (see recording for details)

03:04:10 Kacey Frazier talked about the diversity of wildlife and the environment within the corridor. Fraizer elaborated on the issues within Floyds Fork and discussed ways of correcting the matter (see recording for details)

Deliberation:

03:10:54 Planning Commission deliberation.

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

An Amendment to the Land Development Code (LDC) related to the Floyds Fork DRO

03:26:45 On a motion by Commissioner Carlson, seconded by Commissioner Fischer, the following resolution, to consider any changes/revisions to January 4, 2024, draft, any proposed revisions to that draft will be due on February 22, 2024, and that testimony heard on March 7, 2024 will be restricted to the revisions to that draft, was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** the request to March 7, 2024.

The vote was as follows:

YES: Commissioners Howard, Cheek, Fischer, Sistrunk, Pennix, Mims, Kern, Carlson, and Lewis
NO: None