



April 19, 2023

Louisville Metro Planning Commission
444 South 5th Street, Suite 300
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**Re: Case No. 22-ZONE-131
Comments in Opposition to Application for a Zone Change from RR to R-4 to
allow a 103-lot Subdivision Development on 36.67 Acres for Property Located at
2405 Echo Trail Within the Floyds Fork DRO**

Dear Commission Members and Planning Staff:

This firm represents Jeff Frank, The Friends of Floyds Fork (collectively "Friends"), and the Fisherville Area Neighborhood Association (hereinafter FANA). The Friends are an entity created to protect the water quality and environmental integrity of the Floyds Fork watershed. FANA is a neighborhood association of residents opposed to unsustainable development and the protection of the rural character and health of Floyds Fork and its environs in the Fisherville area. Mr. Frank, the Friends of Floyds Fork and FANA will be injured and aggrieved by the proposed zone change and subdivision located at 2405 Echo Trail in Case No. 22-ZONE-131. We request that these comments be made part of the Planning Commission record for this case.

The Applicant, Brad Rives for Long Run Creek Properties, LLC and Home Builders Association of Louisville, Inc. (collectively "LRCP") submitted its application for a zone change before the Planning Commission requesting approval in order to build a 103-lot single-family subdivision on 36.67 acres of property, with a significant portion of the property located within the Floyds Fork Development Review Overlay district ("DRO"). The Applicant is proposing to utilize development potential transfer for steep slopes on 36.67 acres of land approximately a mile south of Interstate 64 along Echo Trail, with 103 buildable lots, and road and sewer infrastructure in the DRO connecting to the Floyds Fork Wastewater Treatment Plant. This development (hereinafter "Echo Trail 2") is part of a much larger development, connecting to the same applicant's development the east (18SUBDIV1023, between 1801 & 2704 Echo Trail), which is comprised of over 550 residential units (hereinafter "Echo Trail 1"). This development will also be connected to another proposed development to the south of the Echo Trail 1, comprising of an additional 420 residential units (2200 Eastwood Fisherville Road, hereafter "Eastwood Development").

The proposed development is inconsistent with the Cornerstone Plan 2040 ("Comp. Plan"), the Land Development Code ("LDC"), the Floyds Fork DRO, and other relevant plans, statutes and regulations. The proposed development will contribute to further impairment of Floyds Fork, damage the water quality of Long Run Creek, a tributary of Floyds Fork, and destroy wetlands and other waterbodies that have a significant nexus with Long Run Creek and Floyds Fork. In 2022, five residential proposals were made to develop within the Floyds Fork DRO,

adding a proposed 940 dwelling units to an already inundated and threatened waterway. Friends and FANA are concerned about irresponsible development that will only exacerbate erosion, pollution, and siltation in the stream.

The Commission is required to consider impacts to water quality, especially for streams that are already impaired under the Clean Water Act – the streams at issue are already impaired, and are in the process of being evaluated for restoration by the Army Corps of Engineers (“USACE”) and other entities. Proposed Section 206 stream reconstruction efforts on this portion of the stream are imminent.

For these and the following reasons, the Friends of Floyds Fork and FANA oppose the application. The Louisville Metro Planning Commission (“Planning Commission”) should deny the application for failure to meet the requirements of the Comp. Plan, the LDC, the DRO, and other relevant statutes, regulations, ordinances, and policies. In the alternative and at minimum, this application should be re-docketed to a later date to allow Applicant time to complete a detailed environmental analysis study that adequately considers the concerns raised in these and other neighbors’ comments, as well as to allow the overdue Floyds Fork DRO review ordered by Metro Council. The Applicant should confer with the USACE to ensure that the proper protections are in place to repair the stream and mitigate any impact to water quality in the area and to the proposed aquatic ecosystem restoration project. In addition, this proposal should not eliminate the potential for the USACE, acting with other partners, to repair and improve the stream under Section 206. In its present incarnation it clearly appears to do so.

SUMMARY OF OPPOSITION

- 1) The proposed zone change is inconsistent with the Land Development Code, specifically, the provisions for Floyds Fork DRO
- 2) The proposed zone map amendment violates KRS 100.213
- 3) The proposed subdivision violates the Erosion and Sediment Control Requirements
- 4) Floyds Fork has Been Impaired for Decades – Meaning it Has Extremely Poor Water Quality that the Planning Commission Continues to Ignore
- 5) There is an ongoing Army Corps aquatic ecosystem restoration project for Long Run Creek and other sections of the Floyds Fork watershed that will be profoundly impacted by this subdivision development.
- 6) The proposed development is part of a much larger development, and the piecemeal approval by the Commission does not adequately consider the direct, indirect, and cumulative impacts of this larger development on the community.
- 7) Traffic conditions continue to fail and are unsafe in the area.
- 8) The application fails to comply with the South Floyds Fork Area Plan.

FRIENDS' AND FANA'S COMMENTS IN OPPOSITION

- 1) The proposed zone change is inconsistent with the Land Development Code, specifically, the provisions for Floyds Fork DRO.

As a preliminary matter, 22-ZONE-131 is facially deficient as the application itself states that the proposed development is *not* within an overlay district, when the property is actually squarely within the Floyds Fork Development Review Overlay. See Application at 2. For these reasons, alone, the Application must be **DENIED**.

Further, the application is inconsistent with provisions of the Land Development Code ("LDC"). Generally, "[t]he provisions of this Code are intended to be the minimum requirements to promote public health, safety, comfort, good order, appearance, morals and general welfare...of such areas." The Code is intended to... "facilitate adequate provision for traffic, transportation, water, sewerage, schools, parks and other public requirements..." See LDC 1.1.5.

A. The proposed zone change violates the DRO provisions for the Floyds Fork Special District

The proposed development is located in the protected Development Review Overlay District for the Floyds Fork Watershed, where the LDC delineates strict guidelines for development. The Applicant plans to build two entrances to the subdivision adding to an already congested Echo Trail and Eastwood Fisherville Road, build sewer lines, and construct homes on lots within fifty feet of Long Run Creek, on property located within the Floyds Fork protected overlay district. The proposed development will have negative impacts on nearby Floyds Fork and Long Run Creek.

Development within the DRO is more strictly regulated by the LDC because of its conservation value. "Activities that may be detrimental to the natural, scenic and environmental characteristics as described herein are regulated by the provisions of this ordinance and subject to the review process set out in paragraph 3 below." See LDC 3.1-2. The purpose of the DRO is to protect the public and property owners in the district:

- i. From blighting influences which might occur under conventional land use regulations.
- ii. From unsafe buildings which would be caused by uncontrolled development.
- iii. From significant damage or destruction of prominent hillsides or valleys caused by improper development.
- iv. From significant damage to the economic value of existing properties and/or new developments.
- v. From soil erosion and stream siltation.
- vi. From the destruction of mature and/or valuable trees and other vegetation and wildlife habitat.
- vii. From loss of high quality visual character.

See LDC 3.1-1. The Commission must review proposed regulated activities to "determine impact on environmental characteristics, including but not limited to impacts on water quality, the

floodplain, wetlands, natural drainage ways, steep slopes, soils, forestation and scenic vistas.” LDC 3.1-2. The Commission must also “consult with the Director of Works and the Metropolitan Sewer District in the course of this review process.” *Id.* The applicant must also “**provide adequate information** to allow the Commission to determine impacts of the proposal and compliance with the guidelines.” *Id.* (emphasis added). The Planning Commission may disapprove a proposed district development plan if negative environmental impacts are not adequately mitigated. LDC 3.1-4.

The intent of the DRO Design Guidelines is to ensure that new development within the Floyds Fork Corridor is designed to **aid in restoring and maintaining excellent quality for land and water resources of the Floyds Fork Corridor**. LDC 3.1-5. The design guidelines for the DRO are also intended to complement the natural landscape in order to obtain an **aesthetically pleasing, rural atmosphere**. *Id.*

The Floyds Fork DRO Guidelines apply to new development, including subdivisions, new construction, clearing and grading of land. See LDC 3.1-5. Stream corridors are to be protected by buffer strips to reduce the force of runoff and other hazards from floods and erosion adjacent to the stream. See LDC 3.1-5(1)(a) and (b). Otherwise, the Developer should be mitigating the effects of stream bank erosion by planting vegetation or by other stabilization techniques. See LDC 3.1-5(1)(c).

The plain language of Chapter 3, Part 1 makes it clear that the requirements of the Floyds Fork Special District are not guidelines, but are “requirements.” Part 1(A)(3)(b) states, “Where applicable by provisions of this ordinance, **requirements imposed herein shall be in addition to those of the underlying zoning classifications**.” See LDC 3.1-2 (emphasis added). The *requirements* of the Floyds Fork DRO cannot be disregarded by the Commission.

The Applicant, in its *Statement of Compliance*, states the site has “a very substantial vegetative buffer along Echo Trail and Floyds Fork Creek ... [in order to] reduce the impacts of stormwater damage utilizing the detention basins on the adjacent property under development (18-SUBDIV-1023).” *Statement of Compliance* at 2. The Applicant states that, “There are no wet or highly permeable soils and the steep slopes on the subject property are proposed as natural resource open space to avoid erosion problems.” *Id.*

This application is inconsistent with the DRO requirements. Stormwater treatment basins for this proposal are proposed located offsite in the DRO floodplain of Long Run Creek in the approved but yet to be commenced Echo Trail 1 proposal. Structures, impervious surfaces, sanitary sewer lines, and associated fill slopes should not be located within the floodplain. Filling and excavation should also not be permitted in the floodplain, as floodplains are recommended for agricultural and recreational use, not residential or utility use. Some of the buildable lots are within 50-100 feet of an unnamed tributary of Long Run Creek and will inundate the creek with runoff from the proposed impervious surfaces. Areas identified as wetlands for the proposed storm water basins in studies approved by government agencies should be preserved in their natural state, and drainage, flooding patterns and any hydrologic system(s) needed to sustain the wetlands should not be altered. All existing vegetation and wildlife habitat should be preserved. Any cuts and fills should be minimized and if they are necessary, modifications should be replanted with appropriate vegetation. There is no indication on the change of zoning plan prepared by the

applicant and other supporting documents that any of these DRO requirements are met. For these reasons, the application should be DENIED.

B. The proposed zone change violates the LDC's provisions on wetlands and waterways.

Friends and FANA are also concerned with how the stormwater for this development will be treated, and how that stormwater will harm established wetlands on the adjacent site where the applicant intends to send its stormwater runoff. The LDC provides protections for waterways and wetlands to:

(i) to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that river and stream corridors, lakes and other critical waterways, wetlands, and their associated riparian areas provide in Jefferson County;

...

(iii) to locate development, where possible, in areas that do not have severe environmental limitations and to protect natural areas and features as part of development planning, by designating buffer areas that will guide future development adjacent to protected waterways;

(iv) to minimize water pollution, including sediment and other pollutants in surface runoff; to promote bank stabilization; to protect riparian wetlands and their wildlife habitats;

(v) generally to promote land use policies which will maintain and improve water quality levels; (vi) to implement goals of the Clean Water Act." See LDC 4.8.1.

This section applies to all subdivisions and land disturbing activity that will occur within a buffer area of a Protected Waterway. See LDC 4.8.2. All streams shall have a buffer area, intermittent streams shall have a permit from Kentucky Pollutant Discharge Elimination System. Buffer areas shall be established to protect wetlands greater than .1 acre which are subject to the federal jurisdiction of the US EPA and Army Corps of Engineers. See LDC 4.8-2(A)(2). Final buffer area boundaries must be delineated and approved by the Planning Director. See LDC 4.8-2(B).

Section 4.8.6 provides standards for protected waterways and all buffer areas. "Any land disturbing activity, development, or subdivision in the 100-year floodplain shall demonstrate compliance with the Jefferson County Floodplain Ordinance. See LDC 4.8.6(B). "Roads, bridges, trails and utilities are permitted in a Buffer Area and may cross the protected waterway, subject to the Planning Commission's approval based on the recommendations of the Public Works and DPDS and MSD." See LDC 4.8-6(J).

Section 4.9.1 involves development on Karst terrain. "The intent of this part is to regulate karst terrain development in order to protect the public health, safety and welfare by regulating the development and use of environmentally constrained lands to proceed in a manner that promotes safe and appropriate construction, storm water management and ground water quality" and to "protect ground water by minimizing pollution caused by development on karst terrain." See LDC 4.9.1. Again, "Areas identified as wetlands in studies approved by government agencies should be preserved in their natural state. Drainage, flood patterns and any hydrologic system(s) needed to sustain the wetlands should not be altered. Existing vegetation and wildlife habitat should be preserved." See LDC 3.1-6(3)(b).

The current development does not promote, preserve, and enhance the existing riparian ecosystems as it may destroy several jurisdictional wetlands on adjacent properties. This is especially problematic considering the Army Corp is set to begin a multi-million dollar aquatic stream restoration project on Long Run Creek, directly adjacent to this proposed development. In addition, the proposed stormwater management plan is wholly dependent on the development of a stormwater infrastructure on an adjacent site not subject to this proceeding. That infrastructure has yet to be finalized or built. This application should be DENIED until the impacts of this development to the stream and aquatic habitat of both Long Run Creek and Floyds Fork are known and mitigated.

C. The application violates the LDC's Chapter 10, Part 1 for Tree Canopy.

The application does not address tree canopy within the DRO. The Change of Zoning Plan submitted by the Applicant indicates 1,039,580 square feet of existing tree canopy and plans on preserving 406,668 square feet of the existing tree canopy (39%). Trees also provide an important function to mitigate stormwater flows and promote stormwater uptake. That is especially important here, where it is unclear how stormwater flows will be treated through multiple properties and by a stormwater collection and treatment system that has yet to materialize on a neighboring property. And, as this particular parcel has been identified as one of the largest remaining high value habitats in Jefferson County, any approval for this development should be DENIED unless the tree canopy is maintained.

2) The proposed zone map amendment violates KRS 100.213.

The applicant has requested a zone map amendment from R-R to R-4, most of which is in the Floyd Fork DRO. The proposed zone map amendment violates KRS 100.213(1) which states in pertinent part:

Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:

- (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
- (b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

The proposal does not meet the requirements of KRS 100.213 or the LDC as the application for a zone change is not in agreement with the Comp. Plan. The Applicant also has not demonstrated that either exception applies, and that the existing zoning classification is inappropriate or that there have been major economic, physical, or social changes in the area which were not anticipated when the Comp. Plan was adopted, as further outlined below.

A. The proposed zone map amendment is not in agreement with the Comprehensive Plan.

As Friends and others have testified to in the past, Floyds Fork and several of its tributaries have been declared to be impaired waters under the Clean Water Act by the Kentucky Division of Water. That impairment is caused by excess nutrients, which typically consist of nitrogen and phosphorous. These nutrients come from three primary sources, sewage treatment plants, agricultural runoff and residential runoff. Pursuant to the Comprehensive Plan, the Land Development Code, and other relevant statutes, regulations, and policies, the Planning Commission has an obligation to analyze water quality impacts when making decisions on any application for approval of preliminary subdivision plans. These requirements are outlined below for your reference.

Under the 2040 Comp. Plan, the application must be denied. The vision statement for Plan 2040 emphasizes five overarching principles that would become the guiding force behind the development of the plan's goals, objectives and policies" known as the CHASE principles. "H" stands for Healthy. "Louisville Metro's built environment supports active lifestyles by ensuring that all neighborhoods promote a state of complete physical, mental and social well-being. The built environment supports the natural environment by considering air, water and soil quality while allowing for appropriate growth and development." *Comp. Plan* at 32. The health and sustainability of Long Run Creek, a tributary of nearby Floyds Fork, is of the utmost importance to Louisville Metro and to the Friends of Floyds Fork and FANA.

The Applicant has not demonstrated that the goals and objectives contained in the 2040 Comp. Plan have been met. Specifically of concern to Friends is the impact of the subdivision on Long Run Creek and Floyds Fork. The Planning Commission is to "[c]onsider impacts on human health, quality of life and the environment including... the potential to transport noxious odors, particulates and emissions, when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected (emphasis added)." 2040 *Comp. Plan* §4.1, Policy 16 at 46.

Section 4.3, Goal 3 of the Comp. Plan plans for community facilities to be resilient and compatible with the surrounding neighborhood. It's the policy of Land Use & Development to "[e]nsure 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)." 2040 *Comp. Plan* § 4.3 at 75.

Likewise, the Applicant's proposed development does not comply with the Livability objectives contained in Section 4.5 of the Comp. Plan. Under the 2040 Plan, the Livability Plan Element was expanded to include public health, sustainability, and equity, but still focuses on "flooding and stormwater management, water and air quality, and natural resource protection." 2040 *Comp. Plan* § 4.5 at 91. One objective is to "Protect and enhance the natural environment and integrate it with the build environment as development occurs." Specifically, it is an objective that "Existing waterways are conserved, protected or improved to enhance water quality." 2040 *Comp. Plan* § 4.5 at 88. The Planning Commission is to ensure that proposed developments "[e]nhance the quality of both water and streambanks to protect and preserve drinking water." 2040 *Comp. Plan* § 4.5 at 89. Moreover, the Commission is to "Mitigate negative development

impacts to the watershed and its capacity to transport stormwater by discouraging changes to stream channels and natural drainage features. Use, where available, the Metropolitan Sewer District's watershed plans as a guideline for development suitability," and "Consider special districts to assist in efforts to enhance watersheds." 2040 *Comp. Plan* § 4.5 at 89.

There are also several other water quality policies recognized by the 2040 *Comp. Plan* that this Commission should consider including Policy Number 15 ("Ensure that standards for evaluating development proposals meet the water quality goals for the affected watershed. Encourage the use of green infrastructure to protect and enhance water quality.") 2040 *Comp. Plan* § 4.5 at 89; Policy Number 16 ("Protect carbonate areas through standards that control the type, location, design and operation of activities posing potential threats to groundwater quality and karst features in carbonate areas.") 2040 *Comp. Plan* § 4.5 at 89; Policy Number 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.") 2040 *Comp. Plan* § 4.5 at 89; Policy Number 18 ("Protect groundwater resources by controlling the types of activities that can occur within established Wellhead Protection Areas. Implement source control design standards for activities that pose potential threats, including septic system failure, to groundwater quality in these areas") 2040 *Comp. Plan* § 4.5 at 89; Policy Number 19 states ("Establish buffer areas around lakes and streams to protect the riparian zone as a critical wildlife habitat and/or as a filter to catch waterborne pollutants from site construction activities, on-lot sewage disposal and stormwater runoff") 2040 *Comp. Plan* § 4.5 at 89; Policy Number 28 states ("When development proposals increase runoff, provide onsite management and treatment of stormwater. Ensure that peak stormwater runoff rates or volumes after development are consistent with regional and watershed plans. If not, they are to be mitigated onsite. Encourage the use of green infrastructure practices to minimize runoff. Mitigation measures shall be implemented in a manner that is acceptable to the Metropolitan Sewer District") 2040 *Comp. Plan* § 4.5 at 90; Policy Number 30 ("Use appropriate Best Management Practices (BMPs) that account for varied site conditions and construction activities to maintain appropriate water quality levels, prevent erosion, and control sedimentation.") 2040 *Comp. Plan* § 4.5 at 90.

In addition, under the 2040 Plan, the Livability Plan Element was expanded to include public health, sustainability, and equity, but still focuses on "flooding and stormwater management, water and air quality, and natural resource protection," including the objective that "clean air, water and soil promote a healthy environment." 2040 *Comp. Plan* § 4.5 Goal 4, at 96.

The Planning Commission has an obligation to make independent decisions to consider water quality implications of proposed developments and not wholly base decisions on the opinions of Louisville MSD – an independent municipal corporation with its own separate interests. Friends again requests the Commission to consider water quality when making its decisions, and to employ the necessary staff and resources to make those decisions. This development does not meet the guidelines and standards of the 2040 *Comp. Plan*, as this 103 dwelling unit development will have devastating impacts on the water quality of Long Run Creek and Floyds Fork due to construction and stormwater runoff, and because of the continuing loading of nutrients into Floyds Fork, a nutrient-impaired stream.

Metro Louisville and the Kentucky Division of Water have known for decades that the

water quality of Floyds Fork is impaired. They have known for decades that steps need to be taken to cure or ameliorate that impairment in accordance with law. That has yet to be done. To allow for substantial development in and around the Floyds Fork watershed without taking water quality into consideration independent of MSD is arbitrary and inconsistent with the Comp. Plan(s), the Land Development Code, the Floyds Fork Action Plan, and other governing law. Until proper precautions, such as a TMDL, for Floyds Fork are developed and approved, any substantial development that utilizes Floyds Fork or its tributaries should be DENIED.

B. The Applicant has not proven that the existing zoning classification of R-R is inappropriate or that there have been major economic, physical, or social changes in the area which were not anticipated when the Comp. Plan was adopted.

In the absence of a finding that the map amendment is in agreement with the Comp. Plan, KRS 100.213 dictates that one or more of the following must apply: 1) the existing zoning classification given to the property is inappropriate and that the proposed zoning is appropriate; 2) that there have been major changes of an economic, physical, or social nature within the area involved that were not anticipated when the Comp. Plan was adopted which have substantially altered the basic nature of the area. See KRS 100.213(1)(a) and (b).

As outlined in the previous section, the proposal does not comply with the adopted Comp. Plan. Similarly, the Applicant cannot demonstrate that the existing zoning designation of R-R is inappropriate and that the proposed zoning of R-4 is more appropriate when the subject property, especially within the confines of the Floyds Fork DRO, and considering the impacts 4.84 residential units per acre (R-4) will have on the watershed, as opposed to .2 residential units per acre (R-R).

Likewise, there have been no major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area that justifies a zone map amendment. In fact, with the adoption of the many plans to protect Floyds Fork corridor, and the ongoing pollution issues in the Floyds Fork corridor caused directly by increased density and infrastructure, the opposite is true. The property within the DRO should not be more densely developed, in a way that exacerbates that health of the watershed, until proper guideposts and pollution limitations are implemented. Additionally Metro Council has called for a review of the Floyds Fork DRO that is months overdue and yet to be completed by Metro Planning and Design. Any rezoning to typical residential densities should be denied or deferred until such review is complete.

For these reasons, the proposed zone map amendment should be DENIED.

3) The proposed subdivision violates the Erosion and Sediment Control Requirements.

The Applicant, in its Application and Statement of Compliance, does not address erosion and sediment issues with the proposed development except to say, "There are no wet or highly permeable soils and the steep slopes on the subject property are proposed as natural resource open space to avoid erosion problems." *Statement of Compliance* at 2.

As stated above, the Planning Commission is required to work with Louisville MSD to ensure that erosion and sediment control requirements will be met. Again, while the Applicant will likely claim that permitting and requirements will be satisfied prior to receiving final construction approval, an analysis of the erosion and sediment impacts are required by the DRO regulations. If the development is shown to increase erosion and sediment, or if those impacts at this point are unknown, the application should be denied.

Per Section LMO 159.01(D)(2), the Louisville Metro Planning Commission serves as the Erosion Protection and Sediment Control (EPSC) Board; further, per Section 159.02(A)(1)(a), MSD, however, functions as an administrating authority and, among other things, has the role and power to "Review and approve all EPSC plans and issue all requisite site disturbance permits authorized by this chapter [Chapter 159]."

Per Section 159.01(D)(2), Land Disturbing Activity is defined as "Any land change which may result in soil erosion from water or wind and the movement of sediments into waters or onto lands, including but not limited to, clearing, grading, excavating, transporting and filing of land, except the term shall not include" six (6) exceptions, none of which remove the proposed development activity that is the subject of 22-MSUB-0004 from the definition of Land Disturbing Activity or the application of Chapter 159.

Per Section 159.02(C)(1), "No land disturbing activity subject to the provision of this chapter shall take place except in accordance with either: (a) An approved EPSC plan and a duly-issued site disturbance permit; or (b) An authorized general permit." General Permits are defined by Section 159(H)(1) and concern "land disturbing activities undertaken by specific public or governmental entities, or utilities which activities are typically repetitive and small scale," as well as "land disturbing activities undertaken on individual residential lots within subdivision developments already subject to an approved detailed EPSC plan under this chapter [Chapter 159]." Authorization of land disturbing activities through a general permit is not available for 22-MSUB-0004.

Authorization for land disturbing activities proposed for 22-MSUB-0004 requires an approved EPSC plan and a duly-issued site disturbance permit. Aside from a general permit, Chapter 159 describes and authorized Type I and Type II approvals. Per Section 159.02(G)(1), a Type II review procedure is applicable to "all land disturbing activities subject to this chapter [Chapter 159] that are associated with the construction of a specific development proposal that does not require land use approval under the Development Code." An express example is a development proposal "that only needs a building permit to proceed to construction."

Per Section 159.02(F)(1), a "Type I review shall be required if a land disturbing activity under this chapter [Chapter 159] is proposed as part of an activity or development subject to land use approval by the Louisville Metro Planning Commission or its designated committees or administrators, Board of Zoning Adjustment, or the Metro Council." Further: "Such activities include, but are not limited to: (a) Standard and innovative subdivisions, excluding minor plats and record plats; (b) Developments requiring a general or detailed development plan under the Development Code; (c) Conditional uses under the zoning provisions of the Development Code; and (d) Developments requiring a rezoning." The activities proposed for 22-ZONE-131 require a Type I review.

Section 159.02(F)(2) requires the submission and approval of a Concept EPSC plan. Section 159.01(D)(2) defined a Concept EPSC Plan as “A preliminary presentation of techniques, measures, and controls intended to prevent erosion and control sedimentation arising from land disturbing activities on a specific development site or parcel of land.” Per Section 159.02(F)(2)(a), “The Permittee shall submit a concept EPSC plan, when required [as described in Section 159.02(F)(1)] to the DPDS [Louisville Metro Division of Planning and Design Services] *as part of the application for the land use or development approval* (emphasis added).” The file for 22-ZONE-131 does not contain a Concept EPSC Plan. As importantly, a Concept EPSC Plan has not been presented to the public.

The process required under Section 159.02(F)(2)(b) is for DPDS to forward the EPSC plan to MSD and also distribute the plan to interested agencies for their review and comment as part of the development application approval process. There is no record of compliance with this provision of Chapter 159. MSD, thereafter, “Taking into consideration interested agency *and public comments*,” reviews the record and takes “final action on the concept EPSC plan, either approving, approving with conditions, or denying the concept EPSC plan (emphasis added).” The record in 22-ZONE-131 does not demonstrate compliance with the review process required by the Section 159.02(F) Type I review. Moreover, there is no record of MSD review and final action on a concept EPSC plan for 22-ZONE-131. At the date of the Agency Comments filed into the record for 22-ZONE-131, MSD’s “Ok” of the proposal was procedurally and factually infirm.

The record in 22-ZONE-131 contains very little discussion of erosion and sediment control, and states that the steep slopes are preserved within the open spaces of the development. While it is necessary for other provisions of the LDC to be satisfied, those are separate matters. The separate discussions are not sufficient to satisfy the procedural requirements or regulatory objectives of the Erosion Prevention and Sediment Control Ordinance. Further, to the extent that the discussion in 22-ZONE-131 is based upon a review of erosion prevention and sediment control by DPDS, it could not satisfy the Erosion Prevention and Sediment Control Ordinance even if it was a more comprehensive analysis because MSD cannot delegate the review assigned to that agency under the EPSC Ordinance to any other agency and DPDS cannot undertake an assignment of responsibility expressly delegated to MSD.

The review required under the DRO is in addition to the EPSC Type I review required by Chapter 159 and not an alternative review mechanism. Chapter 3, Part 1(A)(1)(a) of the Louisville Land Development Code expressly states that the DRO “constitutes a second level of development standards in addition to those specified by the underlying zoning district.” Further, Chapter 3, Part 1(A)(3) states that the DRO “shall not be deemed to repeal or in any respect alter the provisions and requirements of the Flood Plain Regulations, the Metropolitan Sewer District, or applicable local, state or federal regulations.” While the Planning Commission consults with, among others, MSD, during the DRO review process [Chapter 3, Part 1(A)(3)], it does so for the purposes of the supplemental or second level DRO review. The DRO review does not reassign to the Planning Commission or otherwise remove the MSD Type I review required by the EPSC Ordinance. Any agency findings by DPDS and/or the Planning Commission concerning the DRO in this instance are not sufficient to satisfy the EPSC Type I review requirements because MSD has not undertaken the Concept EPSC Plan review and taken final action as required by Chapter 159. For those reasons, the application must be DENIED.

4) Floyds Fork has Been Impaired for Decades – Meaning it Has Extremely Poor Water Quality that the Planning Commission Continues to Ignore.

No progress has been made on addressing the nutrient impairment on different segments and tributaries of Floyds Fork. The Planning Commission must consider the impacts of the additional nutrient pollution this development will have on Floyds Fork, a water quality problem that has existed in the stream for decades. The Comprehensive Plan requires as much, as does the Land Development Code and the DRO standards.

Addressing water quality issues is a joint effort that includes regulation and enforcement on the local, state, and federal level. Although waterbody health is primarily determined through state and federal action, the Louisville Metro Council, as outlined above has also adopted a Comprehensive Plan and Land Development Code provision that obligates it to protect water quality.

The Clean Water Act ("CWA") is the primary federal law regulating pollution of the nation's waterways, including Floyds Fork. The objective of the Clean Water Act is the restoration and maintenance of the chemical, physical and biological integrity of the nation's water. 33 U.S.C. § 1251(a). One of the goals is to achieve water quality that is both "fishable" and "swimmable" by the mid-1980s. 33 U.S.C. § 1313. While that date has passed, the goal remains and efforts to attain it continue.

Section 303(d) of the CWA requires states such as Kentucky to identify waters where current pollution control technologies alone cannot meet the water quality standards set for that waterbody. 33 U.S.C. § 1313(d). Every two years, the Kentucky Division of Water (DOW) is required to submit a list of impaired waters plus any that may soon become impaired to EPA for approval. KRS 224.70-150. The impaired waters are prioritized based on the severity of the pollution and the designated use of the waterbody (e.g., fish propagation or human recreation). KRS 224.70-100, 401 KAR 10:029 and 10:030. States must establish the total maximum daily load(s) ("TMDL") of the pollutant(s) in the waterbody for impaired waters on their list, which is essentially a study that determines the appropriate amount of a particular pollutant a water body can handle while still meeting the water quality standards for that waterbody. 40 C.F.R. § 130.7. Also known as a pollution "diet," a TMDL study would ensure that new dischargers, including development, will not cause a further unlawful degradation of the Floyds Fork watershed.

Floyds Fork has been impaired for nutrients, which typically consist of nitrogen and phosphorous, for decades, and continues to be so today. This results in dissolved oxygen crashes in the water of Floyds Fork that results in large scale fish and other aquatic organism kills. This has occurred multiple times in 2019, and dissolved oxygen levels are consistently below the water quality standards for Floyds Fork on a weekly basis.¹ One of the primary sources of nutrient

¹ "Dissolved oxygen in one of the major problems of water quality within the Floyds Fork watershed. The major causes of low dissolved oxygen levels in the stream are the result of wastewater treatment plants, and agricultural and urban runoff." *State of the River: Report on the*

pollution is wastewater treatment plants. The proposed development's sanitary sewer wastewater will flow to the Floyds Fork Waste Water Treatment Plant, where some nutrients are treated, but a substantial amount of nutrients continue to pass through to Floyds Fork. While the MSD has claimed that it has the capacity to treat the sanitary sewer flows from this proposed development, it has never asserted that this proposed development will not impact the water quality of Floyds Fork, a stream, as stated above, already impaired for nutrients. The Planning Commission must consider the water quality impact of this development, and the record is devoid of any such evidence that the water quality would not be impacted. In fact, the only evidence in the record concerning water quality is that the water quality would be negatively impacted.

Louisville Metro has known for decades that the water quality of Floyds Fork is impaired for nutrients.² It has known for decades that steps need to be taken to cure or ameliorate that impairment in accordance with law. That has yet to be done. And although MSD claims it can treat the sewage from this development, it said nothing about the additional volume of pollutants, including nutrients, it will discharge into Floyds Fork as a result of this new development. Courts across the country have not been willing to affirm agency decisions to renew pollution discharge permits, or expand facilities, where TMDLs are required, but have not yet been issued. To allow for substantial development in and around the Floyds Fork watershed without taking water quality into consideration with or without MSD's limited analysis of "capacity" is arbitrary and inconsistent with the 2040 Comp. Plan, the Land Development Code, and the DRO regulations.

- 5) There is an ongoing Army Corps aquatic ecosystem restoration project for Long Run Creek and other sections of the Floyds Fork watershed that will be profoundly impacted by this subdivision development.**

For over two years, the Army Corp has been preparing a feasibility study for aquatic restoration of the Floyds Fork watershed, including a specific project on Long Run Creek. The feasibility study formulates alternatives to achieve the restoration, evaluates the environmental effects of the alternatives, documents the project requirements, and provides a scope and cost estimate for project implementation. The Army Corps has determined that the project will cost around \$12 million. The Army Corps provides the first \$100,000 of study costs, then a non-Federal sponsor must contribute 50 percent of the cost of the feasibility study after the first \$100,000 of expenditures, 35 percent of the cost of design and construction, and 100 percent of the cost of operation and maintenance. That sponsor has been identified and the Letter of Intent will be signed imminently. The sponsor receives a credit for the value of real estate necessary to implement the project. The entire non-Federal share of the project cost may be credited as work in kind.

This project has the potential to make significant progress to improve the health of the Floyds Fork watershed and specifically Long Run Creek. It is unknown whether or not the Applicant has been in communication with the Army Corps regarding this project, but all

Condition of the Salt River Watershed, issued by Environmental Protection.
<https://eec.ky.gov/Environmental-Protection/Water/Reports/Reports/BSR1-Salt.pdf>

² See Kentucky Division of Water, *Integrated Report to Congress on the Condition of Water Resources in Kentucky* 144 (February 28, 2018), available at <https://eec.ky.gov/Environmental-Protection/Water/Monitor/Integrated%20Report%20Docs/2016%20Integrated%20Report.pdf>.

indications show that this proposed development will require the Army Corps to go back to the drawing board for the Long Run Creek section. In the end, Louisville Metro and this part of the community may lose out to millions of dollars of federal funding and some funding from the non-federal sponsors to do much needed restoration work on Long Run Creek that will have substantial positive impacts on Long Run Creek and Floyds Fork. Not only does this project demonstrate the need to restore the already damaged and impaired Long Run Creek even before this development is approved and built, which is reason enough for this Commission to deny the application, the potential substantial federal investment in Log Run Creek should not be disregarded.

- 6) The proposed development is part of a much larger development, and the piecemeal approval by the Commission does not adequately consider the direct, indirect, and cumulative impacts of this larger development on the community.**

As stated above, this development (hereinafter "Echo Trail 2") is part of a much larger development, connecting to the same applicant's development to the east (18SUBDIV1023, between 1801 & 2704 Echo Trail), which is comprised of over 550 residential units (hereinafter "Echo Trail 1". This development will also be connected to another proposed development to the south of Echo Trail 1, comprising of an additional 420 residential units (2200 Eastwood Fisherville Road, hereafter "Eastwood Development"). There are a few more smaller developments proposed as well. The Commission must consider the impacts of the entire project. As a whole, on the community, and whether the entire project and its impacts to the community consistent with the Comprehensive Plan, the DRO, and the LDC. The Master Plan provided in the enclosed PowerPoint shows that the Applicant plans to develop parts of the subdivision within the DRO. The applicant has not done so, and thus, the application for a zone map amendment and development plan approval in the DRO must be denied.

- 7) Traffic conditions continue to fail and are unsafe in the area.**

In the case before the Planning Commission for Echo Trail 1, Adam Kirk, PhD, a traffic expert submitted an expert traffic impact study regarding the traffic and road safety conditions around the Echo 1 development. Jeff Frank referenced that study in his testimony before the Commission's Land, Development, and Transportation Committee in this case. Commissioner Carlson requested that Mr. Frank provide him with a copy of the study. Mr. Frank provided the study to the case manager to distribute to the Commissioners.

That Study identifies a significant 500 percent increase in traffic along Echo Trail Road, even without the addition of the middle school, Echo Trail 2, or the Eastwood Fisherville Developments. It found that severe capacity constraints exist at each end of the Echo Trail Corridor at Shelbyville Road to the north and Taylorsville Road to the South. The Study details a 25-minute morning emergency response time from the north via the Eastwood Cutoff and multiple "F" intersection grades. The applicant's traffic study for this proposal is myopic, focusing on impacts to Echo Trail and ignoring the existing bottlenecks detailed at either end of Echo Trail at Eastwood and Taylorsville Road in Fisherville.

- 8) The application fails to comply with the South Floyds Fork Area Plan.**

The South Floyds Fork Area Plan ³(SFFAP), adopted by the Louisville Metro Council, “lays out a set of coordinated recommendations to guide growth, protect the natural assets, and establish a vision for the South Floyds Fork area.” SFFAP at 4. This plan is required “to coordinate with Plan 2040: A Comprehensive Plan for Louisville Metro,” and “will guide the Planning Commission and Metro Council policy decisions and recommendations for the study area.” *Id.* There is no dispute that this proposed development is within the SFFAP.

The SFFAP recognizes the prioritization and importance of stream health and water quality, forest and tree canopy cover, habitat protection and connectivity, stream setbacks, and reforestation. The SFFAP calls for the protection of the health of Floyds Fork as paramount, and to implement a conservation form district with low impact development guidelines for the South Floyd Fork Area. The Metro Council is in the process of doing so, and this development proposal, along with all others in the Floyds Fork DRO, should be denied, until the conservation form district regulations are complete, and unless the development complies with the SFFAP. The Applicant has not provided any analysis of compliance under the SFFAP.

CONCLUSION

While the city is in need of more affordable, attainable, and middle-income housing, building any new dense development without the much needed pollution limitations, environmental protections, and infrastructure required to prevent the impairment of Floyds Fork and its tributaries, and the properties within the DRO, is inconsistent with the 2040 Comprehensive Plan, the LDC, and the DRO, Erosion Protection and Sediment Control requirements, and the SFFAP. Floyds Fork is already impaired and a TMDL for Floyds Fork, conservation district regulations, and LDC guidelines are currently being developed. The proposed

³ Available at the Louisville Metro website, <https://louisvilleky.gov/advanced-planning-and-sustainability/document/south-floyds-fork-vision>

zone change and development will have a detrimental impact to the environmental integrity of Floyds Fork and Long Run Creek, and on the safety and wellbeing of its current and future residents. For these reasons, the Planning Commission should recommend the Applications be DENIED.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Randy Strobo', with a large, stylized 'S' and a horizontal line extending to the right.

Randy Strobo
David Spenard
Tim Mayer

*On behalf of Jeff Frank and Friends of Floyds Fork
and FANA*

From: [Jeff Frank](#)
To: [Lockett, Jay](#)
Cc: [Jeff Frank](#)
Subject: 22 - ZONE - 0131, 2405 Echo Trail
Date: Wednesday, April 19, 2023 11:31:54 AM
Attachments: [18SUBDIV1023 TrafficMemo EchoTrail Traffic 03072019.docx](#)

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.

Jay,

I'm attaching a copy of the traffic study we had done for the original Echo Trail subdivision proposal.

I mentioned it in the LD&T hearing and Commissioner Carlson requested that I send it to him. Please do so, enter this email and the traffic study into the case file for this case, and please confirm same.

Prior to the addition of the adjacent middle school opening this fall the applicants study identified major issues at numerous intersections. Specifically I referenced one of many issues - the Eastwood Cutoff at Shelbyville road, from page 3 of the attached:

"Under the proposed conditions, queues on Eastwood Cutoff Road are anticipated to increase from 110 feet to 592 feet. These queues would extend onto Echo Trail Road and Eastwood Cutoff Road, effectively blocking the intersection. In the AM peak, delay is anticipated to increase from 83 seconds of delay to 1,480 seconds (over 25 minutes). "

A 25 minute am emergency response time, multiple "F" grade intersections, and yet we continue to recommend and approve these projects.

Thanks, and looking forward to your reply...

Jeff

--

Jeff Frank
Friends of Floyds Fork
502.552.3920 - cell
jeffreyericfrank@gmail.com



MEMORANDUM

TO: Jeff Frank
Stephen Porter
Randy Strobo

FROM: Adam Kirk
Principal
Adam Kirk Engineering
137 McClelland Springs Drive
Georgetown, KY 40324

DATE: March 6, 2019

The purpose of this memorandum is to evaluate the impact of the proposed Echo Trail Subdivision, which will develop 584 single family lots. Access to the subdivision will be from three entrances on Echo Trail, serving approximately 500 lots and a new entrance proposed for a limited sight line entrance connecting the remaining lots to Eastwood Fisherville Road. The Traffic Impact Study prepared by Diane Zimmerman dated October 22, 2018 was reviewed to assist in the evaluation, as well as the conduction of site reviews.

Based upon the review of the Traffic Impact Study, this review is in agreement that the proposed development will impact on the capacity of the roadway system and improvements are required to accommodate the traffic generated by this development. However, the Traffic Impact Study does not identify adequate improvements to address the need presented by the development.

Echo Trail is a two-lane highway with nine-foot lanes with two-foot shoulders through the study area. Based on the Traffic Impact Study, current traffic volumes on Echo Trail between S. English Station Road are approximately 200 vehicles per hour, with an estimated daily traffic of 1,000 vehicles per day. The proposed development is anticipated to generate 559 trips during the PM peak hour alone, tripling the amount of traffic on the roadway during the peak hour. Daily trip generation for the development is estimated at over 5,000 vehicles per day, increasing the amount of traffic on Echo trail by over 500 percent.

While the Traffic Impact Study correctly identifies that the proposed development will have impacts to the adjacent roadways, it appears based on field observations and third party data sources that the existing conditions may be overestimated as well. This can occur when existing intersections, such as Shelbyville Road at Eastwood Cutoff and Taylorsville Lake Road at Taylorsville Road are currently operating at capacity, decreasing the amount of traffic observed during the peak hour counts; as the demand simply exceeds capacity resulting in queued vehicles not making it to the point of the count.

The following critical intersections were reviewed to determine the full extent of the delay and queues resulting from proposed development.

1. Shelbyville Road at Eastwood Cutoff
2. South English Station Road at Taylorsville Lake Road
3. Taylorsville Road at Taylorsville Lake Road.

SHELBYVILLE ROAD AT EASTWOOD CUTOFF ROAD

Shelbyville Road at Eastwood Cutoff is a skewed 'T' intersection with Stop Control on Eastwood Cutoff Road. There is a single lane on all approaches of the intersection with no auxiliary turn lanes (Figure 1). Echo Trail intersects Eastwood Cutoff Road approximately 120 feet from its intersection with Shelbyville Road. Based on the Traffic Impact Study Eastwood Cutoff Road is shown to operate at a Level of Service (LOS) 'F' during the AM and PM peak periods with delays of 83 seconds and 169 second, respectively. Queues on Eastwood Connector are estimated at approximately 110 feet, which were similar to conditions observed in the field (Figure 2). Under these queue conditions, downstream vehicles may block vehicles turning from Echo Trail Road onto Eastwood Cutoff. **No Analysis of Echo Trail Road at Eastwood Cutoff Road is provided.**

Figure 1: Shelbyville Road at Eastwood Cutoff Road/Echo Trail Road

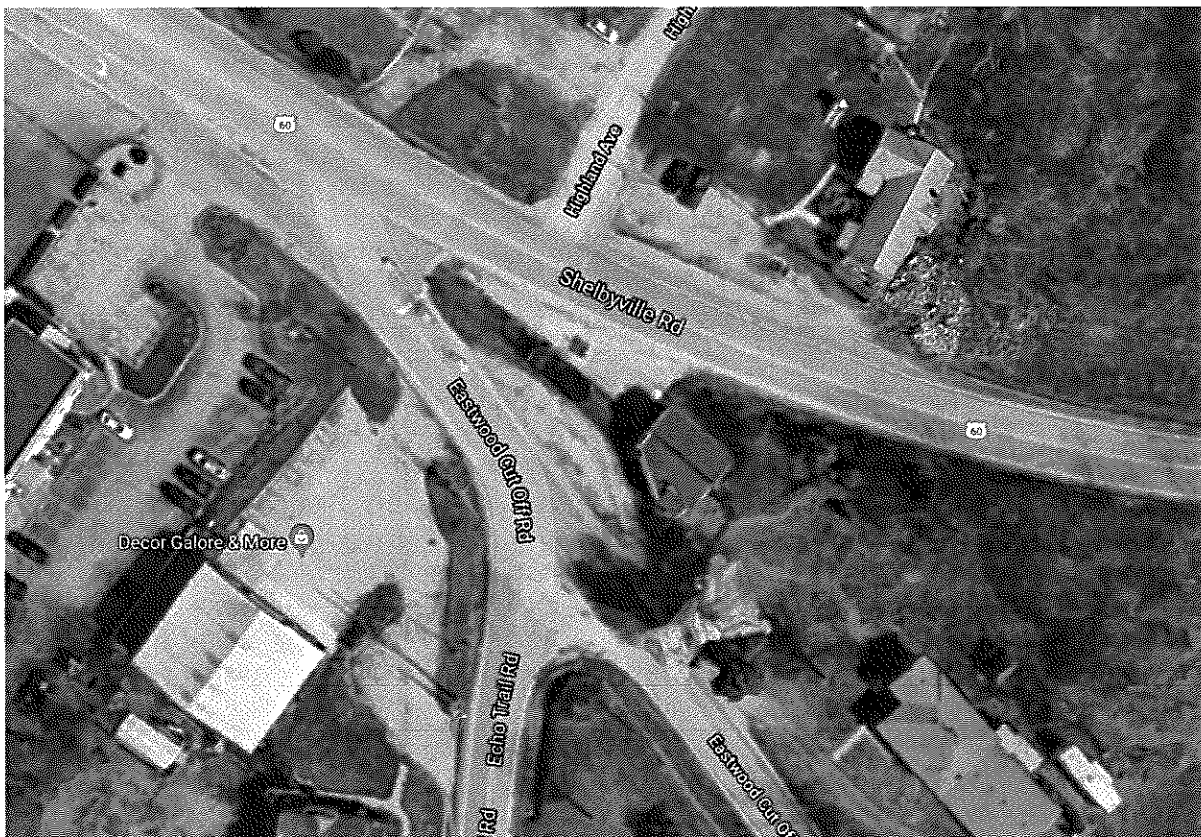


Figure 2: Existing Queues at Eastwood Cutoff Road



Under the proposed conditions, queues on Eastwood Cutoff Road are anticipated to increase from 110 feet to 592 feet. These queues would extend onto Echo Trail Road and Eastwood Cutoff Road, effectively blocking the intersection. In the AM peak, delay is anticipated to increase from 83 seconds of delay to 1,480 seconds (over 25 minutes).

No improvements are proposed to address the significant increase in delay projected for the intersection of Shelbyville Road and Eastwood Cutoff Road. It is mentioned that a signal will be constructed 1000 feet to the east on Shelbyville Road at Johnson Road/Eastwood Fisherville Road. To access this intersection traffic from Echo Trail Road would be required to travel through Eastwood Cutoff Road, turn left at the stop controlled intersection with Eastwood Fisherville Road and access the signal. This approach of Eastwood Fisherville Road is poorly a improved 18 foot roadway. **No analysis has been provided to demonstrate that the identified improvements would be able to address traffic associated with the Echo Trail Subdivision, nor that the stop controlled intersection of Eastwood Cutoff Road and Eastwood Fisherville Road can accommodate the 105 vehicles during the AM peak period.**

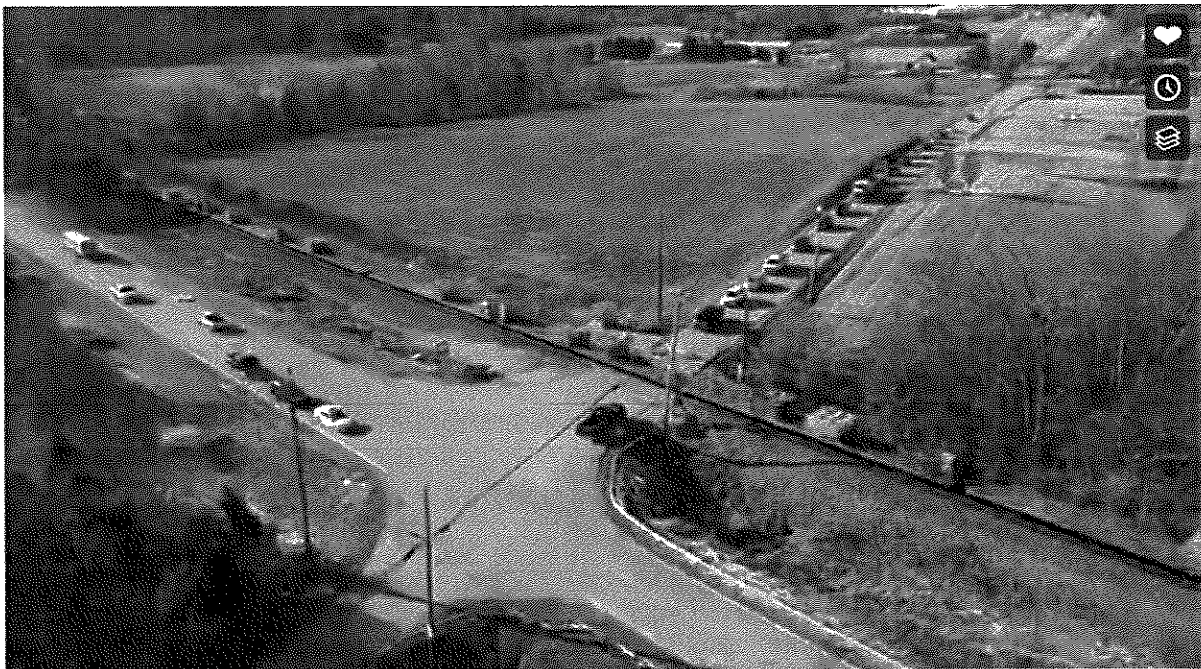
TAYLORSVILLE ROAD AT SOUTH ENGLISH STATION ROAD

The intersection of Taylorsville Road at South English Station Road is a 4-legged intersection with stop control on S. English Station Road. A single lane serves all approaches. A railroad crossing is located 60 feet north of the intersection (**Figure 3**). This Class I Norfolk Southern rail line serves an average of 20 trains per day. Due to the frequent train crossings, frequent queues develop both along S. English Station and Taylorsville Road (**Figure 4**). Left turns from Taylorsville Road to South English Station Road block through traffic during train crossings. During the observed train crossing, through traffic on Taylorsville Road was observed to pass queued left turning vehicles.

Figure 3: Taylorsville Road at S. English Station Road



Figure 4: Queues on S. English Station Road at Taylorsville Road



The Traffic Impact Study notes that the intersection meet KYTC Auxiliary Left Turn Lane Warrants, but also notes that a capacity problem does not exist. It is unclear if left turn lanes are proposed at the intersection. It is noted that capacity issues are not a requirement to meet left turn lane warrants within the KYTC policy. Furthermore, the intent of the policy is to address safety issues arising from left turning vehicles prior to the development of capacity issues. Additionally, the blocking and subsequent passing maneuvers at observed at the intersection

along Taylorsville Road presents a considerable safety that may be addressed through the addition of auxiliary turn lanes.

TAYLORSVILLE ROAD AT TAYLORSVILLE LAKE ROAD

The intersection of Taylorsville Road and Taylorsville Lake Road is a signal control 'T' intersection. A single through lane serves the north and southbound directions with auxiliary right and left turn lanes, respectively. The westbound approach of Taylorsville Road maintains a left turn lane and a channelized right turn lane (**Figure 5**). Existing conditions analysis of the intersection contained in the Traffic Impact Study indicate that it operates with an average delay of 32 seconds and 18 seconds in the AM and PM peak periods. Additionally, Northbound AM queues are estimated at 743 feet and southbound PM queues at 434 feet. A review of typical traffic conditions on Taylorsville Lake Road show congested conditions extending well beyond these limits. During the AM peak typical queues are shown to extend to Routt Road, over 1.2 miles or 6,000 feet (**Figure 6**). The difference between queue estimates and observed conditions, is likely due to full traffic demand not being captured during the peak hour traffic counts due to the high levels of queuing.

Figure 5: Taylorsville Road at Taylorsville Lake Road

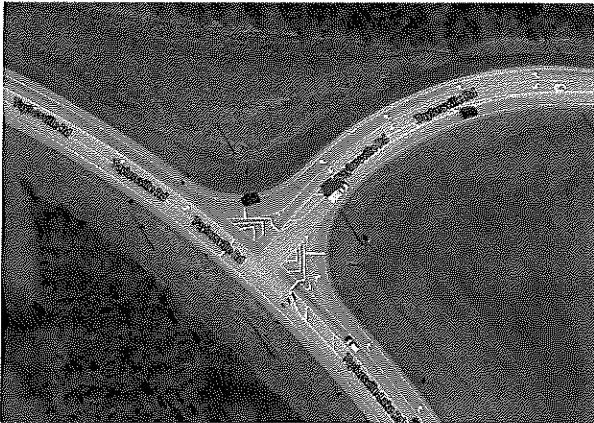


Figure 6: Typical Traffic Conditions 7:30 AM (Google Traffic API)



Under the proposed conditions, queues for the northbound movement are estimated to double, increasing from the 743 feet in the AM peak to 1615 feet. During the PM peak, queues are estimated to increase from 434 feet to 1,992. **Due to the initial underestimation of these queues the actual proposed condition is expected to be considerably worse. These estimates assume the improvements proposed by the Covington Park development to add dual left turn lanes on Taylorsville Road.**

CONCLUSIONS

The Traffic Impact Study prepared for the Echo Trail Subdivision identifies a significant 500 percent increase in traffic along Echo Trail Road. Severe capacity constraints exist at each end of the Echo Trail Corridor at Shelbyville Road to the north and Taylorsville Road to the South. The Traffic Impact Study identifies NO IMPROVEMENTS to be made by the developer to mitigate the negative impact associated with the significant increase in traffic and documented significant increase in delay and queuing/congestion. Improvements identified to be made by others have not been evaluated, or when evaluated are shown to be insufficient to fully mitigate the impacts of the Echo Trail Subdivision.

Luckett, Jay

From: St Germain, Dante
Sent: Tuesday, March 14, 2023 8:29 AM
To: Luckett, Jay
Subject: FW: Re:
Attachments: image003.png

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Respond

Jay,

If 22-ZONE-0131 is still open, please add the below comments to the record.

Dante St. Germain, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-4388
<https://louisvilleky.gov/government/planning-design>



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From: Becky Steinrock <beckysteinrock@gmail.com>
Sent: Tuesday, March 14, 2023 6:52 AM
To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>
Subject: Re:

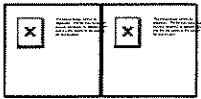
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Thank you for your help, interest and responsibilities in representing our sweet little community. Case # 22
zone 0131. #22 msub 0004. beckysteinrock@gmail.com

On Mon, Mar 13, 2023, 9:33 AM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Thank you for your comments. Do you have a case number, or property address for the project that interests you?

Dante St. Germain, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-4388
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From: Becky Steinrock <beckysteinrock@gmail.com>
Sent: Friday, March 10, 2023 8:45 PM
To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>
Subject:

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Good morning Mr Dante St Germain, I am a resident of Eastwood Kentucky and have been for almost 40 years. We moved to Eastwood because of the peace and quiet, because of the landscape, because when we took a deep breath no one heard it but we could feel it and it was good. We worked hard to get our little farm and raise our family here. My mother once said "Becky, why do you want to live way out there, they have to pump in daylight?". And so they did, so much daylight from the developments around us! Shouldn't there be greater responsibility of the developers to protect the land so that it is not all about the "Almighty dollar?" There seems to be such disregard for the natural landscape not just here but everywhere that there is development. Isn't it the landowners responsibility that when much is given, much is expected? Land is a gift. And when development comes in and rearranges it we are not being responsible for the next generations and specially to mother nature. I oppose development in this special place of Eastwood. To protect it is an honor. Maybe the developers would consider 5 acre tracks and give young families an opportunity to live responsibly and protect their gift of owning land. If the proposed development is allowed, Floyd's fork and the beautiful Park systems will be so overcrowded and abused, that there will be other problems and consequences.

I have an idea :. I challenge the developers to develop and rearrange, tear down and rebuild downtown Louisville . How about that? We do not need your storage units, poorly planned subdivisions or commercialization of our quaint little town. The out-of-town developers can go back to their own town to develop

something there.. not here!

developers? Thank you for your time.

Shouldn't Climate change be of some responsibility of the
Becky Steinrock

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Luckett, Jay

From: Gary Cook <kyrider70@gmail.com>
Sent: Thursday, March 9, 2023 10:46 AM
To: Luckett, Jay
Subject: Re-22-zone-0131

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Respond

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I oppose the requested zoning change from RR to R4 for several reasons. The traffic impact study used to support this request is totally unacceptable because it was conducted during the period when Echo Trail was closed for construction of a pipeline along the route. The low traffic volume is because the road was closed when the study was conducted. I have trouble believing that professional traffic analysis would make this mistake and think this study should be redone with the road open before the zoning request is considered.

Respectfully submitted,
Gary Cook

1475 Echo Trail, Louisville, KY 40245

Luckett, Jay

From: michael farmer <mike.farmaid@gmail.com>
Sent: Thursday, March 9, 2023 10:48 AM
To: Luckett, Jay
Subject: Case 22-ZONE-0131 2405 ECHO TRAIL

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Respond

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.

Dear Mr. Luckett and Land Development and Transportation Committee members.

I am writing to oppose Case 22-ZONE-0131 - Change to Zoning from R-R rural residential to R-4.

I have lived in downtown Fisherville for over 50 year, less than two miles from this proposed development site and know the area very well and I am deeply concerned with the ongoing out of control development in the Floyds Fork DRO and surrounding areas.

Twice this year (2023) I Floyds Fork has jump it's banks and flooded the land behind my house. These floods continue to erode FF banks, close roads/paths and access to and throughout the Parklands. The January 3rd flood (4" rainfall) took down over 90' of fence in the Strand portion of the Parklands and closed entrances to most of the Parklands. Neighbors below me were close to having their homes flooded.

We can not continue to do business as usual (standard R4 development) in and around the Floyds Fork area. We are losing critical wetlands and tree canopy which are a cause for this kind of flooding. The FF DRO in our Land Development Code was developed to protect such areas and to keep this from happening.

If we continue to allow normal R4 develop in the FF DRO, it will increase runoff into FF and flooding will only get worse not to mention worsening water quality which is already seriously impaired.

In addition to flooding I am concerned we do not have the infrastructure (roads and sewer) capacity to support the additional loads this and other proposed subdivisions will generate. Existing roads CAN NOT support the additional traffic this and additional planned subdivisions planned on Echo Trail will generate, where is the Planning?

We can and must do better to protect Floyds Fork and the surrounding rural conservation area.

I am asking you to act responsibly and reject Case 22-ZONE-0131 for rezoning.

Thank You

Micheal Farmer

1500 Old Taylorsville Road
Fisherville, KY 40023
502-553-7493

Bardstown Road Entrance to Broad Run/ Old Taylorsville Road and Pope Lick Road entrance to Pope Lick Park Jan 3.



Parkland Strand fence damage from Jan 3, approx. 90' including 3-4 fence post uprooted with concrete footers



Luckett, Jay

From: davehance <davehance@bellsouth.net>
Sent: Thursday, March 9, 2023 4:35 PM
To: Luckett, Jay
Subject: 22-zone-0131

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Respond

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Mr. Luckett,

I moved to the Eastwood area in 1980 and you had to have 5 acres to build on. Then the county government changed so that they could get more tax dollars. They did not, nor do they now care about the neighbors as the developers do not care, they only care about the money. What about the fact that now a person can't exit Gilliland Road at Eastwood-Cutoff onto Shelbyville Road without taking their life into their own hands. What will you do about traffic???? Eastwood-Fisherville Road is very curvy and narrow in places, it is a dangerous road. Once the new school is done there will added traffic and accidents, I'm sure, from the extra cars and school buses. What about the extra pot holes this will create? Since I have moved out here there have been over 12 subdivisions put in the surrounding area. Shelbyville Road is a nightmare, now this is only going to add to the traffic and not to mention what it will to the surrounding roadways. What about all the trees that will be removed? What about the wildlife, where are they supposed to go? You all need to fix the infrastructure before you continue to develop the area but we really don't need anymore development.

David Hance
DIstrict 19 Resident

From: [Vicki Buns](#)
To: [Lockett, Jay](#)
Subject: RE: 22-zone-0131
Date: Thursday, March 9, 2023 10:07:14 AM

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Dear Mr. Lockett,

I respectfully request that you add my voice to those who are in opposition to this proposed development.

Besides the numerous violations of the Floyd's Fork DRO, there is the intangible cost to our beautiful city and community. It has been preached numerous times by city leaders regarding the tree canopy and how it protects the city from becoming "overheated". All of these proposed developments in this part of the county, including this one, completely ignores the long term effects of butchering the trees, the removal of green land cover, and the environment that the wildlife sustains itself with. To suggest that this does not have an impact on human health as well as wildlife is to ignore the consequences of bad decisions.

In addition, there is not a "big picture" look at how development is occurring. While this development is being reviewed by the city leaders of the different processes, there does not appear to be any regard to other proposed developments. For example, this development will have an entrance to Eastwood Fisherville Road, another very narrow two lane road that is already dangerous with its blind curves and not-even-18 foot wide roadways. Perhaps the school bus drivers should be allowed to have a say on how they have to slow down at blind curves and honk their horns to ensure oncoming traffic is not in their lane. There is another very large development proposed on Eastwood Fisherville Road and it is very concerning how much traffic will be egressed to this country road built to handle very rural traffic.

I implore the leaders who make these decisions to physically come out to these proposed developments, ride the roads (especially during peak hours) and determine how they would feel if their 16 year old new driver child is commuting to school or work.

Another huge problem that is not considered is the flooding along Floyd's Fork and Long Run Creek. It has become worse over the years and renders some of the roadway impassible. Again, this is in designated flood plains and the proposed mitigation is not planned to reasonably prevent the new homes from being "under water".

I would also implore the decision makers to please follow the laws and regulations that were implemented years ago for good reasons. Thank God for those who came

before us and had the wisdom to create these laws and regulations to protect ourselves from doing harm. I am not in opposition to intelligent development, but this plan, along with the others proposed for this area, are not looking at long term sustainability of the environment and will eventually kill the reasons this county should be proud to showcase the natural beauty.

Regards,

Vicki Buns
Concerned Citizen of Fisherville, KY

Luckett, Jay

From: Tim Cook <tntcook75@gmail.com>
Sent: Wednesday, March 8, 2023 7:52 PM
To: Luckett, Jay
Subject: 22-zone-0131

Follow Up Flag: Follow up
Flag Status: Completed

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Hello Mr. Luckett,

Can you please tell me what time the LD&T hearing is for the 2405 Echo Trial project?

I see that it is March 9th however I'm uncertain of the location and time. Please let me know.

It would be very detrimental to the general well being of Floyd's Fork to disregard the DRO. Please help us protect one of the most beautiful areas in Jefferson County.

Thank You Sir,

Tim and Teresa Cook

Sent from my iPad

Luckett, Jay

From: Bruce Zoeller <bzoeller@thechristianadvantage.com>
Sent: Friday, March 3, 2023 5:15 PM
To: Luckett, Jay
Subject: 22-zone-0131

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Respond

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Jay,

The only appropriate times to provide exceptions to the codes is when there is a significant benefit to the community. In this case, there are no significant benefits to the community. This development is in a rural area. The infrastructure is not adequate to handle development already approved.

The DRO needs to be protected to keep from destroying the attraction for development in the appropriate surrounding areas.

Thus no waivers, no zoning changes should be allowed.

It is time for the zoning commission to abide by the DRO guidelines for developments.

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

Luckett, Jay

From: Rosie Young <drryoung@aol.com>
Sent: Friday, March 3, 2023 8:49 PM
To: Luckett, Jay
Subject: 22-zone-0131

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Respond

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I live on Echo Trail and the area has be oversaturated with housing and development. The large middle school with now a possible elementary school and over 700 homes planned within the Floyd's Fork area does not need any additional zoning changes or development. I oppose this current action and well as any additional development of modifications to the area. What is the purpose of having a protection plan when development after development is approved? There are numerous reasons to oppose this latest action:

1. "Structures, impervious surfaces, septic systems and associated fill slopes should not be located within the floodplain"(LDC Ch 3, FF DRO Guidelines, 1. e).
2. "Filling and excavation should not be permitted in the floodplain"(LDC Ch 3, FF DRO Guidelines, 1. f).
3. "Areas with slopes of 20% or greater generally should not be disturbed"(LDC Ch 3, FF DRO Guidelines, 4. b).
4. "Minimize cuts and fills. Minimize the practice of terracing hillsides in order to provide additional building sites"(LDC Ch 3, FF DRO Guidelines, 4. d).
5. "A buffer strip should be maintained a minimum of 100 feet wide on each side of Floyds Fork and a 50-foot-wide strip on each side along tributaries. Steep slopes extending beyond the minimum buffer strip may necessitate a wider buffer" (LDC Ch 3, FF DRO Guidelines, 1. a). "Structures and impervious surfaces should be located at least 200 feet from each bank along Floyds Fork"(LDC Ch 3, FF DRO Guidelines, 1. b).
6. "Measures to avoid stream bank erosion are especially desirable" (LDC Ch 3, FF DRO Guidelines, 1. c).
7. "Existing wooded areas should be retained wherever possible. Hillside vegetation in particular should be preserved"(LDC Ch 3, FF DRO Guidelines, 2. a).
8. "The visual impact of new structures proposed for prominent hillsides visible from scenic corridors and the stream itself should be minimized"(LDC Ch 3, FF DRO Guidelines, 7. n).
9. "Design subdivisions and locate structures to preserve the natural character of the land to the greatest extent possible"(LDC Ch 3, FF DRO Guidelines, 4. a).
10. "New construction along designated scenic corridors should preserve the area's rural appearance. Outside wooded areas, new development should provide a substantial setback from the roadway (400 feet minimum) with plantings to partially screen buildings" or "create a 60-foot buffer thickly planted with fast growing native trees and shrubs"(LDC Ch 3, FF DRO Guidelines, 7. a).
11. "Buildings should be planned and designed and vegetation should be managed to preserve and enhance scenic vistas along roadways"(LDC Ch 3, FF DRO Guidelines, 7. m).
12. "To avoid soil loss, property damage, pollution and cleanup costs, an erosion and sediment control plan should be submitted for developments with potentially significant water quality impacts" (LDC Ch 3, FF DRO Guidelines, 3. c).

13. "Creation of new driveways from designated scenic corridors should be minimized; common driveways and shared access points are encouraged"(LDC Ch 3, FF DRO Guidelines, 7. c).

Intent/Purpose

- "The purpose of the [FF DRO] is to protect the quality of the natural environment" (LDC Ch 3, DRO District, A. 1. b).
- "The [FF DRO] is to protect the public and property owners from blighting influences which might occur under conventional land use regulations"(LDC Ch 3, DRO District, A. 1. b. i) "from significant damage or destruction of prominent hillsides or valleys caused by improper development" (LDC Ch 3, DRO District, A. 1. b. iii), "from soil erosion and stream siltation" (LDC Ch 3, DRO District, A. 1. b. v), "from the destruction of mature and/or valuable trees and other vegetation and wildlife habitat" (LDC Ch 3, DRO District, A. 1. b. vi), from loss of high quality visual character" (LDC Ch 3, DRO District, A. 1. b. vii).
- "Activities that may be detrimental to the natural, scenic and environmental characteristics as described herein are regulated...such activities include clearing of forested area greater than 5,000 square feet for development purposes"(LDC Ch 3, DRO District, B. 2. a), "grading, excavation, construction of retaining walls, or alteration of the ground surface other than that attendant to agricultural uses"(LDC Ch 3, DRO District, B. 2. b), "alteration of a protected body of water including channeling, diverting, dredging or removal of stream materials"(LDC Ch 3, DRO District, B. 2. c), "bridging or damming of a protected body of water"(LDC Ch 3, DRO District, B. 2. d).
- "The intent of the of the Floyds Fork Design Guidelines is to ensure that new development within the Floyds Fork Corridor is designed to aid in restoring and maintaining excellent quality for land and water resources of the Floyds Fork Corridor. The design guidelines are also intended to complement the natural landscape in order to obtain an aesthetically pleasing, rural atmosphere"(LDC Ch 3, FF DRO Guidelines).

And it goes on and on. Please relay my opposition to this change to those in decision-making authority. I have heard from numerous individuals that developers rule these panels and have no consideration for the protection of our natural resources. The Fork has been changed forever due to the overdevelopment. Please put a stop to it.

Rosemarie Young
1801 Echo Trail
Louisville, KY 40245

Luckett, Jay

From: kacey <kaceydf@fastmail.com>
Sent: Sunday, March 5, 2023 11:51 PM
To: Luckett, Jay
Cc: Kramer, Kevin; Harrington, Scott
Subject: 22-zone-0131

Follow Up Flag: Follow up
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Categories: Respond

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I appeal to the Planning Commission, the LDC-appointed Oversight Committee of the Floyds Fork Development Review Overlay, to **not approve the zoning change, nor its application for waivers, nor its proposed plan as-is** for 2405 Echo Trail.

I'd like to start by pointing out that the LDC states, "The FFDRO is to protect the public and property owners from influences which might occur under conventional land use regulations" (LDC Ch 3, DRO District, A. 1. b. i). The conventional way of developing land in Louisville is not suitable for this environmentally-sensitive area. The Floyds Fork DRO was created in order to set a different standard of development of **the** premier wildlife corridor of Jefferson County and its massive watershed.

For application, I will give an analogy: Chapters 4 and following of Louisville Metro's Land Development Code is like a speed limit of 55mph on a local road. The Planning Commission's role is to require the development/legal community abide by that "speed limit." Chapter 3 of Louisville Metro's Land Development Code (Floyds Fork DRO) is akin to identifying the fact there is a school on this local road, thereby instituting a slower speed limit of 25mph within the school zone. The Planning Commission's role is to require the development/legal community abide by that adjusted "speed limit," recognizing the sensitive needs of the area and not letting them drive through at conventional speeds and with conventional procedures. I call on the Planning Commission, as the Oversight Committee for Floyds Fork and its environmentally-sensitive area, to enforce a "slower speed limit" in this "school zone." *Since this property will require a zoning change, and therefore passage by Metro Council, I call on Louisville Metro Council to enforce a "slower speed limit" in this "school zone."* Please note the following reasons (and supporting quotes from the LDC) why it should be opposed:

- The proposed plan does not protect the land from the destruction of mature trees; **the plan proposes to**

remove 61% of its mature tree canopy, eliminating approximately 14.5 acres of mature trees. (*"Activities that may be detrimental to the natural, scenic and environmental characteristics as described herein are regulated...such activities include clearing of forested area greater than 5,000 square feet for development purposes"*(LDC Ch 3, DRO District, B. 2. a) *"The [FF DRO] is to protect from the destruction of mature and/or valuable trees and other vegetation and wildlife habitat"* (LDC Ch 3, DRO District, A. 1. b. vi) *"Existing wooded areas should be retained wherever possible. Hillside vegetation in particular should be preserved"*(LDC Ch 3, FF DRO Guidelines, 2. a)

- The proposed plan shows disregard for the intent of the Floyds Fork DRO, Louisville's premier wildlife corridor. This area (south of Shelbyville Rd in the FF DRO) was downzoned to RR in order to protect the land and wildlife from this very type of conventional development. (*"Activities that may be detrimental to the natural, scenic and environmental characteristics as described herein are regulated...such activities include "grading, excavation, construction of retaining walls, or alteration of the ground surface other than that attendant to agricultural uses"*(LDC Ch 3, DRO District, B. 2. b). *"The intent of the of the Floyds Fork Design Guidelines is to ensure that new development within the Floyds Fork Corridor is designed to aid in restoring and maintaining excellent quality for land and water resources of the Floyds Fork Corridor"*(LDC Ch 3, FF DRO Guidelines).
- The proposed plan proposes to place roads and lots on an intermittent stream. (*"Activities that may be detrimental to the natural, scenic and environmental characteristics as described herein are regulated...such activities include alteration of a protected body of water including channeling, diverting, dredging or removal of stream materials"*(LDC Ch 3, DRO District, B. 2. c), *"bridging or damming of a protected body of water"*(LDC Ch 3, DRO District, B. 2. d). *"Measures to avoid stream bank erosion are especially desirable"* (LDC Ch 3, FF DRO Guidelines, 1. c).
- The proposed plan has not been designed to preserve the natural character of the land to the greatest extent possible, nor does it protect the quality of the natural environment; the plan proposes to cram lots into the area so that houses are a mere 10 feet apart. (*"Design subdivisions and locate structures to preserve the natural character of the land to the greatest extent possible"*(LDC Ch 3, FF DRO Guidelines, 4. a) *"The purpose of the [FF DRO] is to protect the quality of the natural environment"* (LDC Ch 3, DRO District, A. 1. b).
- The proposed plan has no on-sight plan for water mitigation or water filtration, but intends to allow *all* its water to flow to the previously-approved subdivision for 600 homes. If approved, **the Planning Commission should require MSD (a self-regulated entity) to show the plans for water flow, water mitigation, and water quality proposed to be added to an already-approved subdivision plan (18-subdiv-1023).** If approved, the Planning Commission should require an outside source/company to double-check MSD's plans/numbers for this proposal (22-zone-0131) and 18-subdiv-1023. (*"The intent of the of the Floyds Fork Design Guidelines is to ensure that new development within the Floyds Fork Corridor is designed to aid in*

restoring and maintaining excellent quality for land and water resources of the Floyds Fork Corridor"(LDC Ch 3, FF DRO Guidelines).

- The proposed plan does not minimize the visual impact of new structures nor preserve the natural character and rural appearance. *"The visual impact of new structures proposed for prominent hillsides visible from scenic corridors and the stream itself should be minimized"*(LDC Ch 3, FF DRO Guidelines, 7. n). *"New construction along designated scenic corridors should preserve the area's rural appearance. Outside wooded areas, new development should provide a substantial setback from the roadway (400 feet minimum) with plantings to partially screen buildings" or "create a 60-foot buffer thickly planted with fast growing native trees and shrubs"*(LDC Ch 3, FF DRO Guidelines, 7. a). *"Buildings should be planned and designed and vegetation should be managed to preserve and enhance scenic vistas along roadways"*(LDC Ch 3, FF DRO Guidelines, 7. m). *"Creation of new driveways from designated scenic corridors should be minimized; common driveways and shared access points are encouraged"*(LDC Ch 3, FF DRO Guidelines, 7. c).

Thank you,

Kacey Frazier
Floyds Fork DRO Resident

Luckett, Jay

From: Ann C Davis <anncdavis@me.com>
Sent: Tuesday, March 7, 2023 8:37 PM
To: Luckett, Jay
Subject: 22-zone-0131

Follow Up Flag: Follow up
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I live at 16240 Eastwood Cut-Off Rd and feel strongly about the explosion of development in this area within the last 6 months especially . I understand landowners have the right to sell their property to whomever they choose whenever they choose.

The problem I have is with the Planning and Zoning Board, which appears to be out of touch with the infrastructure needs required to support the influx of people that the proposed development, specifically Echo Trail , will bring into the Eastwood community.

I am especially concerned with the proposed intersection at Gilliland Road and Shelbyville Road. During rush hour traffic ,it is already a harrowing and sometimes seemingly death- defying experience to go west bound on Shelbyville Road from Eastwood Cut-Off.

The planned stoplight is scheduled for 2025. With homes and a new elementary school increasing the volume of cars, how are we, the current residents, plus the new ones, supposed to manage?

It strikes me that the cart is in front of the horse on this planning . Reconfigure the infrastructure and then build the homes.

It is easy for people who don't live here to say that we will survive. It is already impacted my life in going west - bound on Shelbyville Road from the Cut-Off. I shudder to think of the next 3 years trying to go west-bound and stay alive.

Please rethink your planning on authorizing these developments without previously dealing with the traffic considerations . It feels as if we are not being represented and that no one on Planning and Zoning gives a damn about us.

I know your mandate is to take the overview and do what is best for all concerned, not just the developers. It is my sincere hope that you do that.

Thank you.
Ann Crosby Davis

March 7, 2023

Sent from my iPhone

Luckett, Jay

From: Harrington, Scott
Sent: Wednesday, February 22, 2023 1:49 PM
To: crm15301@gmail.com; Luckett, Jay
Subject: FW: Echo Trail East Subdivision
Attachments: Public_Hearing_Notice_for_22-MSUB-0011_and_23-WAIVER-0003.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

C McKinney,

I'm forwarding your questions to Jay Luckett, the case manager.

Jay – would you please respond to the questions below?

Thank you!


Scott



Scott W. Harrington | Legislative Assistant
Office of Councilman Kevin J. Kramer
Louisville Metro Council | District 11

phone: 502.574.3456

email: scott.harrington@louisvilleky.gov

 [Sign up for District 11's E-Newsletter](#)

City Hall

601 West Jefferson Street
Louisville, Kentucky 40202

Thank you for the opportunity to serve!

From: Kramer, Kevin <Kevin.Kramer@louisvilleky.gov>
Sent: Wednesday, February 22, 2023 1:19 PM
To: Harrington, Scott <Scott.Harrington@louisvilleky.gov>
Subject: FW: Echo Trail East Subdivision

From: crm15301 <crm15301@gmail.com>
Sent: Sunday, February 12, 2023 6:50 AM
To: Kramer, Kevin <Kevin.Kramer@louisvilleky.gov>
Subject: Echo Trail East Subdivision

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2/12/23

Will this subdivision be on septic tanks or MSD sewers?

This will add to traffic/merging problems at Shelbyville Road by Fire station.

Drainage ditches along Gilliland Road have not been maintained and cause ice coatings in sections of Gilliland Rd.

Please advise.

Thank you.

C McKinney

Sent via the Samsung Galaxy S22 5G, an AT&T 5G smartphone

From: Nick Pregliasco
To: Luckett, Jay P
Cc: phburch@msn.com; Nanci Dively; Piagentini, Anthony B.; David Mindel
Subject: FW: Johnson Road Development - Floyds Fork (22-ZONEPA-0110)
Date: Thursday, September 1, 2022 12:52:10 PM

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Jay: FYI. See email below. I added the case number for the neighborhood meeting referenced below that occurred last night. Nick



Land Law

BARDENWERPER TALBOTT & ROBERTS, PLLC

Attorneys at Law

www.bardlaw.net

(Firm Celebration of 35 Years in 2022)

502-426-6688 (W)

502-777-8831 (M)

From: Paul Burch <phburch@msn.com>
Sent: Wednesday, August 31, 2022 9:11 PM
To: anthony.piagentini@louisvilleky.gov
Cc: Bruce Z <bzoeller@thechristianadvantage.com>; Stop 1614 Johnson Rd <stop1614johnson@gmail.com>; Richard Adams <richadams808@aol.com>; Tom P <tomp0228@aol.com>; Nick Pregliasco <npr@bardlaw.net>
Subject: Johnson Road Development - Floyds Fork

Good evening Mr Piagentini,

Unfortunately, I didn't see you at the community meeting. I appreciate your efforts to amend the Floyd's Fork ordinance.

"We unanimously passed my ordinance co-sponsored with Councilwoman Cassie Chambers Armstrong that increases the requirements of developers who build in the Floyds Fork Floodplain. The standard for Floyds Fork was lower than all other waterways in the city and we rectified that in this ordinance amendment."

There's a lot of development that was discussed. I appreciate any efforts to look at the

impact on Floyd's Forks waterway.

Nick Pregliasco, Attorney mentioned our communications to you are placed in a file.

The 19th District constituents need your assistance to ensure the highway traffic studies incorporate all the proposed development in Eastwood area including Johnson Road.

Thanks

Paul Burch
(502) 767 0200

From: Paul Burch <phburch@msn.com>
Sent: Tuesday, August 30, 2022, 9:44 PM
To: anthony.piagentini@louisvilleky.gov
Cc: Bruce Z; Stop 1614 Johnson Rd; Richard Adams; Tom P
Subject: Johnson Road Development - Floyds Fork

Good evening Mr. Piagentini,

As a constituent I hope you're planning to attend the Floyds Fork meeting tomorrow.

August 31st 6:00pm.

First Baptist Church
Eastwood
16122 Eastwood Cutoff Road
Louisville, Ky. 40245

I reside adjacent to Hole 3 in Polo Fields Subdivision.

I'm watching the development of the farmland behind us which I enjoyed for 18 years.

I literally stop the heavy equipment one morning to ask if they planned to leave the tree line.

What's ironic is that when we moved into Polo Fields subdivision Johnson Road could not be accessed from CrossTimbers drive for years. Now the development has torn up the road, and will detrimentally impact your constituents' lives. Floyds Fork ecosystem is vital to our parks.

Thanks,

Paul Burch
(502) 767 0200

From: Paul Burch <phburch@msn.com>
Sent: Sunday, August 28, 2022 7:06 AM
To: anthony.piagentini@louisvilleky.gov <anthony.piagentini@louisvilleky.gov>
Cc: Bruce Z <bzoeller@thechristianadvantage.com>
Subject: Johnson Road Development - Floyds Fork

Good morning Mr. Piagentini,

I left a voice message & emailed regarding development on Johnson Road.

I'm concerned about the impact on 19th District traffic, and ecosystem of Floyds Fork.

What's your specific steps to slow down the Johnson Road development?

Thanks,

Paul Burch
(502) 767 0200

From: Paul Burch <phburch@msn.com>
Sent: Wednesday, August 24, 2022, 4:14 PM
To: anthony.piagentini@louisvilleky.gov
Cc: Bruce Z
Subject: Johnson Road Development - Floyds Fork

Good afternoon Mr. Piagentini,

I left a voice message regarding development on Johnson Road.

I'm concerned about the impact on 19th District traffic, and ecosystem of Floyds Fork.

Thanks,

Paul Burch
(502) 767 0200