

## St. Germain, Dante

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**From:** connie fowler <cmfowler1@msn.com>  
**Sent:** Wednesday, September 14, 2022 5:32 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

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I am strongly opposed to the proposed development at 1614 Johnson Rd for the following reasons:

- Even though Chapter 3 of the LDC states that the Floyds Fork DRO should not be subdivided, this proposal plans to disregard the spirit of the FF DRO and subdivide the land into 130 lots with 130 driveways & rooftops.
- Even though Chapter 3 of the LDC states no building should be higher than 35 feet, this proposal plans to disregard the spirit of the FF DRO and add 112 units in 3- and 4-story apartment buildings--an audacious FIRST for the FF DRO.
- Even though flood events (200-yr, 500-yr, 1000-yr events) are increasing in our state and country, this proposal plans to add dirt to the current floodplain, placing approximately 61 houses on the current floodplain, "protecting" them for only the 100-year flood. These residents, including those in "affordable houses," would have no flood insurance. This shows a lack of regard for the people who will potentially buy homes in this proposed subdivision.
- Even though flood events are increasing in our state and country, this proposal plans to add dirt to the current floodplain; this eliminates the area where water used to overflow and fill in naturally. The water is thus channeled and affects EVERY business, home, family, and building downstream of this proposed site--disregarding the lives and businesses for approximately 27 miles of Floyds Fork's banks in Jefferson County alone. On Floyds Fork, this proposed site is opposite of steep cliffs. Water WILL be forced downstream at higher, faster, and stronger rates as the natural water basin will be nullified when dirt is added to this site.
- Contrary to the wisdom and desires of Jeff O'Brien (Develop Louisville) and David Johnson (Chief Engineer, MSD), this proposal plans to place a sewage pump station WITHIN the current floodplain, closely located to the current floodway. When mechanicals fail, human waste will flow into Floyds Fork--showing a total disregard for others by poisoning the water, wildlife, and humans who use/enjoy its resources for the remaining ~27 miles through Jefferson County.
- Even though regulations prohibit development IN Floyds Fork and on its banks, the developer plans to receive credit for tree canopy preservation for trees on its banks (which they CANNOT REMOVE), and trees IN the water.
- Even though Chapter 3 of the LDC states not more than 5k square feet of trees should be cut in the Floyds Fork DRO, the land at 1614 Johnson Rd has done so without permission. This further demonstrates the lack of regard for our city's laws and regulations.

I ask that the Planning Commission use their discretion given to them in this case by Ch 3 of the LDC (Floyds Fork DRO) to deny this MRDI subdivision proposal.

Connie Fowler  
Sent from my iPad

## St. Germain, Dante

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**From:** lkfrazier01@gmail.com  
**Sent:** Tuesday, September 6, 2022 10:50 AM  
**To:** Stuber, Elizabeth W.; Piagentini, Anthony B.; Benson, Stuart; Smith, Chanelle Emily; Kramer, Kevin; Brown, Jeffrey E  
**Cc:** St. Germain, Dante  
**Subject:** RE: Traffic Study due to Eastwood Developments, new Echo Trail school, redesigned intersection in Eastwood  
**Attachments:** 22-MSUB-0004  
**Importance:** High

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Ms. Stuber,

I appreciate that it is still under review with no agreed-upon conclusions.

I have attached some of the concerns I have with this study. Please refer to the attachment as well; I submitted it to Ms. St. Germain last Friday.

The primary concern is that this study is clearly not comprehensive as was requested. It does not incorporate the Inverness Homes (The Overlook) study which showed Johnson Rd Southbound to and entering Shelbyville Rd. In 2017, this study showed the Shelbyville Rd approach was forecasted to be at 1,431 seconds ("F") at the complete buildout of The Overlook (year: 2025). The Overlook is currently at 19.8% complete and Johnson Rd is already experiencing these 2025 forecasted numbers. During the Planning Commission approval of The Overlook, Commissioner Brown asked Ms. Zimmerman "Operationally, how does that work?" (Referring to the 1,431 seconds). She replied, "It doesn't." This most recent study does not even consider this Southbound approach to Shelbyville Rd.

Additionally, this most recent study does not account for the JCPS Middle School which Perfection (866+ homes), The Overlook (323 homes), the 1614 Johnson Rd development (242 homes), and all the existing homes (West side of the Polo Fields) will travel down Johnson Rd to attend.

Also, of concern is the fact that, according to this traffic study, the 112 apartments will generate only 35 and 31 vehicles during the AM and PM "Peak Hour," respectively, for Johnson Rd. However, according to the Institute of Transportation Engineers (ITE), these apartments will create 717 Average Daily Trips. If these vehicles trips were uniformly distributed throughout 24 hours the apartments would create 30 ADT/hour. Obviously the true "Peak Hour" would be higher than the 35 and 31 shown in this study. I would like to point out that residents will ONLY be able to drive out of this subdivision as there is no public transit, bike paths, or sidewalks. It is absolutely unsafe, and practically impossible, to bike or walk Johnson Rd.

Not only is a *true* comprehensive study needed, as was completed in 2017 for The Overlook, but this study does not represent true ITE ADTs. Additionally, it does not consider/mention the numerous blind curves creating line-of-sight dangers which this proposal *introduces* to the traffic flow of this road. Acceleration and deceleration lanes would be required to account for the additional volume and dangers being *added* to the west side of Johnson Road by this development.

Thank you for your thorough evaluation of this roadway. Please insist a true comprehensive study is performed.

Thank you  
Lucas Frazier  
15700 Piercy Mill Rd

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**From:** Stuber, Elizabeth W. <Elizabeth.Stuber@louisvilleky.gov>  
**Sent:** Tuesday, September 6, 2022 9:37 AM  
**To:** Piagentini, Anthony B. <Anthony.Piagentini@louisvilleky.gov>; Benson, Stuart <Stuart.Benson@louisvilleky.gov>; 'Lucas Frazier' <lkfrazier01@gmail.com>; Smith, Chanelle Emily <Chanelle.Smith@louisvilleky.gov>; Kramer, Kevin <Kevin.Kramer@louisvilleky.gov>; Brown, Jeffrey E <Jeffrey.Brown@louisvilleky.gov>  
**Cc:** St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>  
**Subject:** RE: Traffic Study due to Eastwood Developments, new Echo Trail school, redesigned intersection in Eastwood

CM Piagentini,

Please see attached the traffic study submitted for the proposed development at 1614 Johnson Rd. This study is still under review by the State and Metro and we have not yet agreed with any conclusions in the study.

Beth Stuber, PE  
Transportation Engineering Supervisor

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**From:** Stuber, Elizabeth W.  
**Sent:** Friday, March 25, 2022 9:05 AM  
**To:** Piagentini, Anthony B. <[Anthony.Piagentini@louisvilleky.gov](mailto:Anthony.Piagentini@louisvilleky.gov)>; Benson, Stuart <[Stuart.Benson@louisvilleky.gov](mailto:Stuart.Benson@louisvilleky.gov)>; Lucas Frazier <[lkfrazier01@gmail.com](mailto:lkfrazier01@gmail.com)>; Smith, Chanelle Emily <[Chanelle.Smith@louisvilleky.gov](mailto:Chanelle.Smith@louisvilleky.gov)>; Kramer, Kevin <[Kevin.Kramer@louisvilleky.gov](mailto:Kevin.Kramer@louisvilleky.gov)>; Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>  
**Cc:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>  
**Subject:** RE: Traffic Study due to Eastwood Developments, new Echo Trail school, redesigned intersection in Eastwood

Yes sir, it may be months before we get the study in.

Beth Stuber, PE  
Transportation Engineering Supervisor

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**From:** Piagentini, Anthony B. <[Anthony.Piagentini@louisvilleky.gov](mailto:Anthony.Piagentini@louisvilleky.gov)>  
**Sent:** Thursday, March 24, 2022 5:55 PM  
**To:** Stuber, Elizabeth W. <[Elizabeth.Stuber@louisvilleky.gov](mailto:Elizabeth.Stuber@louisvilleky.gov)>; Benson, Stuart <[Stuart.Benson@louisvilleky.gov](mailto:Stuart.Benson@louisvilleky.gov)>; Lucas Frazier <[lkfrazier01@gmail.com](mailto:lkfrazier01@gmail.com)>; Smith, Chanelle Emily <[Chanelle.Smith@louisvilleky.gov](mailto:Chanelle.Smith@louisvilleky.gov)>; Kramer, Kevin <[Kevin.Kramer@louisvilleky.gov](mailto:Kevin.Kramer@louisvilleky.gov)>; Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>  
**Cc:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>  
**Subject:** RE: Traffic Study due to Eastwood Developments, new Echo Trail school, redesigned intersection in Eastwood

Thank you to everyone. Ms. Frazier did a great job summarizing why this is needed. I am unaware of the timing of any significant improvements to Johnson Road given North English Station Road was funded over a decade ago and there isn't a shovel in the ground. We have to assume we will not see any improvement to Johnson Road for at least a decade and, to Ms. Frazier's point, there isn't just one development coming...there are may and amount to thousands of new daily trips inside of that decade without any significant road improvement.

Ms. Stuber,

Can you please keep my office abreast of that traffic study?

Thank you,  
AP



**Anthony Piagentini** | Metro Councilman  
Louisville Metro Council District 19  
601 W. Jefferson Street | Louisville, KY 40202  
p: (502) 574-1119 f: (502) 574-4501

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**From:** Stuber, Elizabeth W. <[Elizabeth.Stuber@louisvilleky.gov](mailto:Elizabeth.Stuber@louisvilleky.gov)>  
**Sent:** Wednesday, March 23, 2022 11:31 AM  
**To:** Benson, Stuart <[Stuart.Benson@louisvilleky.gov](mailto:Stuart.Benson@louisvilleky.gov)>; Lucas Frazier <[lkfrazier01@gmail.com](mailto:lkfrazier01@gmail.com)>; Piagentini, Anthony B. <[Anthony.Piagentini@louisvilleky.gov](mailto:Anthony.Piagentini@louisvilleky.gov)>; Smith, Chanelle Emily <[Chanelle.Smith@louisvilleky.gov](mailto:Chanelle.Smith@louisvilleky.gov)>; Kramer, Kevin <[Kevin.Kramer@louisvilleky.gov](mailto:Kevin.Kramer@louisvilleky.gov)>; Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>  
**Cc:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>  
**Subject:** RE: Traffic Study due to Eastwood Developments, new Echo Trail school, redesigned intersection in Eastwood

Angela,

We have required the developer to provide a traffic study and will be working closely with the State to determine the scope and any required mitigation.

Beth Stuber, PE  
Transportation Engineering Supervisor

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**From:** Benson, Stuart <[Stuart.Benson@louisvilleky.gov](mailto:Stuart.Benson@louisvilleky.gov)>  
**Sent:** Wednesday, March 23, 2022 11:13 AM  
**To:** Lucas Frazier <[lkfrazier01@gmail.com](mailto:lkfrazier01@gmail.com)>; Benson, Stuart <[Stuart.Benson@louisvilleky.gov](mailto:Stuart.Benson@louisvilleky.gov)>; Piagentini, Anthony B. <[Anthony.Piagentini@louisvilleky.gov](mailto:Anthony.Piagentini@louisvilleky.gov)>; Smith, Chanelle Emily <[Chanelle.Smith@louisvilleky.gov](mailto:Chanelle.Smith@louisvilleky.gov)>; Kramer, Kevin <[Kevin.Kramer@louisvilleky.gov](mailto:Kevin.Kramer@louisvilleky.gov)>; Stuber, Elizabeth W. <[Elizabeth.Stuber@louisvilleky.gov](mailto:Elizabeth.Stuber@louisvilleky.gov)>; Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>  
**Cc:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>  
**Subject:** RE: Traffic Study due to Eastwood Developments, new Echo Trail school, redesigned intersection in Eastwood

Elizabeth,

Please let us know what your intentions are for the type of traffic study that will be requested for (22-MSUB-0004).

The state legislature is working very hard to fund the improvements at Johnson Road/Shelbyville Road in order to handle the growing traffic issues but this development will certainly have a massive impact in making an already horrible traffic situation worse.

Councilman Benson would support a full traffic study.

Angela Webster



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**From:** Lucas Frazier <[lkfrazier01@gmail.com](mailto:lkfrazier01@gmail.com)>

**Sent:** Wednesday, March 23, 2022 9:42 AM

**To:** Benson, Stuart <[Stuart.Benson@louisvilleky.gov](mailto:Stuart.Benson@louisvilleky.gov)>; Piagentini, Anthony B. <[Anthony.Piagentini@louisvilleky.gov](mailto:Anthony.Piagentini@louisvilleky.gov)>; Smith, Chanelle Emily <[Chanelle.Smith@louisvilleky.gov](mailto:Chanelle.Smith@louisvilleky.gov)>; Kramer, Kevin <[Kevin.Kramer@louisvilleky.gov](mailto:Kevin.Kramer@louisvilleky.gov)>

**Subject:** Traffic Study due to Eastwood Developments, new Echo Trail school, redesigned intersection in Eastwood

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Councilman Piagentini, Councilman Benson, Councilman Kramer,

Thank you for your service to such huge areas and a vast array of needs.

I want to let you know that I submit a request for Staff to recommend a Full development traffic condition study to be completed on 22-MSUB-0004 due to the overwhelming growth.

The details are below, but I ask that you support the request for Transportation Planner Beth Stuber to require a **full study** including existing traffic, expected natural growth, approved development projects, and expected site generated traffic to estimate future traffic conditions once the project is completed (LDC Appendix 6E III A.3).

Thank you for your support.

Lucas Frazier  
15700 Piercy Mill Rd.

Begin forwarded message:

**From:** <[lkfrazier01@gmail.com](mailto:lkfrazier01@gmail.com)>

**Subject:** 22-MSUB-0004

**Date:** March 23, 2022 at 9:29:55 AM EDT

**To:** "St. Germain, Dante" <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>, "Stuber, Elizabeth W." <[Elizabeth.Stuber@louisvilleky.gov](mailto:Elizabeth.Stuber@louisvilleky.gov)>

Transportation Planner Stuber, Case Manager St. Germain,

According to LDC Appendix 6E II WARRANTS FOR REQUIRING AN IMPACT STUDY "the need for a traffic impact study will be determined on a case-by-case basis." Additionally, it says, "The final decision to require a traffic impact study will be determined by the Director of Public Works, based on staff recommendations."

The criteria used by the PW&T staff in its recommendations of need for a traffic impact study may be requested if any of the following conditions are present:

1. Significantly Sized Project: two hundred (200) or more peak hour trips according to the...Institute of Transportation Engineers (ITE)
2. Nearby Congestion: The proposed development, of any size, is located near roadways, intersections or set of intersections which have been identified by the Director of Public Works as being already heavily congested.

3. Modification to Roadway: When the proposed development is located near a roadway segment identified by the Director of Public Works as within a problem area, needing to be widened or improved.

Utilizing the criteria above, I believe this is a case that demonstrates a need for a “Full development traffic condition” impact study.

Based on ITE calculations, the 22-MSUB-0004 development will add 1,967 ADT to Johnson Rd. This will be in addition to 3,300 ADT being added by 20-RSUB-004 (The Overlook), the 1,750 ADT added by 20-MPLAT-055 (Curry Farms), and the potentially 8,000+ ADT being planned at 21-ZONE-0001. There is a new school being added on Echo Trail, a new full-size grocery being planned for Flat Rock Rd. and Shelbyville Rd., a new hardware store planned for Beckley Station and Shelbyville Rd., and a marketplace being planned for Johnson and Shelbyville Rd. The traffic for all these new subdivisions listed will primarily travel down Johnson Rd. (especially all school traffic).

This is nearly 15,000 **additional** ADT on the most dangerous road in District 19, and arguably the most dangerous in all of Jefferson County. JCPS train their school bus drivers on Johnson Rd as it has *all* the dangers and pinch points a driver will encounter in a single location (Railroad crossings without crossing gates, tight turns, steep ascents and descents, blind hills and blind curves, cliffs, curbs, guard rails and the road narrows to 20’ width in several locations).

Since Johnson Rd. is a state road, I have spoken with our state representative regarding possible updates, expansions, or funding planned for Johnson Rd. He explained that Johnson Rd. is not in the budget that recently passed and will not receive any updates for over 10-15 years—with no expectation of any changes *ever* between the railroad tracks and the Polo Fields (a span that includes where 22-MSUB-0004 will be located).

Additionally, with the new middle school being built on Echo Trail, the intersection of Gilliland Rd., Eastwood Cutoff Rd., and Shelbyville Rd. is being redesigned to incorporate a traffic light. Since a light will be added to this redesigned intersection, there will **never** be a traffic light added to Johnson Rd. and Shelbyville Rd. as it is only .17 miles away from the new traffic light. All traffic coming down Johnson Rd. turning onto Shelbyville Rd. will remain a dangerous uphill turn from a stop sign—with left turns having to cross two lanes of oncoming traffic without a middle turning lane.

The load being planned for Johnson Rd. (even without 22-MSUB-0004) is already “a problem area needing [expansion]” and leads directly to “a heavily congested” intersection.

Thus, according to LDC Appendix 6E II and based on Johnson Rd. meeting the criteria required, I ask the Staff to recommend that the Director of Public Works require a “Full development traffic condition (including existing traffic, expected natural growth, approved development projects, and expected site generated traffic), to estimate future traffic conditions once the project is completed” (LDC Appendix 6E III A.3).

Thank you very much for your consideration,

Lucas Frazier  
District 19

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## St. Germain, Dante

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**From:** Lucas Frazier <lkfrazier01@gmail.com>  
**Sent:** Friday, September 2, 2022 4:40 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

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Planning Commission,

Over the past 7 years the Planning Commission has approved the addition of 1,739 new homes within a 1-mile radius of the proposed entrance with zero road improvements. This proposal is to add another 242 dwelling units. This brings the total dwelling units for this area at 1,981. According to ITE (Institute of Transportation Engineers) this puts the Average Daily Trips at 19,033 for this road network.

On November 16, 2017, you approved case 17SUBDIV1011 after much deliberation regarding the horrendous traffic impact this 323-house subdivision would have on the area.

During that case a conversation (2:44:00) occurred between Planning Commissioner Jeff Brown and Traffic Engineer Diane Zimmerman.

This conversation was regarding the traffic that approaches Shelbyville Rd Southbound on Johnson Rd:

JB: "For the Johnson Rd Southbound to Shelbyville Rd...what's the delay *in seconds* in the AM now?"

DZ: "Currently it is 31.6."

JB: "So in 2025 (the build-out year), if this subdivision *wasn't* built what's the level of service?"

DZ: "It goes to 'F' at 51.1."

JB: "And if it was built?"

DZ: "'F' [211.6]"

JB: "And in the PM, I think we see something similar."

DZ: "Yes."

JB: "Today it is?"

DZ: "Today it is 59.3."

JB: "And if nothing gets built?"

DZ: "If nothing gets built: 204."

**JB: "And if it gets built?"**

**DZ: "1,431."**

**JB: "Operationally, how does that work?"**

**DZ: "um...It doesn't."**

In 2017, Traffic Engineer Diane Zimmerman gave this approach the operational grade of "F" 1,431 seconds (23:51) and confessed that operationally, this route, does not work. It has been 5 years since that development was passed and currently that subdivision is less than 20% built out (64 of the 323 houses have been built) and residents are **already hitting the 2025 projections** given by Diane Zimmerman. Residents are waiting up to 30 minutes at the Johnson Rd Southbound to Shelbyville Rd approach. Ms. Zimmerman was correct; it doesn't work out operationally.

It has been five years and now there is a proposal DIRECTLY ACROSS from The Overlook that proposes adding 1,991 (ADT) via the addition of 242 dwellings. This is cause for grave concern. The situation has not improved since 2017!

Originally, when the proposal of 1614 Johnson Rd was submitted we asked for a complete and comprehensive traffic study which would consider the activity in the area. The study generated looked at the entrances/exits **only** of the development to Johnson Road. The study referenced the Aiken North study; however, it DID NOT consider the new JCPS Middle School being built on Echo Trail. The Publix, the full-size grocery store proposed in Eastwood, has been in planning for quite some time and should, in wisdom, also be considered.

Over the past 5 years, Ms. Zimmerman has completed three studies for the area and consistently portrays a low impact which does not match reality.

1. **Inverness Homes August 29, 2017** – 2017 study shows 43 vehicles exiting Crosstimbers Drive traveling south on Johnson Rd during the morning Peak Hour. Her projections for 18 years later, still only show 43 vehicles exiting Crosstimbers Drive traveling south on Johnson Rd. The assumption in this study is that there are absolutely *no* changes in traffic in 18 years, and *no* changes in the community to alter traffic flows (one of many examples).
2. **Aiken North Subdivision February 23, 2021** – Subdivision adding 866 homes will create 8,500 ADT and according to this study only 54 vehicles will cross to Johnson Rd (which is the *direct* route to the only public middle school) during the morning Peak Hour.
3. **Mixed Residential Development August 19, 2022** – According to this traffic study, the 112 apartments will generate 31 vehicles during the PM “Peak Hour” for Johnson Rd. However, according to ITE, these apartments will create 717 Average Daily Trips. If these vehicles trips were uniformly distributed throughout the 24 hours, the apartments would create 30 trips/hour. Obviously the true “Peak Hour” would be higher than the 31 shown in this study.

With The Overlook only 20% built out, the approved 866-house Perfection subdivision, Curry Farms 37% completed (64/175), as well as all the through-traffic from surrounding neighborhoods, Johnson Rd is burdened beyond any kind of safe capacity standards. This is a problem that did not exist 5 years ago. It was not a pre-existing problem. A full, comprehensive traffic impact study which covers more than 2 hours in the AM and PM and considers *actual* community development must be completed.

### **Design Requirement**

Johnson Rd will need to be widened to properly handle all the through-traffic which will come from these developments. Since Johnson Rd is a scenic corridor and the road will be expanded due to capacity, the development must be designed to reserve the rights-of-way for further/future dedication and keeping the scenic corridor buffer. This requirement is given in the Plan 2040.

### **Binding Element**

If this proposal is approved, there shall be a binding agreement for the developer to widen Johnson Rd where the property abuts the road. This will allow for a safer flow of through-traffic and **the necessary acceleration and deceleration lanes**. **Both** the northern and southern entrances to this proposal are on blind curves **and** blind hills. Currently, there is no traffic turning west on Johnson Rd at these locations. This would be a new safety and capacity problem directly being created by this subdivision. There **must be a center turn lane**, as the current site distances needed for this subdivision do not allow for the necessary time to slow down or speed up. This binding element follows with KRS 100.281 stating “Subdivision regulations shall be based on the comprehensive plan.” The binding element follows the Plan 2040 Mobility Goal 3.7-11. Mobility Goal 3.9 states that when funds are not available, “the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.” This type of situation is precisely why this was written into the Plan 2040. Mobility Goal 3.11 states the need to “provide street improvements to mitigate the impacts of development.” Mobility Goal 11.3 states, “addition of acceleration and deceleration lanes,” and 11.5, “intersection widening completely off-site.”

While I strongly oppose this development for both the safety failures and capacity failures, if this proposal is to move forward, there must be a binding element to widen Johnson Rd abutting the developer's property. Both KRS and Plan 2040 have given the Planning Commission full authority to say to the developer that the developer needs to make the necessary improvements "to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location."

Thank you,

Lucas Frazier  
15700 Piercy Mill Rd  
Louisville KY 40245

	Approach	A.M.			2017 Existing
		2017 Existing	2025 No Build	2025 Build	
Johnson Road at Street C (North)					
Street C Westbound				A 93	
Johnson Road Southbound (left)				A 74	
Johnson Road at Street A (South)					
Street A Westbound				A 96	
Johnson Road Southbound (left)				A 74	
Shelbysville Road at Johnson Road					
Shelbysville Road Eastbound (left)	B 106		B 113	B 116	A 97
Shelbysville Road Westbound (left)	A 95		A 97	A 97	B 108
Eastwood Fishersville Road Northbound	F 632		F 1369	F 3225	F 1134
Johnson Road Southbound	D 316		F 511	F 2116	F 593

Key: Level of Service, Delay in seconds per vehicle

## St. Germain, Dante

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**From:** lkfrazier01@gmail.com  
**Sent:** Tuesday, August 23, 2022 10:57 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

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Planning Commission,

I would like to submit the fact that flooding events continue to increase throughout our country causing major damage and harm to citizens. The Metro Louisville building code requires developers to build to the 100-year floodplain; however, we are seeing an increasing number of MUCH larger events. During the February 23<sup>rd</sup> Neighborhood Meeting, while discussing the constant flooding issues associated with this property, my wife told the design engineer David Mindel, that we currently live in the Floyd's Fork floodplain. Mr. Mindel showed genuine concern for my wife and me stating that Houston had recently experienced a 500-year flooding event. We explained that's exactly why they should NOT fill in the floodplain and build houses in the Floyd's Fork DRO floodplain. Building to the 100-year floodplain is no longer useful as flooding events and impervious surfaces are drastically changing the narrative.

We are experiencing fiercer flooding events, which is why the Floyds Fork DRO was created—to protect this environmentally-sensitive area. Four 1-in-1,000-year rain events occurred in our country within the span of 1 month; three in 1 week—inundating eastern Kentucky, St. Louis, and southeastern Illinois.

Looking at just the last 2-3 months...

6/22 Yellowstone River – a 1-in-500-year rain event... swept houses downstream and destroyed roads!

7/22 Hazard, KY – a 1-in-1,000-year flood...received more than 9" of rain in just 12 hours!

8/22 Death Valley, Calif. –a 1-in-1,000-year-rainfall event dropped 75% of the local average annual rainfall in just 3 hours!

8/22 Dallas, TX – a 1-in-1,000-year flood ... tallied more than 14.9" of rain within a 12-hour period...a summer's worth of rain IN A DAY!

8/22 Las Vegas, NV – heavy rain poured into Las Vegas casinos and flooded streets in the wettest monsoon season in a decade

8/22 St. Louis, MO – a 1-in-1,000-year flood... received more than 11" of rain over the course of roughly 8 hours! Rainfall rates exceeded 2"/hr ...

Such rates of precipitation are nearly impossible for soils — not to mention impervious paved surfaces — to absorb; flash flooding will always result.

This problem won't go away; and building houses and apartments in the Floyds Fork DRO will make it worse! The intent of the Floyds Fork DRO is to protect this environmentally-sensitive area. The floodplain naturally fills with every storm. However, when the Planning Commission unnecessarily approves developments which fill in the floodplain with dirt and houses, the result is water being prevented from filling in the natural floodplain. Instead, the water is channeled, forced downstream at higher, faster, and stronger rates. This results in unnaturally-eroded and unstable banks, destruction of roads, property, and possibly life. Mr. Mindel acknowledged the danger of houses in the 500-year floodplain.

Please use the discretion legally given the Planning Commission through Chapter 3 of the Land Development Code to ensure this development does not alter, change, fill or excavate in the floodplain (LDC Ch3 Part 1.B.2 and DRO Guidelines 1.f). Please ensure the Floyds Fork DRO is upheld.

[At least one dead after Dallas area hit by 1-in-1,000-year flood \(msn.com\)](#)

## At least one dead after Dallas area hit by 1-in-1,000-year flood

DALLAS — Streets and highways around Dallas remained waterlogged Monday afternoon after flash floods struck the Dallas-Fort Worth area overnight, leaving at least one person dead. Signs of flooding lingered even after the rain mostly cleared from the metroplex.

In Mesquite, southeast of Dallas, a body was recovered Monday afternoon from a vehicle in a creek. Elsewhere, authorities conducted water rescues and evacuated residents from flooded areas; cars remained abandoned, some parked on the sides of interstates, either flooded or damaged in crashes; numerous highway ramps and lanes were shut down. At the interchange of Interstates 30, 45 and 75 — a trouble spot on good days — flooding had traffic down to a trickle in one lane.

In some isolated areas, the rainfall totals would be considered a 1-in-1,000-year flood — a remarkable reversal given the dramatic drought that Dallas had faced for months. Several rainfall gauges recorded more than 10 inches. A record-breaking 3.01 inches of rain was recorded in one hour at Dallas-Fort Worth International Airport.

The downpour marked the latest such flood in the past few weeks across the United States. In one week alone, three 1-in-1,000-year rain events occurred, inundating [St. Louis](#), [eastern Kentucky](#) and [southeastern Illinois](#). The term, often considered controversial in part because it's misunderstood, is used to describe a rainfall event that is expected once every 1,000 years, meaning it has just a 0.1 percent chance of happening in any given year — but such events can occur much more frequently.

Human-driven climate change has been found to increase the frequency of such high-precipitation events — a warmer atmosphere, capable of holding more moisture, can produce heavier rain. According to the Intergovernmental Panel on Climate Change's [2022 report](#), the rate of extreme precipitation events that cause severe flooding is expected to increase in the future.



## [How two 1-in-1,000-year rain events hit the U.S. in two days](#)

Several water rescues were conducted early Monday across the Dallas-Fort Worth area. As of 1:30 p.m. local time, Dallas Fire-Rescue had responded to 195 high-water incidents, according to Jason L. Evans, a spokesperson with the city's emergency management office.

In Mesquite, firefighters were at a bridge Monday afternoon where the water had receded enough to reveal a car in the creek below. One body was recovered from the vehicle, according to Mesquite Fire Chief Rusty Wilson. Wilson added that rescuers had been called to the bridge after the driver, a woman, became unresponsive while on a call with family members.

At Skyview Stables, a horse training facility east of Dallas in Forney, the water had rushed in suddenly overnight. The owner of the stables, Stephanie McKinsey, and head trainer, Michelle Long, are in Kentucky with three of their horses for the World's Championship Horse Show.

They awoke Monday morning to dozens of texts. The other 26 horses at the stables in Texas were standing in 11 inches of water, and the rain wasn't stopping. The road to the property is shut down, and only a groomer and McKinsey's daughter are there.

"We have no one to help bail out," Long said.

The flooding has seriously damaged their stables, washing away all their new hay and shavings. Skyview Stables had moved locations just three weeks ago.

"We spent all that money and now the dirt from the arena is in the pond," Long said.

One rain gauge in Dallas County, where Dallas is located, tallied more than 14.9 inches of rain within a 12-hour period, nearly 50 percent of the rainfall recorded at that site this year. Such rates of precipitation are nearly impossible for soils — not to mention impervious paved surfaces — to absorb without runoff that can cause flash flooding.

A communications outage caused by a Verizon line problem prevented the National Weather Service from issuing warnings from the Fort Worth office, the NWS confirmed to The Washington Post, though the office [said](#) it was working closely with partner offices to stay on top of the flooding. Spokesperson Susan Buchanan said that while the issue was being fixed, "long- and short-range forecasts and warnings for the Dallas-Fort Worth area continue to go out uninterrupted, through service backup by our forecast offices in Nashville, Tennessee, and Norman, Oklahoma."

[The concept of a thousand-year rainstorm is legitimate but limited. Here's what you should understand about it.](#)

After the flooding rains move out of the Dallas area, they are expected to track east along Interstate 20 toward areas such as Shreveport, La. The National Weather Service's Weather Prediction Center has forecast a moderate risk of excessive rainfall for northeastern Texas and northwestern Louisiana, with three to five inches of rain expected in the area and rates of two to three inches per hour possible.

More excessive rain is expected Tuesday, with the moderate risk for heavy rainfall spreading farther across northern Louisiana into parts of Alabama.

It was a case of extreme weather whiplash for the Dallas-Fort Worth region. Before Monday's intense rainfall, the area was in the midst of a substantial drought. All of Dallas County has been experiencing at least extreme drought for the past three months, according to the U.S. Drought Monitor.

Dallas had dozens of days above 100 degrees and 67 days in a row without any rainfall, a streak that was finally broken Aug. 9. The drought was so bad that on the Fourth of July, local fire departments, short on trucks, urged residents to avoid shooting off fireworks. Now, in a shocking reversal, it is likely that this August will be Dallas's wettest since 1899, the Weather Channel's Jim Cantore noted on [Twitter](#), and fire departments are instead asking people to stay off the streets to avoid high water.

Cities across [Texas experienced near-record-high temperatures](#) and dryness last month, causing serious precipitation deficits. Even the heavy rainfall over parts of the state into Monday may not bring enough relief, the Weather Service warned.

The rainfall across Texas, Arkansas, Louisiana and Oklahoma stems from an overlap of extreme moisture and a forceful triggering mechanism.

Over the weekend, an underwhelming tropical system moved ashore in northern Tamaulipas, Mexico, with relatively little fanfare. Its direct impacts were minimal, but it trucked ashore an air mass with deep tropical moisture. Precipitable water indexes — a measure of how much moisture is present in a column of air from the bottom to the top of the atmosphere — are approaching a remarkable three inches.

That's the air now wafting north into thunderstorms and being converted into heavy downpours along a stationary front. The front is draped west to east near the Red River of Oklahoma toward the Arkansas-Louisiana border. A wave of low pressure

that is forming along the front and propagating east will further enhance those downpours. Some locations will see a low-end tornado risk, too.

*Rosenthal reported from Washington. Timsit reported from London. Matthew Cappucci in Washington contributed to this report.*

*Correction: An earlier version of this article misidentified the county where a rain gauge tallied more than 14.9 inches of rain. It was Dallas County, not Harris County. The article has been corrected.*

Microsoft may earn an Affiliate Commission if you purchase something through recommended links in this article.

## St. Germain, Dante

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**From:** Lori Paas <lpaas@att.net>  
**Sent:** Tuesday, June 7, 2022 9:15 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

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Hello,

I am writing to express my concern for the application for a retroactive permit to clear 5,000 square feet of trees in the area of 1614 Johnson Road. It is my understanding that this is in violation of the Floyd's Fork DRO. I'm continually confused by the fact that there were things put into place to protect Floyds' Fork yet they don't seem to be adhered to. As a regular patron of The Parklands of Floyd's Fork, I would like to see the natural waterway that is the centerpiece of this huge & wonderful investment protected. In an effort to support this cause, I am asking the Planning Commission to deny this retroactive permit and to further deny development within the DRO.

Thank you for your consideration.

Lori Paas  
Concerned citizen

## St. Germain, Dante

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**From:** Timothy Bowman <tim.bowman2@gmail.com>  
**Sent:** Thursday, May 26, 2022 11:40 AM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-004  
**Attachments:** IMG\_4602.jpg; IMG\_4604.jpg

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Good Morning,

I am a resident in District 19, my property backs up to Brush Run (flowing into Floyds Fork & DRO) and my family & I also frequent Floyds Fork/Parklands frequently to enjoy the natural beauty and waterway. We also share this adventure with other friends, families, out of town guests, as a pride in our community that we have such an amazing water-way & habitat in our community, that is currently being destroyed due to ongoing unthoughtful & poorly planned development along the Fork area & DRO.

Chapter 3 Part 1 A1b says, “the PURPOSE of the district is to PROTECT the NATURAL ENVIRONMENT. The district achieves these purposes by promoting COMPATIBLE development of land and structures.”

The Commision, its members, and other governing bodies are failing this ordinance set in place to protect Floyds Fork and the DRO by allowing this development to be explored in the floodplain.

My family & I have been paddling Floyds Fork for years and we have found continued destruction and erosion of the water way, fell trees, debris in fork, etc. I've attached several pictures from a recent paddling trip (April 2022) where erosion, increased water flow, etc. have contributed to these extra large 100+ year old trees down in the Fork.

Finally, as a real estate professional, I recently sold a home to a family from California and part of the selling point for them to come to Louisville was the Parklands, Floyds Fork, & the Louisville Loop. So it is not only hurting our community to consider poorly planned developments in the short term, the damage is irreversible and can/will ultimately affect our economy and appeal to our city in the future and this gem of a waterway will not be what it is today in the future. **You have the ability to use common sense, follow the land code, and take a step back to re-evaluate this planned development and hit pause.**

LDC 2.1C1e-f states, “Structures, impervious surfaces, septic systems and associated fill slopes should not be located within the floodplain.” “Filling and excavation should not be permitted in the floodplain. Floodplains are recommended for agricultural and recreational use.”

Again, this development is in direct contradiction to this code. What is the purpose of LDC if it is not enforced? Please do not allow this development to continue as planned, protect our communities natural waterways which benefit everyone, upstream and downstream. Thank you for your service to our city & neighborhood and please make the right decision for us all.

Tim Bowman

502-553-3302

Resident District 19, Eastwood











## St. Germain, Dante

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**From:** Benson, Stuart  
**Sent:** Wednesday, May 11, 2022 10:45 AM  
**To:** Lucas Frazier; St. Germain, Dante  
**Cc:** Piagentini, Anthony B.; Smith, Chanelle Emily; Benson, Stuart; Kramer, Kevin; Stuber, Elizabeth W.; Nolan, Mike C; Brown, Jeffrey E; Bullock, Matt; Clyde, Barry; Burns, Vanessa; Funk, Brian W  
**Subject:** RE: Johnson Road Safety Concerns 22-MSUB-0004

Dante,

Please place Mr. Frazier's comments in the official case file for 22-MSUB-0004.

Thanks,  
Angela Webster

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**From:** Lucas Frazier <lkfrazier01@gmail.com>  
**Sent:** Wednesday, May 11, 2022 10:36 AM  
**To:** St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>  
**Cc:** Piagentini, Anthony B. <Anthony.Piagentini@louisvilleky.gov>; Smith, Chanelle Emily <Chanelle.Smith@louisvilleky.gov>; Webster, Angela <Angela.Webster@louisvilleky.gov>; Benson, Stuart <Stuart.Benson@louisvilleky.gov>; Kramer, Kevin <Kevin.Kramer@louisvilleky.gov>; Stuber, Elizabeth W. <Elizabeth.Stuber@louisvilleky.gov>; Nolan, Mike C <Mike.Nolan@louisvilleky.gov>; Brown, Jeffrey E <Jeffrey.Brown@louisvilleky.gov>; Bullock, Matt <matt.bullock@ky.gov>; Clyde, Barry <Barry.Clyde@louisvilleky.gov>; Burns, Vanessa <Vanessa.Burns@louisvilleky.gov>; Funk, Brian W <Brian.Funk@louisvilleky.gov>  
**Subject:** Fwd: Johnson Road Safety Concerns 22-MSUB-0004

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Planning Commission,

We have been told you are not allowed to consider traffic when approving developments, but I ask you then, what are residents to do?

- We contact the contractor companies (paving, heavy equipment, and foundation):
  - Some hang up on us
  - Some say our residential road is a “construction area”
  - Some say there is “nothing [they] can do” to get their employees to drive on their side of the road
- We contact the KYTC and they say it is a city problem—that it is on the Planning Commission to not approve these developments.
- We contact Transportation Planning with Develop Louisville and hear nothing.
- We contact Louisville Metro Public Works and hear nothing.

- We are told that according to KRS 100 “the Planning Commission is not allowed to consider traffic”.

The pictures below are a **DAILY** occurrence. This vehicle is NOT a double wide; it’s not even a double-axle trailer which we encounter daily.

This 18-foot road cannot handle the equipment needed to build the subdivisions you are approving. There are TOO many blind turns, blind hills, steep slopes, and dangerous elements (e.g. curbs).

Please stop approving developments along Johnson Rd. You don’t have to look any further in the LDC than 1.1.5 to see that we are not following the Purpose and Intent. You are not promoting the orderly development of such areas.

LDC

### 1.1.5 Legislative Purpose and Intent

The provisions of this Code are intended to be the minimum requirements to promote the public health, safety, comfort, good order, appearance, morals and general welfare; to conserve the taxable value of land and buildings and to protect the character and maintain the stability of residential, business and industrial areas within the planning unit and **to promote the orderly and beneficial development of such areas**.

You have approved nearly 2,000 houses in a 1.6-mile stretch. There is no promotion of public health or safety; there is no promotion of good order or general welfare. There is no order or safety; just chaos and danger, daily.

Please do NOT approve 22-MSUB-0004 on Johnson Rd.

Thank you,  
Lucas Frazier  
District 19

Begin forwarded message:

**From:** Lucas Frazier <[lkfrazier01@gmail.com](mailto:lkfrazier01@gmail.com)>  
**Subject:** Johnson Road Safety Concerns  
**Date:** May 11, 2022 at 9:53:43 AM EDT  
**To:** [office@derbycityconcrete.com](mailto:office@derbycityconcrete.com)  
**Cc:** "Smith, Chanelle Emily" <[chanelle.smith@louisvilleky.gov](mailto:chanelle.smith@louisvilleky.gov)>, Angela Webster <[angela.webster@louisvilleky.gov](mailto:angela.webster@louisvilleky.gov)>, "Piagentini, Anthony B." <[Anthony.Piagentini@louisvilleky.gov](mailto:Anthony.Piagentini@louisvilleky.gov)>, Stuart Benson <[Stuart.Benson@louisvilleky.gov](mailto:Stuart.Benson@louisvilleky.gov)>, "Stuber, Elizabeth W." <[Elizabeth.Stuber@louisvilleky.gov](mailto:Elizabeth.Stuber@louisvilleky.gov)>, "Carrico, Kenny K (KYTC-D05)" <[kenny.carrico@ky.gov](mailto:kenny.carrico@ky.gov)>, [matt.bullock@ky.gov](mailto:matt.bullock@ky.gov), [lkfrazier01@gmail.com](mailto:lkfrazier01@gmail.com)

Derby City Concrete,  
Thank you for taking my call. When I called your sister company, River City Foundations, I was hung up on twice by Terri Woosley and the third time she would not even answer the phone. This is completely unprofessional and infuriating.

We live off Johnson Rd and need help from your drivers regarding safety.

This driver drove the length of Johnson Rd to get to the Curry Farms development and was over the line the ENTIRE time. Look at the oncoming SUVs. They are over as much as possible and the Jeep is dealing with curbs and has absolutely no where to go. This behavior is dangerous and should be addressed immediately.

You said on the phone "It sounds like this has been a problem", "This is a construction area", and "There is nothing [you] can do."

This is a problem that the city has created by approving developments along a road that has no business handling this load. However, drivers like this, and companies that are complicit in their behavior, exasperate an already horrifying **daily** experience. This road is already completely inadequate for what the city is asking it to handle, please don't make it worse.

Look at these pictures; he is **NOT** driving in a construction area.

There is absolutely something you can do. **Have concern for safety!** Tell your drivers to stay on their side of the road! The road is only 18' wide. We all have to be able to use it until the city/state decides to do something.

Please tell your drivers and your sister company's drivers to follow the law.

Please forward this email and pictures to Mr. Dale Bo Harrison and your managers.









Thank you,  
Lucas Frazier  
District 19

## St. Germain, Dante

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**From:** lizann1652@gmail.com  
**Sent:** Thursday, May 12, 2022 7:38 AM  
**To:** St. Germain, Dante  
**Subject:** Stop 1614 Johnson Road

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

This letter is to request that the development at 1614 Johnson Road, Louisville, Ky. be stopped. The tree removal that was done illegally only demonstrates the developers intent to develop as he sees fit without any regard for the letter of law, our rural area or the people who reside in area and all the wildlife. Please help us save Floyd's Fork and this area. Everyday it seems we are continuing to destroy our city and all its beauty and wildlife. I will never understand why we need developers come in from other states or countries to develop our area except they will walk away when they're finished, never look back and never have to deal with the destruction and problems they've created. Please take pride in our city and state and keep it beautiful, safe and a place for all. Thank you, Lisbeth Brown

Sent from my iPhone

## St. Germain, Dante

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**From:** Tom Dawson <tmdawson22@gmail.com>  
**Sent:** Wednesday, May 18, 2022 3:07 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

As a 15 year resident with most of my 50 acres in the FF DRO I strongly oppose the development at 1614 Johnson Road. MSD and the Kentucky Department of Water not only required that I not add "any" dirt or rock to my property but that I do nothing to anything that might have an effect on the water flow of the Fork. The unlawful tree removal is an obvious indication that the developers have not and will not follow the regulations. Please follow the guidance and Intent of of the FF DRO and reject this development.

Thank you. Tom Dawson



## St. Germain, Dante

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**From:** Kara Beth Thompson <kara\_beth@usa.net>  
**Sent:** Monday, May 9, 2022 4:15 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

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I am writing to ask the Planning Commission to **deny the request** by the developer at 1614 Johnson Road 40245 to issue a *retroactive permit* for logging which has occurred on the property within the Floyd's Fork DRO. The developer has shown disregard for the codes and regulations of the LouMetro government, and the request should be denied. Furthermore, this shows a blatant disregard for the environmental impact of logging. If LouMetro does, indeed, want to improve the tree canopy of our city, permitting such logging is not consistent with the environmental aims they are purporting. This logging **should not be retroactively approved**, and should, in fact, face fines and repercussions.

Sincerely,

A concerned citizen  
Louisville KY 40245

## St. Germain, Dante

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**From:** John Darling <jrdarling62@yahoo.com>  
**Sent:** Monday, May 9, 2022 2:21 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

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I am writing you today to express my support for the denial of a retroactive permit for the deforestation of the property located at 1614 Johnson Rd. What would be an appropriate remedy for cutting down mature trees without authorization? You cannot require the law breaker to replace the mature tree canopy because it isn't feasible. There isn't tree stock for sale and the cost would be out of site. You cannot justifiably just turn a blind eye to the flagrant violation of the law either. I feel that the most equitable action the Planning Commission can take is to deny a retroactive permit for ANY activity at 1614 Johnson Rd. Once a flagrant violation of land development code is allowed to occur by a developer represented by Bardenwerper, Talbott & Roberts Law Firm, what is there to stop something like this to occur in the future? I would think that their lawyers should have counseled the developer on the possible repercussions of cutting trees without a permit. Can the law firm be held responsible for this violation?

A monetary fine must be similar to the cost of replacement of similar sized tree specimens, and who would the fine be payable too, and how? The citizens' who enjoy the use of the Floyd's Fork Special District are the harmed party here. Tree canopy and the associated erosion protection cannot be replaced or mitigated. The defendant irreparably damaged this land without authorization or concern for the repercussions. Is the Planning Commission going to allow developers and their associated legal counsel to get away with this? Why?

I am opposed to the granting of a retroactive permit to clear the land at 1614 Johnson Rd.

John R Darling  
205 Maple Valley Rd  
Louisville, KY 40245

## St. Germain, Dante

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**From:** Brenda Spivak <bspivak7@gmail.com>  
**Sent:** Thursday, May 5, 2022 10:05 PM  
**To:** St. Germain, Dante  
**Subject:** Floyds Fork Tree Demolition

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Dear Mr. St. Germain,

I just returned from a trip from out of town to find the beautiful area adjacent to Floyd's Fork has been denuded of trees. It is my understanding that the developer removed these trees without proper authorization. It is my humble opinion that this person/organization should be extensively fined and denied retroactive permission for the following reasons:

1. The failure to obtain the proper authorization shows a complete disregard and lack of respect for our city, our rules and regulations, and the people that call it home. This developer has a history with our city and is fully aware of the requirements for building and development. This was an intentional slight to our city government and its residents.
2. This area is designated flood plane. Residents have been very lucky to have not had any significant flooding in the 20 years I have lived in the area. The removal of the trees has completely changed the topography of the land making all the homes in the flood plane extremely vulnerable to flooding. The spring rains are coming. If anyones home floods, the above mentioned developer should be responsible for any repairs these home owners should incur. I, for one, will encourage them to sue all entities involved in this atrocity.

This area is currently under discussion with the City Board members because of the existing DRO. This is a unique area needing protection from amoral businesses wanting only to make money. Until this issue is resolved NO WORK should be allowed.

Please take my comments under serious consideration. If you have any questions about my concerns, please feel free to call me at 502-523-0511.

Sincerely,

Brenda Spivak  
1201 Johnson Road  
Louisville,Ky. 40245

Sent from my iPad

## St. Germain, Dante

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**From:** Andrew Norton <anorton31@gmail.com>  
**Sent:** Wednesday, May 4, 2022 4:43 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

**CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe**

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Good afternoon,

I am writing as both a concerned citizen and as an owner of property adjoining a proposed development along Floyds Fork - namely 1614 Johnson Road. The proposed development, comprising 125 homes and 112 apartments, should not be approved based on what would be multiple violations of the Louisville Metro Land Development Code ("LMLDC") published November 2021 - more specifically outlined in Chapter 3 Part 1 concerning the Floyds Fork Special District, Development Review Overlay ("DRO") District, originally adopted in 1993. Additionally, I have concerns for my own property. The following are excerpts from the LMLDC pertaining to this development followed by my comments (denoted by \*\*).

Page 3.1-1

### Development Review Overlay District

A.1.a. "The Development Review District is an overlay shown on the zoning district maps. It constitutes a second level of development standards in addition to this specified by the underlying zoning district."

\*\* Ordinary zoning rules are only the beginning for the area contained within the DRO. Any development within the Floyds Fork DRO must pass additional scrutiny. The proposed development at 1614 Johnson Road does not conform to the additional standards set forth for the DRO as described in the LMLDC.

A.1.b. "The purpose of the district is to protect the quality of the natural environment. The district achieves these purposes by promoting compatible development of land and structures. The Development Review District is to protect the public and property owners in the district:

vi. "From the destruction of mature and/or valuable trees and other vegetation and wildlife habitat."

vii. "From loss of high quality visual character."

\*\* A dense development comprising 125 homes and 112 apartments on the land at 1614 Johnson Road does not protect the quality of the natural environment. In fact, there has already been a removal of approximately 5,000 square feet of trees from the property WITHOUT A PERMIT (described on Page 3.1-2, Section B.2.a. as a "Regulated Activity" and, in Section B.3. "are allowed only upon approval by the Planning Commission"). Now, the developing party has requested a "retroactive permit" allowing the tree removal. This is an intentional disregard for the DRO, which should elicit a DENIED response from the Metro Planning Commission, not only for the tree removal permit, but for the development as a whole. Additionally, the DRO is intended to maintain the rural visual character of the encompassed land. This development does not bring to mind rural visual character; in fact, quite the opposite.

Page 3.1-5

### Floyds Fork DRO Guidelines

"The design guidelines are also intended to complement the natural landscape in order to obtain an aesthetically pleasing, rural atmosphere."

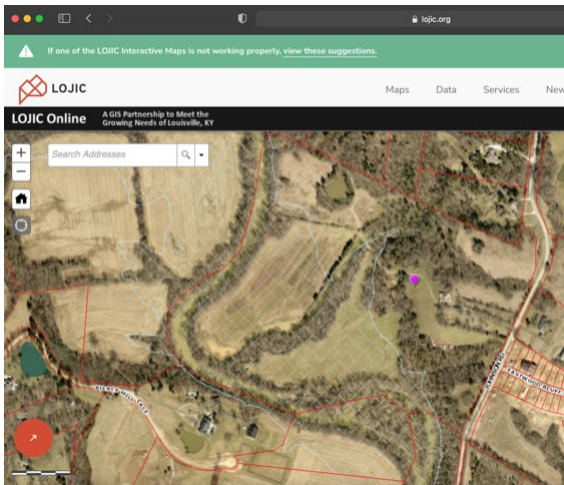
\*\* As stated above, a dense development of 125 homes and 112 apartments does not promote or maintain a rural atmosphere.

1.b. "Structures and impervious surfaces should be relocated at least 200 feet from each bank along Floyds Fork"

1.e. "Structures, impervious surfaces...should not be located within the floodplain."

1.f. "Filling and excavation should not be permitted in the floodplain. Floodplains are recommended for agricultural and recreational use."

\*\* On the grounds of these three factors alone, the proposed development should not be allowed to proceed. The proposed development does not allow for 200 foot buffers between structures and the banks of Floyds Fork. You can see on the map below (from [logic.org](http://logic.org) where the purple dot marks the proposed development property) that a majority of the property on which the development is proposed is in the floodplain. How can you fulfill the requirement that structures are built, filling and excavation be completed not within the floodplain when the majority of the property comprising the development is located IN the floodplain? You cannot. A dense development does not constitute agricultural or recreational use. The proposed development should be DENIED.



Page 3.1-7

### Floyds Fork DRO Guidelines (continued)

5.a. "Site planning should create cluster patterns of new development whenever possible: building sites and land disturbance activity should be concentrated in portions of the site better suited for development, to minimize disruption of environmentally sensitive areas and to retain the corridor's rural character. Clustering allows significant portions of the site to remain undeveloped, while achieving an amount of development comparable to traditional site plans"

\*\* A cluster is described as "concentrated in portions of the site" and "allows significant portions of the site to remain undeveloped." The proposed development does not "cluster" as the DRO Guidelines set forth. The proposed development encompasses nearly the entire property. Additionally, the development has no intention of minimizing disruption of environmentally sensitive areas or to retain the corridor's rural character. Simply put, this development does not fulfill the obligations set forth in the LMLDC for the Floyds Fork DRO.

Page 3.1-8

### Floyds Fork DRO Guidelines (continued)

#### **All Development**

n. "The visual impact of new structures proposed for prominent hillsides visible from public facilities, scenic corridors and the stream itself should be minimized."

\*\* There is nothing minimal about the visual impact of 125 homes and 112 apartments detracting from a rural setting. This development will be clearly visible from both Johnson Road (a scenic corridor) and from Floyds Fork (the stream itself). It is the intention of the LMLDC, and the Floyds Fork DRO more specifically, to protect this natural waterway and its surrounding land from invasive developments, such as the one proposed for 1614 Johnson Road.

It is the responsibility of the Metro Planning Commission to maintain and enforce existing laws and codes set forth in the LMLDC, and to protect the Floyds Fork watershed as outlined with respect to the Floyds Fork Special District.

### My Property Concerns

With regard to my own property, my concern is that changes made to the topography of the land on which the development is proposed could cause both physical and financial damage to my property. As I mentioned previously, I own property adjoined to 1614 Johnson Road with the boundary being Floyds Fork itself. My property is both directionally south (the direction of water flow) and lower in elevation than 1614 Johnson Road. A piece of my property that I enjoy very much is a small island in the middle of Floyds Fork. I am afraid that this development and the additional water runoff that would come with it during storms would cause unmitigated erosion to this island and eventually cause it to disappear. Secondly, I have seen a great deal of wildlife (deer, turkeys, coyotes, birds of various kinds, etc.) that wander mine and the surrounding properties. The addition of a subdivision would substantially reduce the natural habitat for these animals and the rural atmosphere that they bring. Thirdly, there is a financial impact that greatly concerns me. Of the 10.3 acres of my property, only 1.6 acres is not in the floodplain of Floyds Fork. Thus, only these. 1.6 acres is available to build a home outside the floodplain. There is potential for changing water flow patterns due to the proposed development to expand the size of the floodplain (recalling that my property is both south of and lower in elevation than the proposed development property), reducing the buildable area and the financial value of my property. As stated earlier (from the LMLDC), "The Development Review District is to protect the public and property owners in the district." The only way to alleviate my concerns and protect a property owner in the district, as they are tied to the proposed development, is to DENY the proposed development at 1614 Johnson Road.

Thank you for your time in reviewing this matter and for your service on the Metro Planning Commission. I hope that my comments have been helpful in leading to a decision to affirm the efforts of the Floyds Fork DRO to protect our beautiful waterway and deny this and future similar development proposals within the Floyds Fork DRO.

Sincerely,  
Andrew Norton

## St. Germain, Dante

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**From:** Lucas Frazier <lkfrazier01@gmail.com>  
**Sent:** Tuesday, May 3, 2022 10:25 AM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

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Planning Commission,

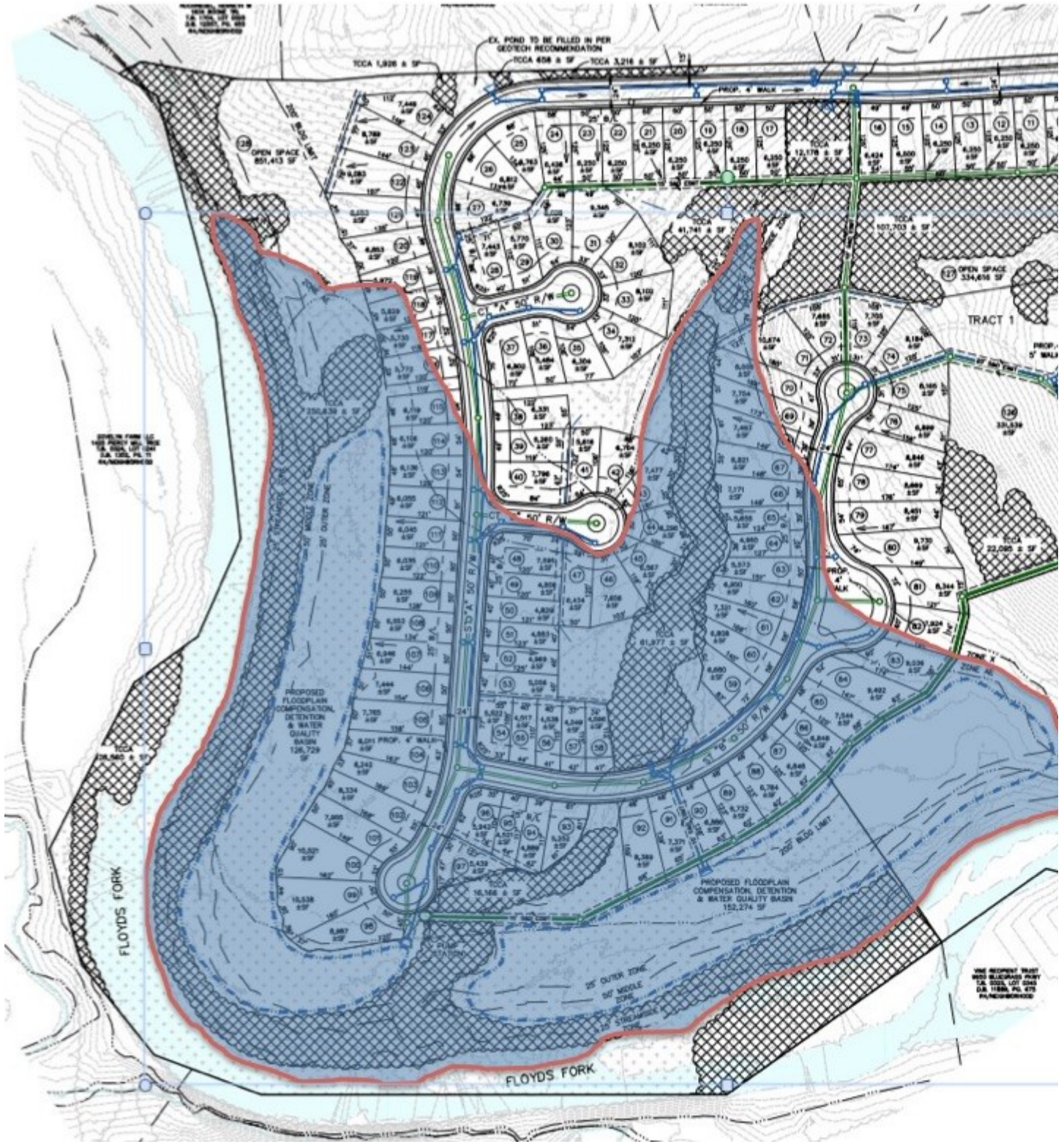
The shaded blue area in the picture below is the current floodplain and flood way for this proposed development. The developer would need to fill in the area to 2' above the 100-year flood plain. Additionally, this entire development is in the environmentally sensitive Floyd's Fork Special District DRO. This environmentally sensitive area is currently experiencing severe erosion, siltation, and loss of form, function, and character due to these dense developments! The LDC Chapter 3 Floyd's Fork DRO specifically regulates these activities.

Floyd's Fork is more than just a source of water flow, it is a natural living waterway. The DRO regulations protect the form, function, and character of this special Floyd's Fork area. Chapter 4.8 of the LDC, the "Waterways and Wetlands Protection" does not address Floyd's Fork specifically, but rather generic "river and stream corridors, lakes and other critical waterways, wetlands, and their associated riparian areas provide in Jefferson County". Floyd's Fork **is not like any other river** or stream corridor in Jefferson County. It's 31 miles long and swells to incredibly dangerous levels with just 2" of rain! It is the habitat of over 40 species of fish, 100s of bird species, and countless mammals, amphibians, crustaceans, and endangered mollusks.

Even though Chapter 4.8 of the LDC "Waterways and Wetlands Protection" does not focus on Floyd's Fork specifically (Chapter 3 of the LDC does!), this development will do exactly what chapter 4.8.1 was designed to protect against. The LDC 4.8.1 purpose is to "To promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions" and "to locate development, where possible, in areas that do not have severe environmental limitations and to protect natural areas and features as a part of development planning".

This proposed development is 50% IN A FLOOD PLAIN. It has severe slopes. It has wetlands. It has blue line streams around it and through it. It has "severe environmental limitations". This proposed development does not protect the natural areas, but rather strips the area of it. The proposal to simply dig trenches in order to catch runoff is a disgraceful approach to "protecting natural areas". They have already cut down well over the 5,000 sq ft of mature trees located within the DRO prior to securing a permit. They have shown a disregard for Floyd's Fork, the DRO, and this environmentally sensitive area.





Thank you for submitting this into the case.

Lucas Frazier  
District 19



## St. Germain, Dante

---

**From:** Lucas Frazier <lkfrazier01@gmail.com>  
**Sent:** Tuesday, May 3, 2022 11:11 AM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

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Planning Commission,

I live on Floyd's Fork and within eyesight of this property. I know intimately the value and importance of trees for this environmentally sensitive area. I am deeply concerned about the removal of mature trees on 1614 Johnson Rd within the Floyd's Fork DRO that was done without obtaining a permit. The number of trees removed far surpasses the 5,000 sq ft allowance regulated in 3.1.B.2. To know that this property had trees removed prior to even getting a permit is incredibly concerning.

I have learned that the offending party will be requesting a "retroactive permit" to allow the tree removal. The DRO was set up to protect this highly environmentally sensitive area. The offending party shows a disregard for the intent of the LDC that was voted on and passed by Louisville Metro and is in the 2040 Comprehensive Plan. Additionally, the removal of mature trees along a blueline stream is a direct violation of blueline stream regulations. The offending party cut trees on the blue line stream that flows through the property (not along Floyd's Fork, the property has TWO blueline streams).

The City of Louisville has protected the environment for decades and now this offending party is violating the vision of our leadership.

Please do not allow a retroactive permit for this offense. Additionally, please do not let them say they will just add back small trees to make up for their offense. The trees removed were harvested for profit, they were the strongest, most mature, most beautiful trees on the property. There should be **no** work going on at this property!

It's disgraceful that developers are doing this to an environmentally sensitive area that is already struggling.

Planning Commission, please maintain and enforce the existing laws and codes to protect Floyd's Fork. Jefferson County is responsible for 31 miles of Floyd's Fork. We need to protect it from the top down from offenses just like these!

Thank you,

Lucas Frazier  
District 19

## St. Germain, Dante

---

**From:** jwoobwoo <jwoobwoo@bellsouth.net>  
**Sent:** Monday, May 2, 2022 9:56 AM  
**To:** St. Germain, Dante  
**Subject:** Johnson Road Development

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---

According to LDC Ch 3 Part 1- DRO District, B.2, the interested parties of 1614 Johnson Rd are in direct violation of the Floyd's Fork DRO by cutting more than 5,000 sqft of trees.

I have lived in Eastwood for 32 years & am also in the FF DRO (and who also enjoy the benefits of an award-winning park system of the multi-million-dollar-invested *The Parklands of Floyd's Fork*) implore the Planning Commission to not grant a retroactive permit to allow this activity. I want to ensure that current violations are not retroactively permitted. This company obviously does not care about our Fork or maintaining the tress around it. It is extremely important that our city follow and enforce rule of law and intent of codes and not provide a "slap on the hands" after the crime has been committed!

The letter and intent of the FF DRO shall be followed in order to protect Louisville's last natural waterway and the wildlife it supports. The character and form of the Floyd's Fork Special District is one of lush woodlands, wonderful wetlands, amazing and abundant wildlife; ones who disregard its character and cut trees along streams (violation of MSD regulations), in flood plains, and along Floyd's Fork shall not be given retroactive permission to violate and disregard our city's regulations and land use/development codes

Please consider this in your decision to not allow this developer (who is not even from the United States) who has no interest in keeping Kentucky beautiful to continue on a path of destruction.

Thank you for considering,

Brenda Woosley

**St. Germain, Dante**

---

**From:** Meredith Wickliffe <meredith1130@gmail.com>  
**Sent:** Tuesday, April 19, 2022 11:32 AM  
**To:** St. Germain, Dante  
**Subject:** Re: Test email



**March 24**  
**7:50 PM**



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---

On Tue, Apr 19, 2022 at 11:30 AM St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)> wrote:

This email was empty.

**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:** Meredith Wickliffe <[meredith1130@gmail.com](mailto:meredith1130@gmail.com)>  
**Sent:** Tuesday, April 19, 2022 11:27 AM  
**To:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>  
**Subject:** Re: Test email

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---

On Mon, Apr 18, 2022 at 4:08 PM St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)> wrote:

Please respond to this email with no attachments to see if I receive it. Thanks!

**Dante St. Germain, AICP**

Planner II

Planning & Design Services

Department of Develop Louisville

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**St. Germain, Dante**

---

**From:** Meredith Wickliffe <meredith1130@gmail.com>  
**Sent:** Tuesday, April 19, 2022 11:35 AM  
**To:** St. Germain, Dante  
**Subject:** Re: Test email



January 6

12:34 PM



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---

Cars stuck and lined up on Johnson road every time it snows using my yard and driveway as a landing pad. Cement truck, semis and dump trucks will destroy this already decaying road and do damage to property owners yards.

On Mon, Apr 18, 2022 at 4:08 PM St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)> wrote:

Please respond to this email with no attachments to see if I receive it. Thanks!

**Dante St. Germain, AICP**

Planner II

Planning & Design Services

Department of Develop Louisville

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444 South Fifth Street, Suite 300

Louisville, KY 40202

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**St. Germain, Dante**

---

**From:** jpjross23@gmail.com  
**Sent:** Thursday, April 28, 2022 2:26 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MAUB-0004

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Dante, I am writing to oppose this development on Johnson Rd. These pictures of my yard, pool, and barn in 1997 before all of this new development which was not supposed to happen in the DRO. My family was trapped with an 18 month old as the water crossed and covered Piercy Mill. It was 6 feet from my house. Please do not let this developer cause more water runoff and possibly damage my house as well as my neighbors.

Thank you

Jim Ross  
15710 Piercy Mill Rd  
40245  
Sent from my iPhone



## St. Germain, Dante

---

**From:** Pam Brinley <pbrinley@att.net>  
**Sent:** Thursday, April 28, 2022 1:16 PM  
**To:** St. Germain, Dante  
**Subject:** Pictures attached

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Sent from my iPad

## St. Germain, Dante

---

**From:** Pam Brinley <pbrinley@att.net>  
**Sent:** Thursday, April 28, 2022 12:18 PM  
**To:** St. Germain, Dante  
**Subject:** Re: Deny retroactive approval for destroying trees/green space

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---

[Sent from AT&T Yahoo Mail for iPad](#)

On Thursday, April 28, 2022, 12:11 PM, Pam Brinley <pbrinley@att.net> wrote:

Please see below pictures of an act that was destructive and illegal. I have cried too see this evil act of the developer who destroyed beautiful trees that were to remain as green space at 1614 Johnson Road (22-MSUB-004). We are talking about 5000 sq ft destroyed and out of compliance (ch 3 part 1 - DRO District, B.2). Planning Commission DO N O T let this developer get way with this. Developer should pay the consequences of committing such an act. Jail time would be appropriate!!! Make him plant all new trees that are at least 10ft to replace his destruction!!!

Pamela Brinley  
1007 Johnson Farm Road  
502-693-4534

[Sent from AT&T Yahoo Mail for iPad](#)

Begin forwarded message:

On Thursday, April 28, 2022, 11:52 AM, stuart brinley <stubrinley@att.net> wrote



Sent from my iPhone

## St. Germain, Dante

---

**From:** stuart brinley <stubrinley@att.net>  
**Sent:** Thursday, April 28, 2022 12:16 PM  
**To:** St. Germain, Dante  
**Subject:** Fwd: Deny retro permit for tree clearance

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---

Sent from my iPhone

Begin forwarded message:

**From:** stuart brinley <stubrinley@att.net>  
**Date:** April 28, 2022 at 11:47:23 AM EDT  
**To:** dante.st.germain@louisvilleky.gov  
**Subject:** Deny retro permit for tree clearance

































I'm livid that 5000 sq ft of forest has been cleared illegal and out of compliance (Ch 3 Part 1 - DRO District, B.2) at 1614 Johnson Road (22-MSUB-004). Please see the terrible destruction in the above pictures this developer has done. There is no excuse and consequences should be paid. Please DO NOT allow Planning Commission to issue a retroactive permit for this destruction but demand trees to be replanted to restore what was once beautiful land. Not only did his reckless action destroy green space behind my property but also the green space behind the houses he's building. There were large trees destroyed in a gulley that would not be a lot for a home. This developer should serve time in jail for his action!

Stuart Brinley  
1007 Johnson Farm Road  
502-396-8998  
Sent from my iPhone

## St. Germain, Dante

---

**From:** Bruce Zoeller <bzoeller@thechristianadvantage.com>  
**Sent:** Wednesday, April 27, 2022 9:26 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

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---

Dante,

As a near resident of the proposed subdivision at 1614 Johnson Rd, I am requesting the planning commission refuse to grant a retroactive permit to the developer, in order to protect the Floyds Fork park system.

I am sure you are aware, according to the permitting in place, not only were trees cut prematurely without approval, but an excessive amount of trees were cut down, creating an excessive deficit which would take several years (perhaps a decade or more) to become in compliance.

Consideration should be given to the fact additional trees might need to be eliminated for the development to continue and stay in compliance of the statutes.

With all of the money the city has invested into the Parklands system, it is imperative the cutting of trees be limited to protect this area of the city to be enjoyed by residents throughout the city for decades to come.

Compliance of development codes must be enforced now, to protect the nature of our city for future development at appropriate times.

Disregarding existing regulations sends a message to developers, none of the regulations matter and frustrates caring citizens of the community like myself.

Thank you,

Bruce Zoeller

The Christian Advantage

502-419-8248

[www.TheChristianAdvantage.com](http://www.TheChristianAdvantage.com)



## St. Germain, Dante

---

**From:** Kris Zoeller <bezboone@aol.com>  
**Sent:** Wednesday, April 27, 2022 7:42 PM  
**To:** St. Germain, Dante  
**Subject:** 22-MSUB-0004

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I am writing you requesting you to deny a retroactive permit for the illegal tree clearing that happened at 1614 Johnson Road. It is hard to believe that we would even consider issuing a permit for an event that is already illegal. I live in this area and love our trees and Floyd's Fork. It is important to preserve our precious waterway for all that use it for recreation as well as the abundant wildlife who's lives depend on this.

If this developer is already breaking the law how can we trust them to preserve the Floyd's Fork DRO?

Do the right thing. Enforce the law and codes. Deny a retroactive permit.

Kris Zoeller  
1844 Boone Trail  
Louisville, KY 40245  
502-419-4236

## St. Germain, Dante

---

**From:** John Morgan <jmorgan@morganky.com>  
**Sent:** Wednesday, April 27, 2022 7:12 PM  
**To:** St. Germain, Dante  
**Subject:** Fw: Case # 22-MSUB-0004

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The interested parties of 1614 Johnson Rd should not be **REWARDED** with a retroactive permit for their disregard and violation of our city's regulations and land use/development codes, as well as MSD regulations. Granting a retroactive permit for their recent action of cutting more than 5,000 sq ft of trees in the Floyds Fork DRO would be doing just that. (LDC Ch 3 Part 1- DRO District, B.2)

The FF DRO is there as a valuable guideline to ensure the protection of Floyds Fork. This should be taken into account in your decision-making. The responsibility falls on your shoulders to protect the character of the area and all the amazing wonders of nature it supports. I implore the Planning Commission to enforce without exception.

John Morgan  
1920 Johnson Rd



Concerning case # 22 -msUB -0004

I am a resident of Eastwood, district 19, my issues concerning Stop 1614\_johnson@gmail.com are the enormous amount of traffic on Johnson Rd, along with the disregard for said traffic to adhere to speed limit, destruction of easement and pavement, along with destruction of private property. It is extremely dangerous as it is with the present amount of traffic to cross the road to the mailbox, It is extremely dangerous as it is to maintain grass on roadsides, and the litter is out of control. Johnson Rd is a narrow, curvy, hilly road that cannot safely handle the present traffic, there are electric/telephone poles inches and 2 feet from the pavement. more developement will increase an already dangerous, hazardous situation.

Thankyou

Stephanie Blair

115 Johnson Rd

40245

RECEIVED

APR 18 2022

PLANNING & DESIGN  
SERVICES

RECEIVED

APR 18 2022

PETITION RE: 1614 JOHNSON RD, LOUISVILLE KY

PLANNING & DESIGN SERVICES

We, the undersigned, object to the proposed project at 1614 Johnson Road (Case# 22-FFO-0003, Case# 22-MSUB-0004) for the following reasons.

The project, located within the Floyd's Fork Special District (DRO), will

1. Add intolerable traffic to Johnson Road, a designated Scenic Corridor (LDC 3.1., LDC 7.3.10).
2. Endanger the public's safety due to its location on Johnson Road—a very dangerous state road with no KDOT plans/money for improvement or alteration (LDC 6.1.1).
3. Cause unreasonable environmental impacts to the Floyd's Fork watershed and surrounding properties, despite MSD-approved planned mitigation (LDC 4.6.2).
4. Violate the *intent & purpose* of the DRO (LDC 3.1-9).
5. Degrade and demote the "orderly and beneficial development of such areas" (LDC 1.1.5).

SIGNATURE & PRINTED NAME

ADDRESS

1.	<i>Christy Byers</i>	CHRISTY BYERS	150 Promenade Ct.	Lou Ky 40223
2.	<i>Andy Blair</i>	ANDY BLAIR	"	"
3.	<i>Jennifer Casey</i>	Jennifer Casey	12204 Old Shelbyville Rd	Louky 40243
4.	<i>Mark Casey</i>	Mark Casey	"	"
5.	<i>Brenda Posey</i>	BRENDA POSEY	8504 Autumn	Bor Ky 40220