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## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN**

Applicant: Perfection Builders, LLC  
Katherine Kirzinger, John Curry, Richard Gillespie, &  
Owners: Anne Gillespie

Project Name/Location: Aiken North Subdivision/16909 & 17401 Aiken  
Road

Proposed Use: Single family residential subdivision

Request: Zone change from R-4 to PRD

Engineers, Land Planners, Landscape  
Architects: Mindel Scott & Associates, Inc.

### **INTRODUCTION and PRD JUSTIFICATION**

This “Planned Residential District” (PRD) community of 869 proposed residential building lots on 254 acres is proposed by Perfection Builders, which is headquartered in Wichita, Kansas but which has been successfully developing subdivisions and building homes in the Louisville Metro area for a number of years, including across Aiken Road from the proposed development site in this case. And the chief of its local market, Rich Heareth, has been developing and building in the Louisville area for a much longer period of time, having formerly headed up the Louisville market for another large national developer. As such, this home building company knows the Louisville market and has a long track record of successful development, building and sales.

As for development of the exact kind proposed on this site, which is a PRD subdivision, this development regulation has a long and successful history, tracing back to an earlier version of the current Cornerstone 2020 regulation — the essential purposes of these related regs being to assure greater diversity of housing styles and price points more reflective of market demand while providing permanently protected community open spaces. The tradeoff of lot size flexibility and resulting density for housing diversity and open space has proven to be a good one in lots of developments approved around Louisville Metro over a period of many years.

At this proposed development site, the PRD regulation has been selected as the development form because, given all the other residential development explained hereinbelow, this site truly ends up being an infill one. Also, with so much standard R4 style housing previously built in the area (notably most of the Lake Forest and Polo Fields subdivisions developed long ago and parts of the Meadows of Floyds Fork subdivision currently under construction), given the market demand for less lot and more house for the price, and considering the greatest demand for housing is always in the lower to middle, not upper, price ranges, there are way more good

reasons to offer a variety of styles and designs and a diversity of price points in housing than to not do so.

Further, this proposed development site is an excellent one because of (a) the availability of significant sized tracts of land available for development that are served by sanitary sewers which MSD spent major taxpayer money to accommodate environmentally positive growth, (b) the presence of readily accessible significant existing and growing retail and employment center activity at the Old Henry Road and LaGrange Road interchanges of the Snyder Freeway (I-265), and (c) the location of the site along an arterial roadway leading to and from those interchanges.

#### **PLAN ELEMENT 4.1: COMMUNITY FORM**

**This “Application Package” complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following applicable Policies.**

**As to Goal 1 and its applicable Policies 2, 2.1, 3.1.3, 4, 5, 6, 9 10, 11, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below:**

The site is located in the Neighborhood Form District which permits from low to high density and intensity uses and a range of housing opportunities, which this “planned community” proposes. Proposed density will remain in the low (below 5 dwelling units per acre) range, even though middle density development is contemplated by the PRD regulation. By maintaining density in the defined “low” range, even though a rezoning is required to achieve the proposed PRD plan, compatibility with existing densities, home designs and both frontage arterial and nearby collector road capacities is assured.

Land Development Code (LDC) height, setback, lighting and signage restrictions and perimeter and frontage landscaping, screening and buffering requirements will also be met.

Also, located, as this proposed PRD community is, just short drives (or commutes) east of sizable existing and ever-growing commercial activity and employment centers along Old Henry and LaGrange Roads on both sides of these Snyder Freeway interchanges and also east of the existing St Patrick’s elementary and middle schools along Beckley Station Road and north of the planned (and soon under construction) new JCPS elementary school along Echo Trail, travel distances for purposes of shopping, work and attending school are not so significant as perhaps they were even a decade ago. Likewise, the aforementioned Snyder Freeway interchanges make access to other employment centers relatively easy, similarly contributing to improved air quality.

Perfection Builders’ reputation as a quality builder of both standard and patio style homes and those of other possible home builders within this proposed planned community plus the traditional styles and designs of their anticipated construction will assure compatibility with adjoining and nearby single family home communities. These include the sprawling and hugely successful, mostly standard R4 sized lot communities of Lake Forest to the west and Polo Fields to the east of this development site. These also include the more recently approved and under construction mostly smaller lot communities of Meadows at Floyds Fork and Twin Lakes at

Floyds Fork to the west and the previously developed Flat Rock Ridge and Gardiner Park plus recently approved but not yet under construction Caudill Farm communities to the east.

Also, tree preservation in areas of existing protected waterways (notably Floyds Fork, which is the subject of a separate Compliance Statement accompanying this application) plus similar or other buffering and landscaping along property perimeters and Aiken Road frontage help assure environmental and locational appropriateness for the neighborhood and compatibility with adjoining residential uses.

As a consequence of what surrounds this site and the fact that this is a proposed residential community, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors. As a residential community itself, there's no reason to expect this planned residential community would be designed with the kinds of negative impacts that would ordinarily harm the quiet enjoyment of home owners, naturally including those who will reside here.

**As to Goal 2 and its possibly applicable Policies 1, 2, 3, 7, 8, 13, 16 and 17, it complies as follows, in addition to the other ways set forth above and below:**

As said, this proposed PRD community is located in a Neighborhood Form District, proximate to already existing activity centers, workplaces and existing and planned parochial and private schools. As such, with decent enough external roads leading to and from the proposed development site, these centers of commercial, employment and educational activity will benefit from greater demand generated by more housing such as that resulting from this proposed PRD development. Also, this proposed PRD development will add to the opportunities existing and planned in this high growth area of Louisville Metro to reside in close and convenient proximity to places of employment, food, shopping and education at the referenced nearby locations.

**As to Goal 3 and its applicable Policies 1, 2, 3, 6, 7, 8, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below:**

The detailed district development plan (DDDP) filed with the rezoning application for this proposed PRD community includes open natural and communal spaces for the passive aesthetic and active recreational use by residents. This is especially evident along the protected waterway of Floyds Fork. Those spaces will be maintained in perpetuity by the community association that will be established as part of the specially tailored Covenants, Conditions and Restrictions ultimately imposed upon this PRD community.

**As to Goal 4,** this is not a historic site with historic buildings.

**As to Goal 5,** this proposed PRD community is not public enough, like a shopping center might be, to include an element of public art.

#### **PLAN ELEMENT 4.2: MOBILITY**

**This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following applicable Policies.**

**As to Goal 1 and its applicable Policies 1 and 3; Goal 2 and its applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9; and Goal 3 and its applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:**

This proposed PRD community (located, as explained hereinabove, as it is within a large existing single family residential area of small to large lots within easy driving distances of existing activity centers, with good access off an arterial roadway and well connected as it is proposed to be close to schools, restaurants, retail shopping and other residential developments and communities) is plainly part and parcel of good transportation networks. Locating its development along and with access to and from those networks, this developer will, at its cost, construct frontage sidewalks and accessway improvements and may also cost-share, as necessary, nearby off-site road improvements.

Also, all drive lanes, sidewalks and stub connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the DDDP filed with this application.

Also a Traffic Impact Study (TIS) is being completed by Diane Zimmerman, P.E. and will soon be submitted in accordance with MPW&TP requirements.

TARC service is generally unavailable in areas like this, but basic service is available within the referenced Snyder Freeway interchange areas.

Further, all necessary utilities are located proximate to this site and accessible by it via public right-of-way or easements.

#### **PLAN ELEMENT 4.3: COMMUNITY FACILITIES**

**This Application Package complies with Plan Element 4.3, its 3 Goals and their Objectives plus the following applicable Policies.**

**As to Goal 2 and its applicable Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:**

A new JCPS Elementary School is planned and will soon be under construction along Echo Trail south of Shelbyville Road. An existing parochial elementary and middle school is located along Beckley Station Road. These are relatively proximate to this proposed PRD community, as is fire and EMS service at Eastwood, Anchorage and Middletown.

#### **PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT**

**This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following applicable Policies.**

**As to Goal 2 and its applicable Policy 1, it complies as follows, in addition to the other ways set forth above and below:**

As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed PRD community is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries. It also increases the Metro Louisville tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which has resulted from the current Covid crisis. If Louisville and Kentucky are to economically rebound from this devastating occurrence over time, it will be because new growth opportunities are afforded like this one. That is why this Plan Element of the Comp Plan takes on such overriding significance at this point in Louisville's history.

#### **PLAN ELEMENT 4.5: LIVABILITY**

**This Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following applicable Policies.**

**As to Goal 1 and its applicable Policies 2, 5, 7, 8, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, it complies as follows, in addition to the other ways set forth above and below:**

The DDDP filed with this application contemplates that storm water run-off can be accommodated in the significant blue line stream (Floyds Fork) adjoining this site in the manner or manners proposed by MSD. That or those methods are yet to be fully determined, but by time of the Planning Commission's LD&T review of this PRD application, they will have been, which could include on-site detention and/or side-saddle basins alongside the referenced streams. Water quality control measures under authority of MSD regulations governing same will also be implemented as part of construction of this development project. Similarly, MSD regulated measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated. Floyds Fork and other nearby regulatorily protected waterways will also be safeguarded as a consequence of this development project's observance of 100 foot streambank setbacks.

Sanitary sewer service is available at the nearby Floyds Fork or Hite Creek regional wastewater treatment plants, which can be accessed via lateral extension to and from existing nearby manholes.

As mentioned above, given the location of this proposed PRD community near large existing and expanding activity centers at the above-referenced Snyder Freeway interchanges, and given relative proximity of this proposed PRD community as well to schools and employment centers as also referenced hereinabove, air quality impacts will be minimized because vehicle miles travelled are reduced.

As to existing natural features including waterways, floodplain and steep slope areas and those with other environmental constraints or valuable topographic features, it's evident on the DDDP

filed with this application that lots of open space is preserved where these features plainly exist and will remain protected.

#### **PLAN ELEMENT 4.6: HOUSING**

**This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives, plus the following applicable Policies.**

**As to Goal 1 and its applicable Policies 1, 2 and 3; Goal 2 and its applicable Policies 1, 2 and 3; and Goal 3 and its applicable Policies 1, 3, 4, and 5, it complies as follows, in addition to the other ways set forth above:**

By bringing additional brand new, diverse and high quality housing to this existing single family residential area, this developer proposes to diversify housing styles, designs and price points from what traditionally was an almost entirely large lot, high end housing product. Instead, this PRD community anticipates both detached and attached product, all on smaller than historically usual lots in order to place as much land as possible in communal open spaces. Demographic changes plus the Great Recession of 2009-@2014 and now the Covid pandemic have created economic consequences causing many people to move from larger to smaller homes and from very expensive to more moderately priced homes. The proposed PRD community addresses this trend with smaller lots accommodating more smaller and more affordably priced homes that are designed for both families with children and empty-nesters, thus being multigenerational.

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For all of the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Goals, Objectives and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

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**FLOYDS FORK DEVELOPMENT REVIEW OVERLAY (FFDRO)  
COMPLIANCE STATEMENT**

Applicant: Perfection Builders, LLC  
Katherine Kirzinger, John Curry, Richard Gillespie, &  
Owners: Anne Gillespie

Project Name/Location: Aiken North Subdivision/16909 & 17401 Aiken Road

Proposed Use: Single family residential subdivision

Request: Zone change from R-4 to PRD

Engineers, Land Planners, Landscape Architects: Mindel Scott & Associates, Inc.

The Floyds Fork Development Review Overlay (FFDRO) is an overlay area shown on Louisville Metro’s zoning district maps, which “constitutes a second level of development standards in addition to those specified by the underlying zoning district”, the “purpose” of which “is to protect the quality of the natural environment . . . by promoting compatible development of land and structures” from “blighting influences” . . . , “unsafe buildings” . . . , “significant damage or destruction of prominent hillsides or valleys caused by improper development” . . . , “significant damage to the economic value of existing properties and/or new developments” . . . , “soil erosion and stream siltation” . . . , “destruction of mature and/or valuable trees and other vegetation and wildlife habitat” . . . , and “loss of high quality visual character.” LCD 3.1.A.1.

The FFRDO Regulations attempt to accomplish these purposes by reviewing development applications against certain “guidelines” which contain such word choices as “desirable”, “preferred”, “recommended”, “discouraged”, “encouraged”, “intended”, “where possible”, “may” and “would”. Indeed there are 62 different times the word “should” is used in the FFDRO Guidelines, with only a single use of the word “shall”. This is why the FFDRO review is conducted against mere “guidelines”, not detailed, objective “standards”, like the rest of the LDC.

As such, in each case a FFDRO review is conducted by the Planning Commission to determine a proposed development’s “impact on environmental characteristics.” To aid the Planning Commission in doing so, the FFDRO Regulations state that the applicant must “provide adequate information to allow the Commission to determine impacts of the proposal and compliance with the [established] guidelines.” LDC 3.1.B.3. If the Planning Commission determines there to be negative impacts, the next question for the Planning Commission is to determine if those impacts “can be overcome” and “mitigated to a substantial degree” through “incorporation of any necessary mitigation measure” — defined by the FFDRO as Conditions of Approval (COA). In such case, “approval of the development . . . will be given”, contingent of course upon compliance with other LDC regulations. LDC 3.1.B.8.

These are the FFDRO Guidelines and how this development application does not cause negative impacts or at least ones that cannot be mitigated through a COA.

1. Stream Corridors: Floyds Fork runs along the northeast side of the proposed Planned Residential District (PRD) subdivision, along which minimum buffer strips of 100 feet from top of bank for grading and infrastructure and 200 feet for structures is retained. Existing riparian and other native vegetation, including root systems, in these setback areas will be maintained, and new vegetation can be added, as

suitable, to stabilize stream banks and protect water quality. Development in flood plains and along slopes adjacent to the referenced streams will be avoided. Corps of Engineers established regulatory requirements will be addressed to that agency.

2. Trees and Vegetation: Existing “wooded areas“ (meaning something well more than just Individual trees and small tree stands) will be avoided to the extent practicable, taking into account that certain trees, notably non-native species and smaller sized ones, will have to be removed throughout the site in order to allow development to occur; otherwise sites like this could end up entirely undevelopable, which was never the intent of the FFDRO regulation. Development activities within the drip lines of retained trees will be avoided, and limits of disturbance will be shown on development-related plans.

3. Drainage and Water Quality: Septic tanks and other on-site sanitary disposal systems will not be utilized; rather sanitary flows will be collected within MSD approved sewer lines and related infrastructure and can be sent to either the MSD Floyds Fork or Hite Creek Regional Wastewater Treatment Plants. Any identified wetlands will be preserved. An MSD compliant soil erosion and sediment control plan will be prepared prior to construction plan approval. Storm water will be addressed in manners approved by MSD, currently anticipated to be via cross-lot sheet flows to internal street-located catch basins and drain lines which will direct and carry flows to creek-located side-saddle basins. Other water quality measures will also be undertaken pursuant to MSD regulations governing same.

4. Hillside: The proposed PRD subdivision road and lot layout takes into account the natural character of the land, with roads, for example, generally following ridge lines in order to minimize grading, cutting and filling. Development on slopes greater than 20%, if any, will be avoided.

5. Clustering of Residential Use: The proposed PRD subdivision road and lot layout, including varying lot sizes, assumes a diversity of housing styles for varying income, age and family type groups, and as such houses will be clustered accordingly. This is evident on the development plan filed with this PRD application.

6. Historic Elements: There are no structures, including no historic homes, walls, fences or cemeteries, located on the site.

7. Vistas and Appearance: Aiken Road, although not a mapped “Scenic Corridor” and as such not having to be treated in the manner mandated by the LDC in order to preserve the scenic, landscaped character of such roads, will nevertheless be appropriately landscaped along this subdivision’s proposed Aiken Road access and frontage. Homes will be sensitively placed with scenic vista impacts in mind.

Respectfully submitted,

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