

**SUTHERLAND POINTE  
SUBDIVISION**

LOUISVILLE LD&T COMMITTEE  
HEARING  
28 APRIL 2016

**RECEIVED**  
APR 28 2016

PLANNING & DESIGN SERVICES

*Submitted  
by  
Wayne Hemelock  
at 4/28/16 LD&T*

## OPENING REMARKS

- **Represent Floyds Fork and Aiken Road Preservation Association (FFARPA)**
  - Represent families who live in Forest Pointe Woods, Lake Forest, Polo Fields, Boone Trail, Johnson Road, Aiken Road and Hermitage Ridge
  - Concerned with the proposed high density development along Floyds Fork
  - Concerned with the compatibility of existing homes/properties
  - Concerned with the lack of protection and preservation of the Historical Site (Yager House)

## DISCUSSION TOPICS

- **FFDRO LDC Chapter 3 Part 1**
  - Wetlands/Floodplains
  - Scenic Corridor
- **Standard Subdivision LDC Chapter 4 Part 7**
  - 4.7.7
- **Cornerstone 2020**
- **FFDRO LDC Chapter 3 Part 1**
  - Historical Site Preservation
- **Conclusions**

## FLOYDS FORK DRO LDC - CHAPTER 3 PART 1

- Intent – “The intent of the Floyds Fork Design Guidelines is to ensure that new development within the Floyds Fork Corridor is designed to aid in restoring and maintaining excellent quality for land and water resources in the Floyds Fork Corridor.”

## FLOYDS FORK DRO LDC- CHAPTER 3 PART 1

- Regulated Activities that may be Detrimental
  - **B.2.a Clearing of Forested Areas**
    - Greater than 5000 sqft for development purposes
      - Clearing 319,160 sq ft
      - Removing 7% of the Tree Canopy
      - Only 22% of the property is wooded; 78% farm fields
    - **Clearing Habitat for Endangered Species**
      - No Environmental Impact Study for this property
      - 3 different species of BATS
      - USFWS says that these areas should be AVOIDED
      - Bats exist along Floyds Fork and were identified on adjacent properties

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Example: 700 W Liberty St

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\* NOTE: No TREES ALONG AIKEN ROAD



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Note: No Trees Along Aiken Road

## FLOYDS FORK DRO LDC - CHAPTER 3 PART 1

- Regulated Activities that may be Detrimental
  - 3.1.1.f **Filling and excavation should not be permitted in a Floodplain**
    - Far East end of 95 acre and 5 acre sites are in the Floodplain
    - Most of the 5 acre site and some of the 95 acre site are Wetlands
  - Portions of the property were flooded July 2015

## FLOYDS FORK DRO LDC - CHAPTER 3 PART 1

- Regulated Activities that may be Detrimental
  - 3.1.4 **Hillsides**
    - 3.1.4.a Design subdivisions and locate structures to preserve the natural character of the land
    - 3.1.4.b Areas with slopes of 20% or greater should not be disturbed
  - 3.1.5.a **Clustering of Residential Use**
    - Site planning should create cluster patterns of new development; building sites and land disturbance activity should be concentrated in portions of the site better suited for development, to minimize the disruption of environmentally sensitive areas



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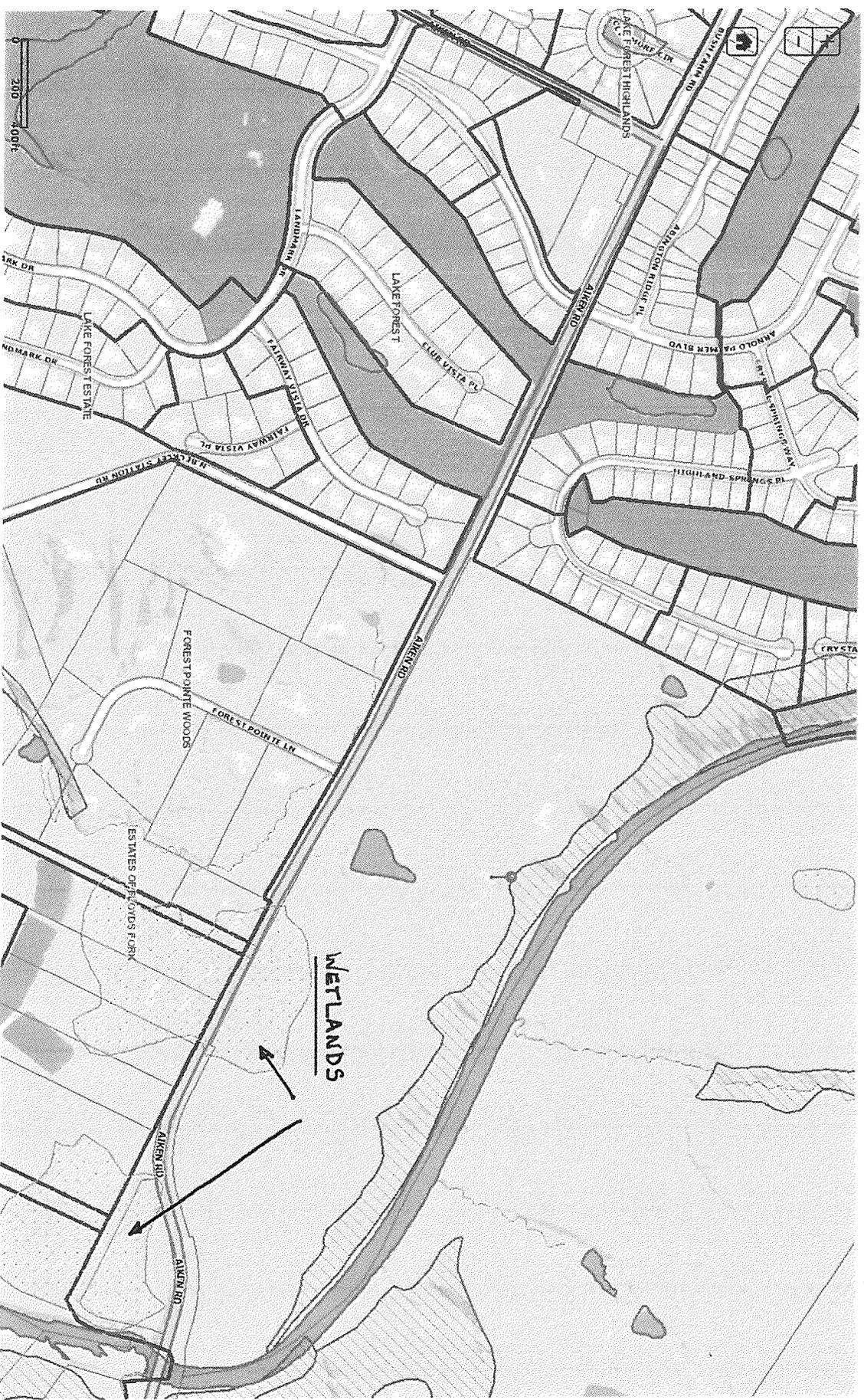
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AIKEN RD BRIDGE 7-2015



Aiken Rd      7-2015



Aiken Rd Bridge 7-2015

## FLOYDS FORK DRO LDC – CHAPTER 3 PART 1

- **Applicability**
  - **1. Stream Corridors**
    - a. A buffer strip should be maintained a minimum of 100 feet wide on each side of Floyds Fork
    - b. Structures and impervious surfaces should be located at least 200 feet from Floyds Fork
  - **3. Drainage and Water Quality**
    - Areas identified as Wetlands should be preserved in their natural state
    - Run off should not be channeled onto adjoining properties (lakes on Richter property co-owned)

## FLOYDS FORK DRO LDC – CHAPTER 3 PART 1

- **7. Vistas and Appearance**
  - Aiken Road is a Scenic Corridor from N. Beckley Station to Johnson Road
    - All Sutherland Pointe frontage is on Aiken Road
  - **7.a Residential Development**
    - “Outside the wooded areas (agricultural or open lands), new development should provide a substantial setback from the roadway (400 feet minimum)....”

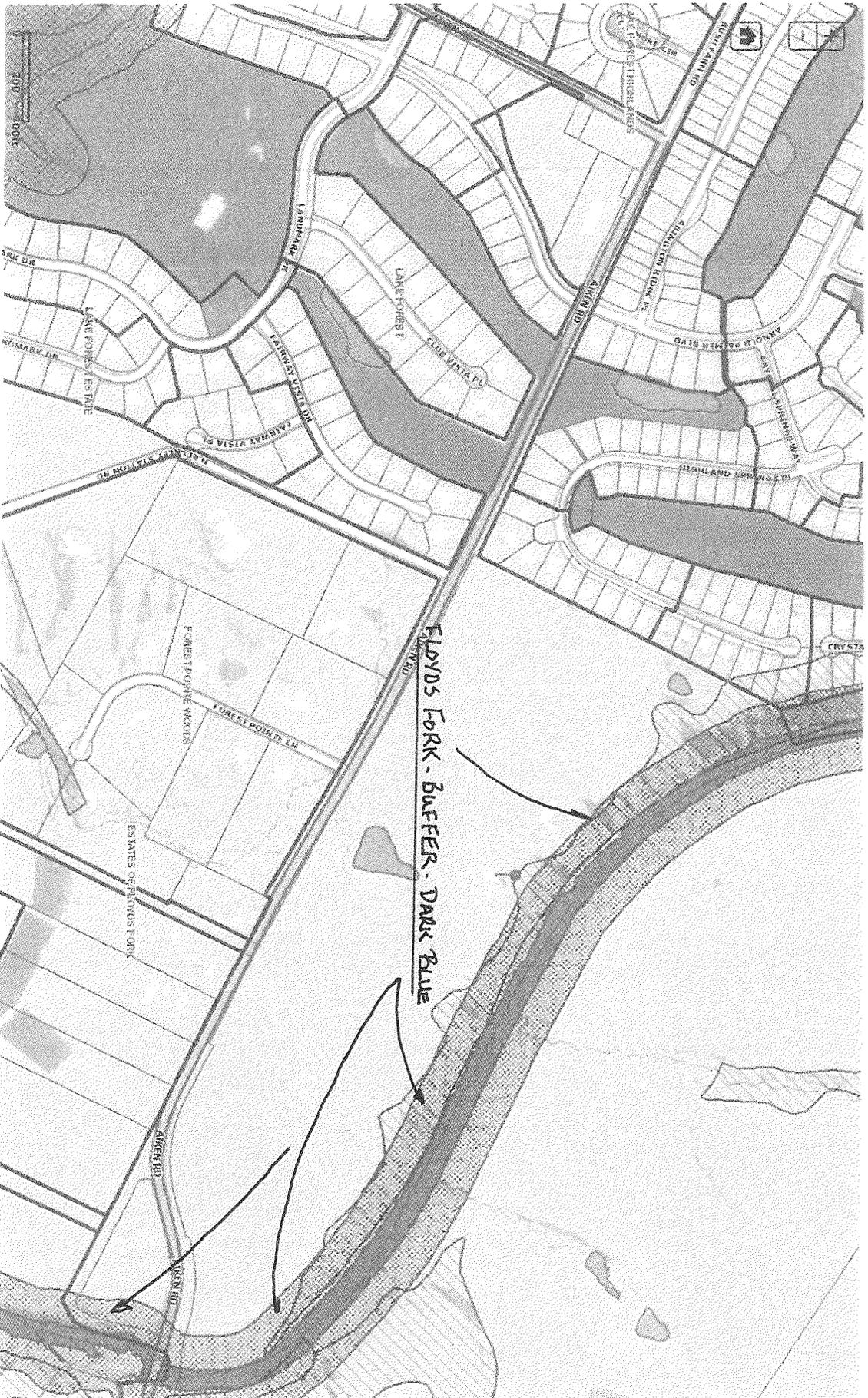
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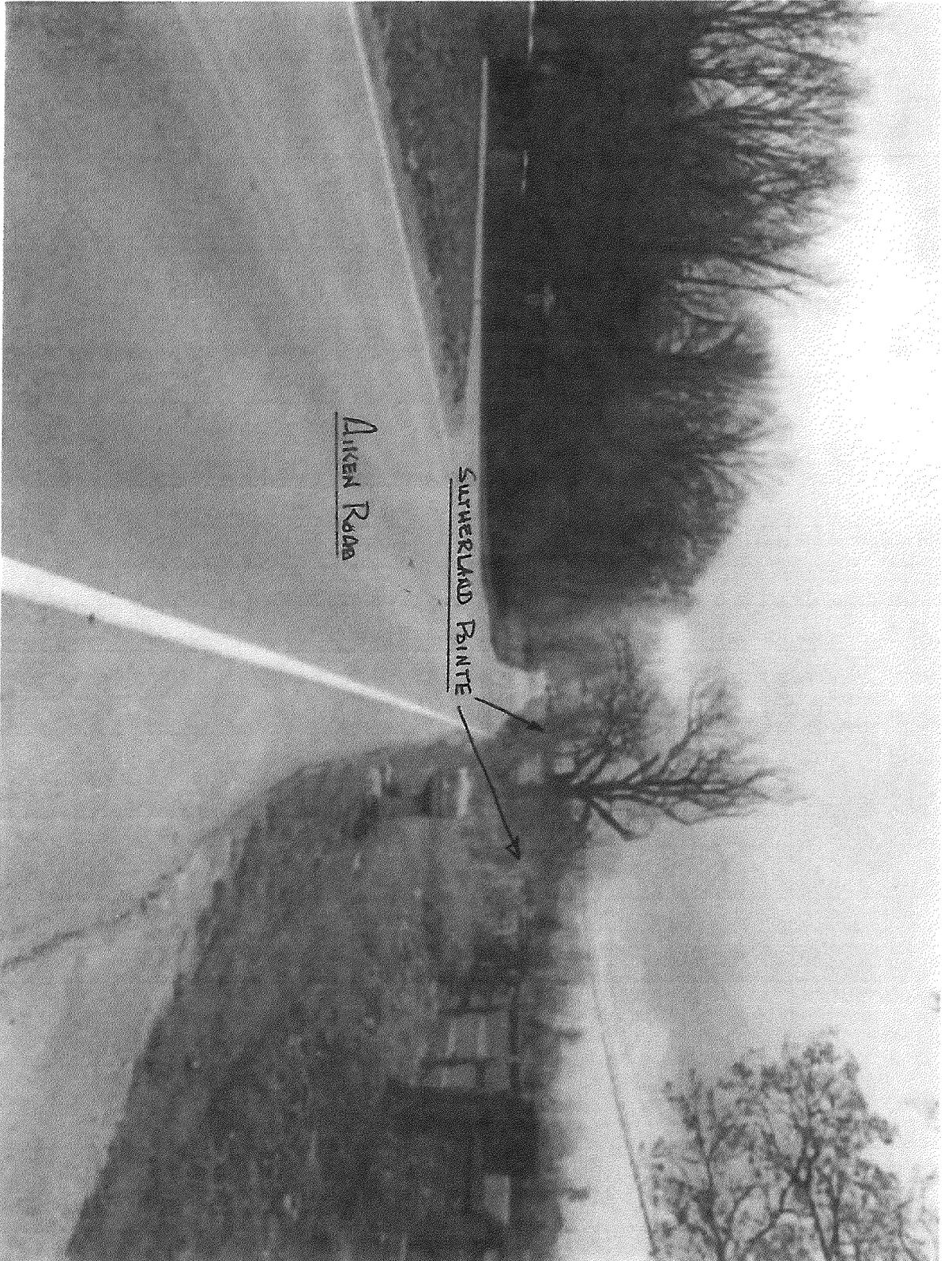
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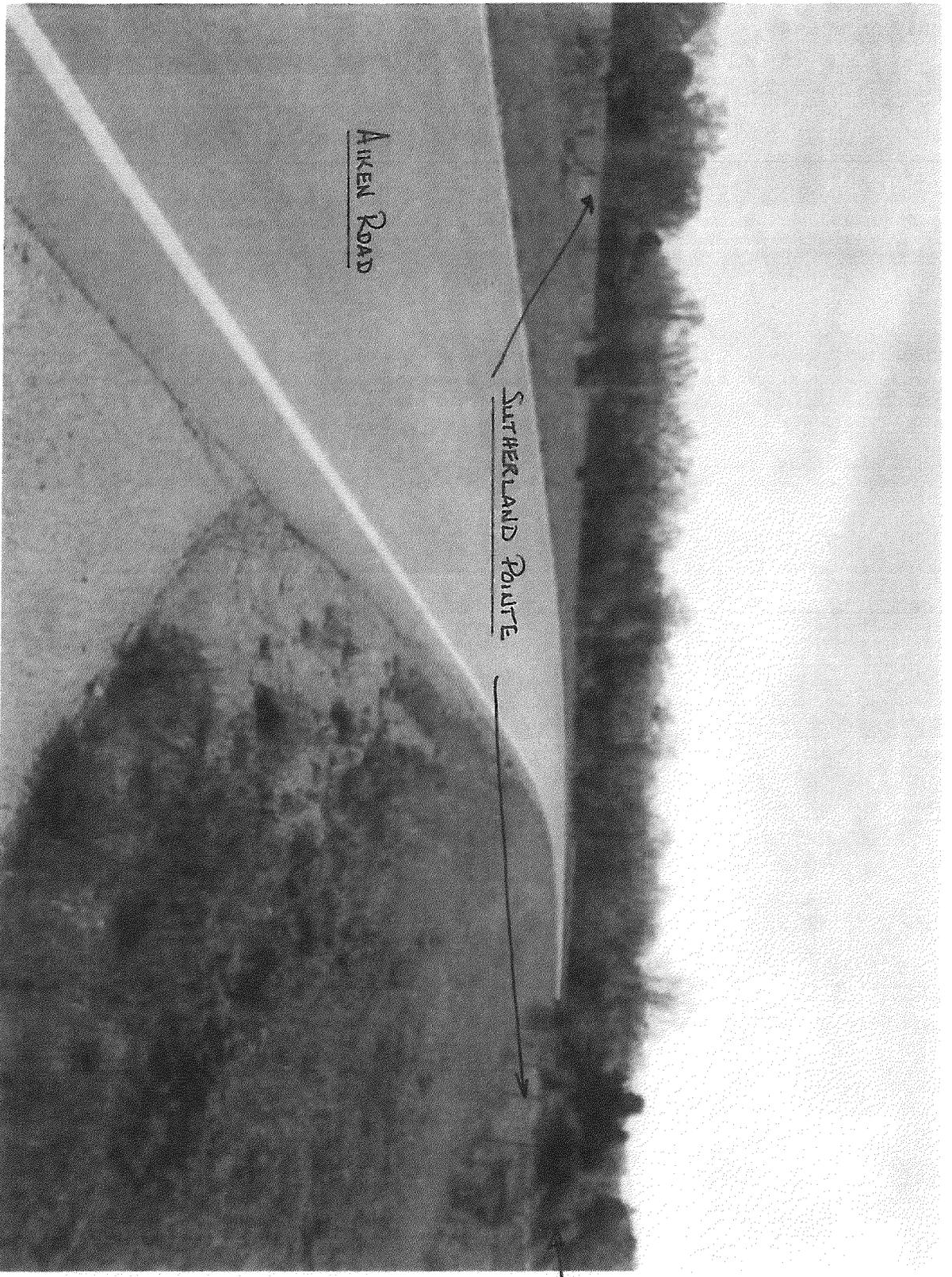






Tobacco Field

View of 4ac Tract from Aiken Road



Aiken Road

Sutherland Route

Bridge

## LDC CHAPTER 4 PART 7 DEVELOPMENT ON STEEP SLOPES

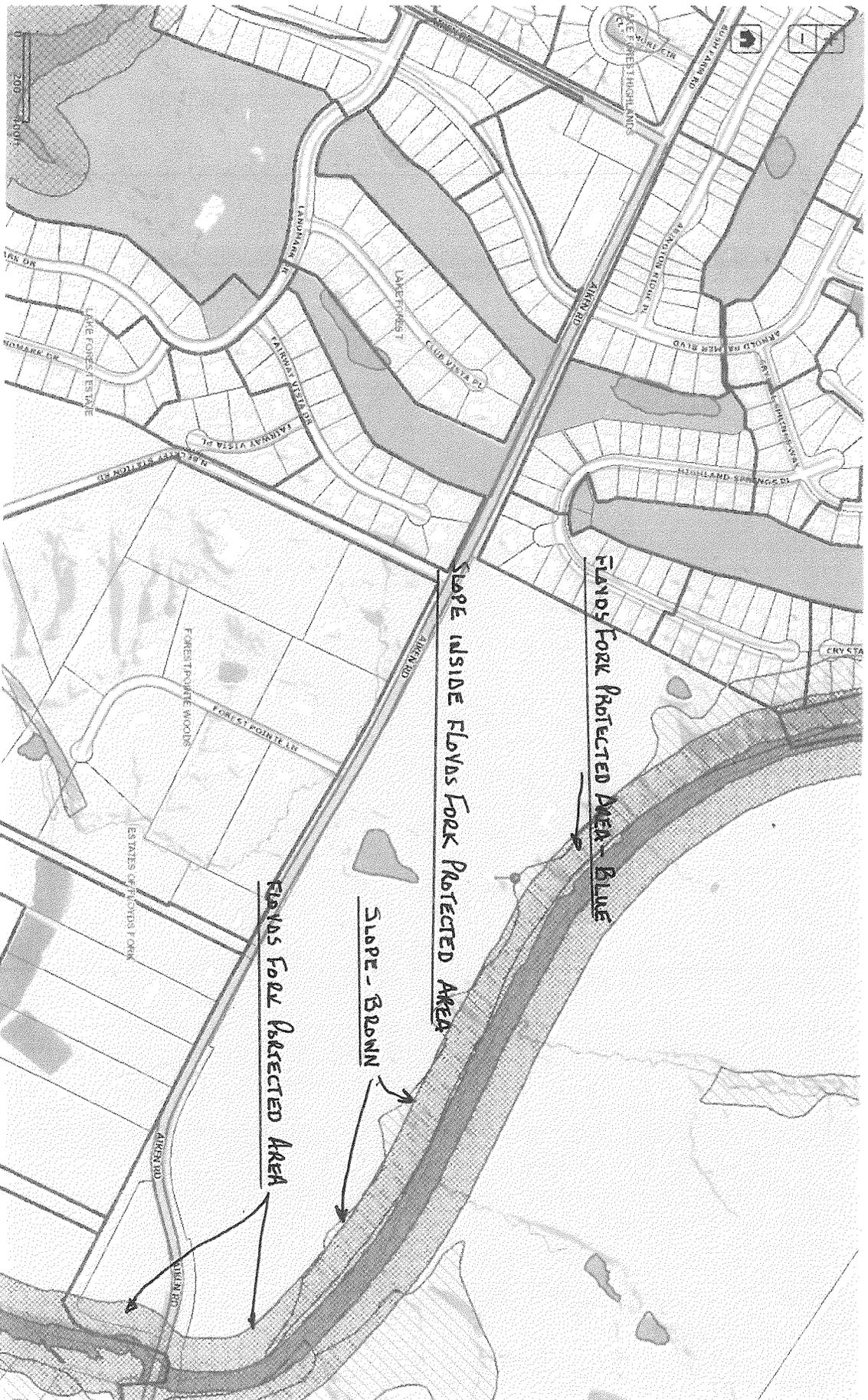
- **4.7.7 Development Potential Transfer Allowed**
  - “which permanently preserve areas of the site with slopes greater than 20% may transfer the development potential of the permanently preserved area to the remainder of the site”
  - Almost all of the slope is in the 200 foot Floyds Fork protected area and cannot be built upon
  - The developer is attempting to trade something that is NOT his to trade
    - Attempting to circumvent the R-4 9000 sq. ft. minimum lot size requirement
    - 2/3 of the proposed lots are 6500 sq. ft. or less

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## FLOYDS FORK DRO LDC - CHAPTER 3

### Part 1

- **Regulated Activities that may be Detrimental**
  - **3.1.6.a Historical Elements**
    - **Preserve and retain Historical Elements of Silas Yager House**
      - the National Registry since approximately 1977
      - Only a few relatively undisturbed sites in Jefferson County that predate 1850 remain today
      - Multiple Historical structures and one known cemetery
      - Stone house was built 1830-1832
      - Root cellar is dated 1806
      - Double pen log cabin (chimney remains) possibly dates to late 1700's or early 1800's
      - Benjamin Yager (father) site (1.3 miles) yielded over 14000 artifacts

## FLOYDS FORK DRO LDC – CHAPTER 3

### PART 1

- **3.1.6.a Historical Elements**
  - **Silas Yager House**
    - Important local historical resource
    - Owned 15 slaves
    - Location of the demolished 3 slave cabins and slave cemetery on the property are NOT known
    - Reports of a second cemetery on the property; location is unknown
    - Important that the ground around the building sites be preserved (house, barns, cabin site, cemetery, etc.)
  - FFARPA is in the process of submitting a application for Landmark status
  - Corn Island Archaeology report 24 Nov 2015

### The Silas Yager House

Located on Aiken Road, the Yager House is among the most interesting nineteenth century stone houses existing in Jefferson County. According to the National Register listing, it is a one-and-a-half-story stone house with a frame ell at the rear. The four-bay facade has two front doors and a portico with a front gable and plain Tuscan columns span the central bays. The two front doors are a unique feature in this area and perhaps reflect the German origins of the builder. Two front doors are often found on houses in areas of Pennsylvania where Germans settled. The house has two interior stone chimneys at each gable end of the main block. Behind the house, there is a one-story, v-notched, saddlebag log outbuilding.

Silas Yager first acquired land on Floyds Fork in the Aiken Road area in 1830. He continued to buy land for the next 25 years, and much of his land traces back to tracts owned early by the Forsythes. The stone house may have been built by Silas Benjamin Yager about 1830-32. However, the stone cellar, which is of similar construction, bears a date over the arch that reads 1806. The log house is almost certainly older than the stone house, dating from the early 1800's and was possibly built by David Forsythe or one of his sons, James or David, Jr. The Forsythes owned a portion of the property as early as 1806.



Figure 1. Yager House from front.



**Figure 4. Original double pen log cabin with central chimney.**



**Figure 5. Chimney today.**



**Figure 6. Stone cellar with front stair.**



**Figure 7. Interior of cellar.**

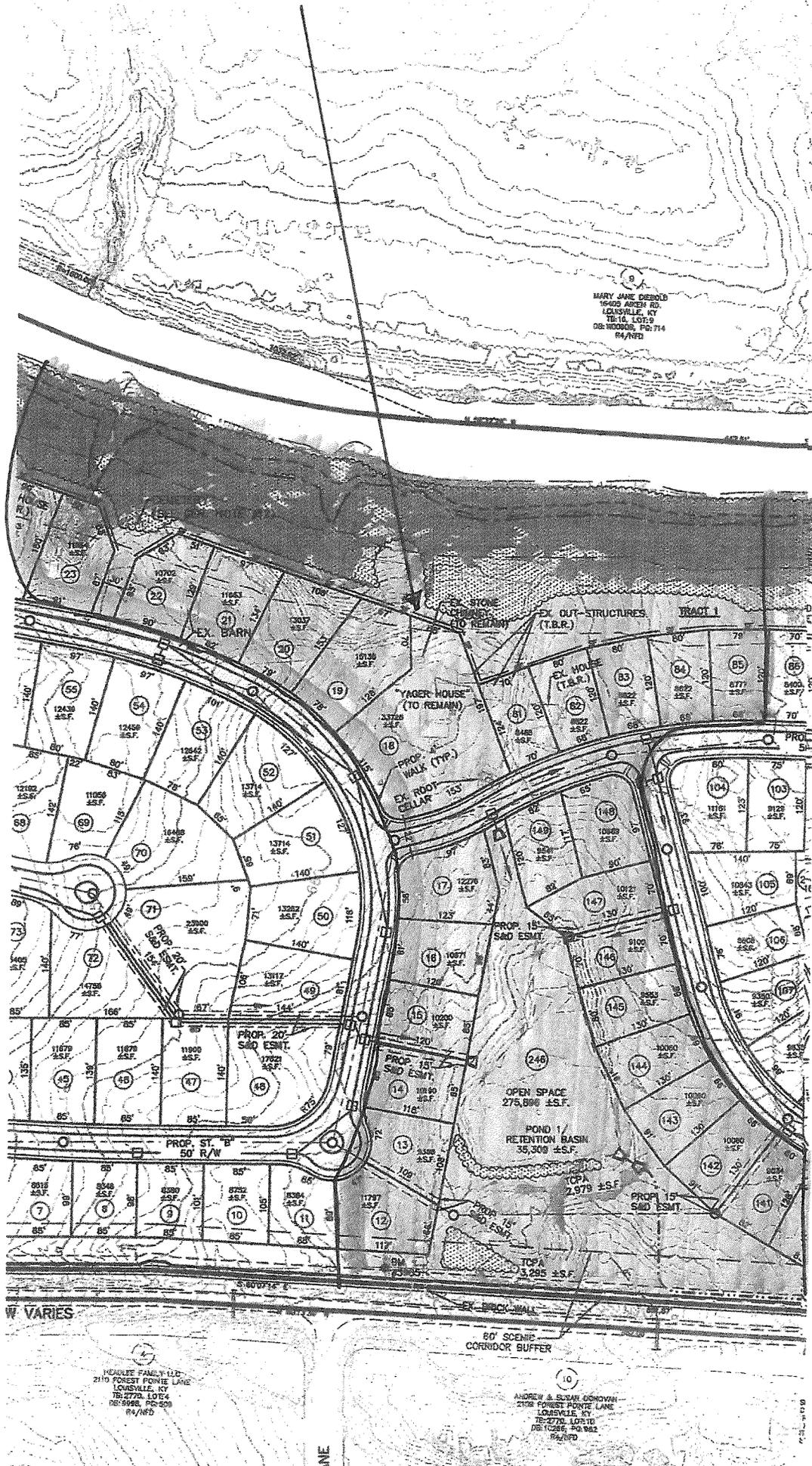


**Figure 10. Cemetery overlooking Floyd's Fork.**



**Figure 11. Unmarked stones.**

# PROPOSED YAGER HOUSE PROTECTED AREA



## CONFLICT – CORNERSTONE 2020

- Developed by Planning Commission
- What will the Cornerstone 2020 Plan do?
  - Guides the use of land to **PROTECT** our natural resources
  - **PROTECTS** our Parks and unique natural resources
    - Ohio River, Jefferson Memorial Forest and **FLOYDS FORK** and Beargrass Creek Corridors

## CONCLUSION

- Application is for a Standard Subdivision and therefore all lots should be a minimum of 9000 sq. ft. in size.
  - 4.7.7 cannot be applied because the developer has nothing to trade and therefore the smaller lots should not be permitted.
  - May be an illegal attempt to circumvent the LDC.
- No construction in the existing floodplains and wetlands.
- Aiken Road Scenic Corridor 400 foot set back must be met per the LDC.
- Properly preserve and protect the Historical Yager House.
  - Set aside approximately 15 acres of the property.
- Avoid channeling runoff water from Sutherland Pointe onto adjacent properties across Aiken Road.
- Potential pollution impacts to Floyds Fork and Parklands.
  - Very High Risk; Sewage pumping station in/near Floodplains.