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**CASE #21-ZONE-0080 - STATEMENT OF COMPLIANCE WITH PLAN 2040  
COMPREHENSIVE PLAN FOR LOUISVILLE METRO**

Project Name and Location: Old Preston Highway Apartments, 10410 & 10414 Old Preston Highway

Proposed Use: Multi-Family Residential

Request: Zone Change from R-4 to R-7

Owner: Skaggs Family Trust

Applicant: Highgates Development

**Project Description**

Located north of the intersection with Interchange Drive on Old Preston Highway, the Old Preston Highway Apartment site consists of two contiguous parcels on 9.78 total acres of land. The proposal is for a change of zoning from R-4 to R-7 to construct a 174-unit multi-family development. The overall net density will be 17.79 dwelling units per acre and includes over 110,000 SF of open space provided throughout the development.

Various uses around the site include institutional, single-family, and large-lot single-family to the north and south. Fishpool Creek is located the west, with the Commerce Crossings industrial park located across the creek. Old Preston Highway is separated from Preston Highway to the east by a small undeveloped strip of land owned by the Kentucky Transportation Cabinet, and undeveloped land and large-lot single-family development with a commercial proposal are located to the east across Preston Highway. The multi-family residential proposal provides a transition of uses and intensity of development to the existing single family lots surrounding this proposal.

**Community Form: Goal 1 Policies 7 and 9**

The goal is to locate higher density and intensity uses near major transportation facilities, employments center, activity hubs, etc. This proposal, at 17.79 dwelling units/acre, creates a higher density development that gives an otherwise low-density area a much different scale and intensity. Additionally, the site is located across from a major arterial, Preston Highway, and is in the proximity to the commercial that exists at nearby Commerce Crossings.

**Community Form: Goal 2 Policy 9**

The goal is to encourage new developments and rehabilitation of buildings that provide commercial, office, and/or residential uses and to encourage preservation of historic sites and distinctive cultural features. The development will feature 174 new multi-family units and provide options for homeowners not currently found in the area.

**Community Form: Goal 3 Policy 10, Goal 4 Policies 2 and 3**

This goal is to encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure. The current plan indicates the location of the local regulatory floodplain on the western portion of the site, and that area is proposed to be preserved. The goal is to preserve distinctive cultural features, but no such features are found on the site.

**Mobility: Goal 1 Policy 1, Goal 2 Policy 4**

Because the proposed development brings about higher density, there would be additional residents in the area to support the commercial at nearby Commerce Crossings. Though public transit does not extend to the site, the proposed sidewalk on the frontage of Old Preston Highway will provide an opportunity for future walkability, as well as transportation pick-up and drop-off. Access to the site is via Old Preston Highway, a local road at this location, in proximity to Preston Highway, a major arterial.

**Mobility: Goal 3 Policies 2, 5, 6, 9, 10, and 21**

The goal is to improve overall mobility, reduce congestion, and encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians, etc. The site is easily accessible by car, and the proposed sidewalk along the frontage will enhance future site accessibility. In addition, all drive lanes and sidewalks within the site will be designed in accordance with Metro Public Work and Transportation Planning requirements. Because the site is only accessed from Old Preston Highway, a local road, there will be no direct residential access to high speed roadways.

**Community Facilities: Goal 2 Policies 1, 2 and 3**

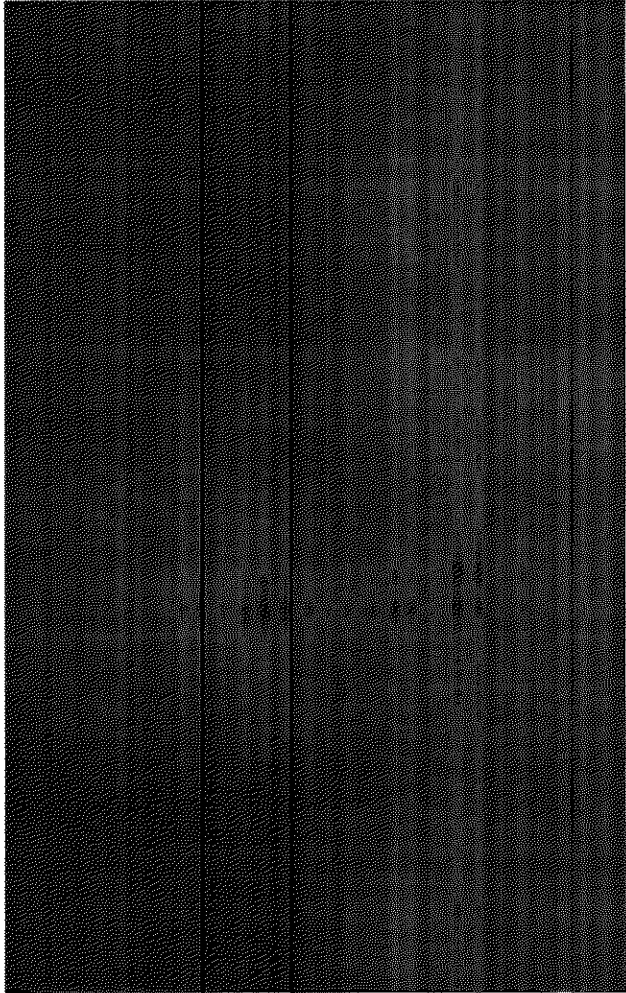
The proposal complies with the intent and applicable policies identified in the Community Facilities plan element since the development is located in an area served by existing utilities that can be extended to serve the development including water, sewer, gas, electric, telecommunication lines and cable. The developer will work with and obtain approval from the utilities to appropriately extend these services.

**Livability: Goal 1 Policies 5, 17, and 21**

The goal of this element is to encourage development that recognizes and incorporates unique characteristics of identified general landscape types, determine site susceptibility to erosion, and mitigate negative impacts to the integrity and regularity of the floodplain. The areas of open space provided along steep slopes in the rear of the site will protect and preserve the existing vegetation and help reduce the possibility of erosion. In addition, review of this plan by MSD will ensure that the drainage system will be designed to serve the runoff generated by this development and accommodate any through drainage. The clubhouse, splash park, ample seating, and views of natural environment will assist in the health and well-being of residents.

**Housing: Goal 1 Policies 1 & 2, Goal 2 Policies 1 & 2 and Goal 3 Policies 1-3**

The goals of this element are to expand and ensure a diverse range of housing choices, facilitate the development of mixed-use neighborhoods, and ensure long-term affordability and livable options in all neighborhoods. The proposed multi-family development will provide a housing choice that is very much lacking in the immediate vicinity. This development will be connected to the existing neighborhood and provide a housing option often identified with young couples, seniors, empty nesters, or single parents. It is appropriately located with direct access to Old Preston Highway with the potential for future transit and located near jobs, services, and amenities. This development will not displace any existing residents and will expand the variety of housing options within the surrounding neighborhood. This proposed multi-family development will therefore promote an increase of fair and affordable housing.



**TAB 8  
PROPOSED FINDINGS  
OF FACT PERTAINING  
TO COMPLIANCE WITH  
THE 2040 PLAN**

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

Project Name and Location: Old Preston Highway Apartments, 10410 & 10414 Old Preston Highway

Proposed Use: Multi-Family Residential

Request: Zone Change from R-4 to R-7

Owner: Skaggs Family Trust

Applicant: Highgates Development

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on February 3, 2022 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

**WHEREAS**, located north of the intersection with Interchange Drive on Old Preston Highway, the Old Preston Highway Apartment site consists of two contiguous parcels on 9.78 total acres of land; the proposal is for a change of zoning from R-4 to R-7 to construct a 174-unit multi-family development; and the overall net density will be 17.79 dwelling units per acre and includes over 110,000 SF of open space provided throughout the development; and

**WHEREAS**, various uses around the site include institutional, single-family, and large-lot single-family to the north and south; Fishpool Creek is located the west, with the Commerce Crossings industrial park located across the creek; Old Preston Highway is separated from Preston Highway to the east by a small undeveloped strip of land owned by the Kentucky Transportation Cabinet, and undeveloped land and large-lot single-family development with a commercial proposal are located to the east across Preston Highway; and the multi-family residential proposal provides a transition of uses and intensity of development to the existing single family lots surrounding this proposal; and

### Community Form: Goal 1 Policies 7 and 9

**WHEREAS**, the goal is to locate higher density and intensity uses near major transportation facilities, employment center, activity hubs, etc.; this proposal, at 17.79 dwelling units/acre, creates a higher density development that gives an otherwise low-density area a much different scale and intensity; and the site is located across from a major arterial, Preston Highway, and is in the proximity to the commercial that exists at nearby Commerce Crossings; and

### Community Form: Goal 2 Policy 9

**WHEREAS**, the goal is to encourage new developments and rehabilitation of buildings that provide commercial, office, and/or residential uses and to encourage preservation of historic sites and distinctive cultural features; and the development will feature 174 new multi-family units and provide options for homeowners not currently found in the area; and

**Community Form: Goal 3 Policy 10, Goal 4 Policies 2 and 3**

**WHEREAS**, this goal is to encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure; the current plan indicates the location of the local regulatory floodplain on the western portion of the site, and that area is proposed to be preserved; and the goal is to preserve distinctive cultural features, but no such features are found on the site; and

**Mobility: Goal 1 Policy 1, Goal 2 Policy 4**

**WHEREAS**, because the proposed development brings about higher density, there would be additional residents in the area to support the commercial at nearby Commerce Crossings; though public transit does not extend to the site, the proposed sidewalk on the frontage of Old Preston Highway will provide an opportunity for future walkability, as well as transportation pick-up and drop-off; and access to the site is via Old Preston Highway, a local road at this location, in proximity to Preston Highway, a major arterial; and

**Mobility: Goal 3 Policies 2, 5, 6, 9, 10, and 21**

**WHEREAS**, the goal is to improve overall mobility, reduce congestion, and encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians, etc.; the site is easily accessible by car, and the proposed sidewalk along the frontage will enhance future site accessibility; in addition, all drive lanes and sidewalks within the site will be designed in accordance with Metro Public Work and Transportation Planning requirements; and because the site is only accessed from Old Preston Highway, a local road, there will be no direct residential access to high speed roadways; and

**Community Facilities: Goal 2 Policies 1, 2 and 3**

**WHEREAS**, the proposal complies with the intent and applicable policies identified in the Community Facilities plan element since the development is located in an area served by existing utilities that can be extended to serve the development including water, sewer, gas, electric, telecommunication lines and cable; the developer will work with and obtain approval from the utilities to appropriately extend these services; and

**Livability: Goal 1 Policies 5, 17, and 21**

**WHEREAS**, the goal of this element is to encourage development that recognizes and incorporates unique characteristics of identified general landscape types, determine site susceptibility to erosion, and mitigate negative impacts to the integrity and regularity of the floodplain; the areas of open space provided along steep slopes in the rear of the site will protect and preserve the existing vegetation and help reduce the possibility of erosion; in addition, review of this plan by MSD will ensure that the drainage system will be designed to serve the runoff generated by this development and accommodate any through drainage; and the clubhouse, splash park, ample seating, and views of natural environment will assist in the health and well-being of residents; and

**Housing: Goal 1 Policies 1 & 2, Goal 2 Policies 1 & 2 and Goal 3 Policies 1-3**

**WHEREAS**, the goals of this element are to expand and ensure a diverse range of housing choices, facilitate the development of mixed-use neighborhoods, and ensure long-term affordability and livable options in all neighborhoods; the proposed multi-family development will provide a housing choice that is very much lacking in the immediate vicinity; this development will be connected to the existing neighborhood and provide a housing option often identified with young couples, seniors, empty nesters, or single parents; it is appropriately located with direct access to Old Preston Highway with the potential for future transit and located near jobs, services, and amenities; this development will not displace any existing residents and will expand the variety of housing options within the surrounding neighborhood; and this proposed multi-family development will therefore promote an increase of fair and affordable housing;

\* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to R-7 and approves the Detailed District Development Plan.