

Land Development and Transportation Committee Staff Report June 25, 2026



Case No:	26-ZONE-0012
Project Name:	Oak Pointe Residential
Location:	1600 Kurz Way
Applicant:	Prodigy Investments OP LLC
Representative:	Bardenwerper, Talbott, & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	12 – Jonathan Joseph
Case Manager:	Mark Pinto, Planner II

REQUEST(S)

- **Change in Zoning from R-4 Single-Family Residential to R-5A Multi-Family Residential.**
- **Detailed District Development plan/Major Preliminary Subdivision plan with binding elements**

CASE SUMMARY

The applicant is proposing to construct a mixed residential development including 38 buildable lots for single-family homes and 10, two-story multi-family structures with 160 dwelling units on approximately 32 acres. The subject site is currently vacant and contains a pond which was previously used as a pay lake. The subject property is associated with a previous change in zoning request under case #24-ZONE-0003 that proposed a rezoning from R-4 to R-6 and PRD. The request was recommended for denial by the Planning Commission on January 21, 2025 which was upheld by Metro Council. The site is accessed via Dawn Dr, which becomes Meyers Ln before intersecting with Dixie Hwy. The site contains environmental constraints such as areas of steep slopes and unstable soils present due to the New Providence Shale formation that underlies the site.

STAFF FINDING

Following further discussion of technical concerns, the Committee shall determine whether the request is ready for a public hearing. If the Committee determines the request is ready for a public hearing, the Office of Planning will schedule the night hearing at the Southwest Government Center.

TECHNICAL REVIEW

Transportation Planning and MSD have approved the preliminary development plan.

In accordance with LDC Section 4.7 for development on steep slopes and unstable soils, the applicant submitted a geotechnical report performed by ECS on March 23, 2026. The report outlines design and construction recommendations for developing on slopes and unstable soils. The applicant shall submit

a letter from a geotechnical engineer that concludes the proposed disturbance and/or construction can be carried out on the soils in a manner that will minimize impact on the slopes and will not adversely impact foundation stability on the subject property and surrounding properties.

INTERESTED PARTY COMMENTS

All interested party comments staff receives shall be incorporated into the record.

REQUIRED ACTIONS:

- **DETERMINE** whether the request is ready for a public hearing.

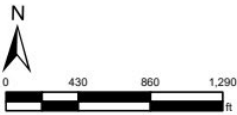
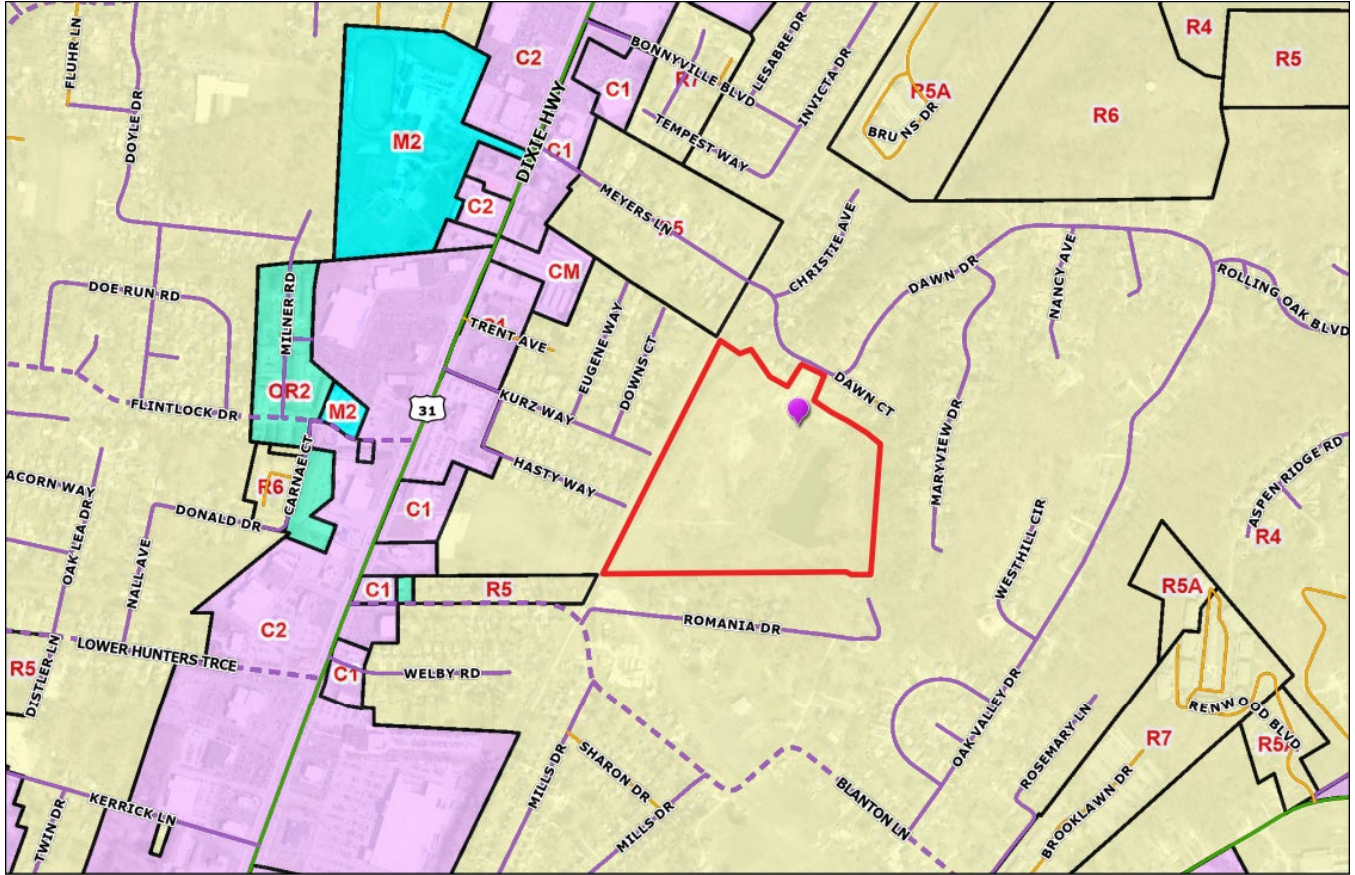
NOTIFICATION

Date	Purpose of Notice	Recipients
6/12/2026	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 12

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map

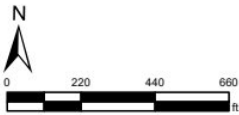


Monday, June 15, 2026 | 11:43 AM



This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



Monday, June 15, 2026 | 11:44 AM



LOJIC © 2026

This map is not a legal document and should only be used for general reference and identification.

3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance and will be consistent with the Tree Canopy Preservation Exhibit on file with the Louisville Metro Office of Planning.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
5. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
7. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
8. All street signs shall be installed by the Developer and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
9. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
10. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Commercial properties and Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
12. A signature entrance, if proposed, shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
13. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

14. The development shall be constructed in accordance with the construction recommendations and techniques outlined in the ECS Geotechnical Engineering Report dated March 22, 2026.