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

<u>Applicant & Owner:</u>	Prodigy Investments OP, LLC
<u>Project Name/Location:</u>	“Oak Pointe” / 1600 Kurz Way
<u>Proposed Use:</u>	Multi-family Residential and Single-family Residential
<u>Request:</u>	Zone change from R-4 to R-5A for apartments and a single family subdivision on the remaining R-4
<u>Engineers, Land Planners, Landscape Architects:</u>	Mindel Scott & Associates, Inc.

INTRODUCTION

The rezoning for the prior proposed 406-unit development was turned down in January, 2025 due to the lack of new geotechnical analysis and the overall scope of the development. In October, 2025, the applicant requested the Planning Commission waive the two-year rule to allow the refile of the subject rezoning application for a scaled back development. The prior rezoning request was to R-6 zoning for 368 apartment units and Planned Residential District for 22 townhomes and 16 residential lots. The subject rezoning application is to R-5A, rather than R-6, for 160 apartment units (208 less units than previously requested), with the balance to remain R-4 for 38 standard subdivision, rather than 38 PRD lots previously proposed.

This development now includes a 160-unit multi-family apartment development in two story buildings (rather than the previously proposed three story buildings) and also a 38-lot R-4 single-family subdivision. The subject property has previously approved for 124-lot conservation subdivision in May, 2018. However, the ministerially approved conservation subdivision in the existing R-4 zoning is not feasible due to potential erosion issues and costs associated therewith. Like before, the current proposed plan allows the development to be stepped back from the perimeter where the erosion concern currently exists rather than having subdivision lots up to the property line as previously approved.

PLAN ELEMENT 4.1: COMMUNITY FORM

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

As to Goal 1, Policies 2, 2.1, 3.1.3, 4, 5, 6, 7, 9 10, 11, 12, 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 encourages low-high density and intensity uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments and single-family homes to be sold, for which this plan proposes both. Proposed density in this instance is in the medium range for this property which is in excess of 30 acres with a beautiful lake which is rare for an infill development. Spread among ten, 2-story apartment buildings with a total of 160 units, the designs, square footages and rental rates the applicant plans are also contemplated by these Policies as appropriate for this Form District and neighborhood. Likewise, the standard R-4 single-family homes, which are not part of the zone change, provide additional housing for the area.

Land Development Code required height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage and required setbacks will also be met (without proposed variances or waivers, at least as currently anticipated).

Also, located as this proposed multi-family and single-family development is just a short drive from the major arterial roadway of Dixie Highway (which is a sizeable and ever-growing commercial activity center) and a very short distance from Holy Cross high school, travel distances for purposes of shopping and school are reduced, and walking and biking become very real possibilities. This helps contribute to improved air quality.

The style and design of these multi-family buildings and single-family homes will assure compatibility with the adjoining residential subdivisions. Plus additional setbacks, landscaping, screening and buffering beyond the bare minimums help assure appropriateness for the neighborhood and compatibility with adjoining single-family residential homes.

As a consequence of what surrounds this proposal and the fact that this is both a proposed rental community and a single-family subdivision, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors. The eastern portion of the subject development will be a preliminary subdivision plan request for a single-family subdivision without homes on the east side of the proposed street in the areas of the steepest slope, thus providing additional buffering to the adjoining single-family homes along the adjacent portions of Maryview Drive. This is an infill development on a rare 30 plus acre undeveloped site in close proximity to a large retail activity center located in proximity to a major arterial near the Watterson Expressway interchange. Plus, as a residential community itself, it would not be designed with the kinds of negative impacts that would harm the quiet enjoyment of its own residents, whether the renters in the apartment community or the single-family owners in the R-4 portion of the development.

As to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows, in addition to the other ways set forth above and below:

As said, the proposed multi-family community is located in a Neighborhood Form District, very near already built shopping and in close proximity to Holy Cross high school as well as an elementary school. As such, and with good and improving pedestrian and vehicular access along Dawn Drive and Meyer Lane with street connection to the neighborhoods to the east, the proposed multi-family community is just adjacent to a large mixed residential, retail and school activity center along Dixie Highway.

Also, as such, it will add to the opportunities existing and planned in this growing area to reside in close and convenient proximity to places of employment, food, shopping and education along Dixie Highway, both north to the Watterson Expressway and south to the Gene Snyder Expressway. Very few large undeveloped tracts with beautiful natural features, such as a lake, exist in such close proximity to a major arterial roadway like Dixie Highway such that this is a great opportunity to provide additional housing options.

As to Goal 3, Policies 1, 2, 3, 6, 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 multi-family community includes communal open spaces, such as a park with pickle ball courts for use by residents. Those spaces will be maintained in perpetuity by the owners of the development.

As to Goal 4, this is not a historic site and has no historic buildings.

As to Goal 5, this proposed multi-family and single-family combined community is neither large enough nor public enough 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 Policies.

As to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

This proposed combined multi-family and single-family community (located as it is next to an existing and growing mixed use area proximate to a large activity center along Dixie Highway, with good access to the major arterial roadway of Dixie Highway thereby well connected as it is proposed to be close to a nearby school, restaurants, retail shopping and other residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks. The applicant will construct sidewalks along its frontage. In constructing its entrances, the applicant will prepare construction plans that will assure safe access with good site distances and turning radii. Further, the applicant has committed to constructing a sidewalk would be constructed down Romania Drive and Blanton Lane to Dixie Highway to provide direct pedestrian access to Dixie Highway without requiring residents to use Dawn Drive. This will be a major public improvement for the area at the sole cost and expense of the applicant.

Also, bike racks and handicapped parking spots will be installed as and where required near buildings. And all drive lanes, parking spaces 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.

TARC service is generally unavailable in areas like this, but basic service is available along Dixie Highway.

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 Policies.

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

Holy Cross high school is located just across Dixie Highway from where Meyers Lane meets up with Dixie Highway. Further north along Dixie Highway are additional schools, including St. Paul. Public library and community center are located just north on Dixie Highway in close proximity.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

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

As to Goal 2, Policies 1 and 3, 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 combined multi-family and single-family community is part of a developer response to that demand to provide housing options not currently available in the area, 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: LIVEABILITY

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

As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, 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 will be accommodated by detention basins on site. Sanitary sewer service is available at the nearby Derek Guthrie wastewater treatment plant with available capacity. It can be accessed via lateral extension to and from an existing nearby manhole.

Measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated. The applicant had a full geotechnical analysis completed in 2003 and will have new soil borings and testing completed to Office of Planning specifications and standards as part of this rezoning request. Further, like the prior rezoning case, the applicant has proposed multiple additional binding elements to address soil stability to avoid future problems. The proposed plan provides additional tree protection areas around the eastern edge of the development, by the homes with the worst erosion problems, as well as to the north along Dawn Drive.

As mentioned above, given the location of this proposed combined multi-family and single-family community near a large activity center, air quality impacts will be minimized because vehicle miles travelled are reduced.

PLAN ELEMENT 4.6: HOUSING

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

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

By bringing brand new apartments to the south Dixie Highway area, the applicant proposes to serve a different purpose, which is maintenance free living opportunities in lieu of the single family homes that predominate the area. Also, because of the proximity to Holy Cross High School it is possible that renters, taking advantage of proximity to the nearby Holy Cross school, will have children. And because of the lifestyle changes that the Great Real Estate Recession of 2009 and Coronavirus depression of 2020 have caused, moving ever more people from ownership to rental housing communities, this development will be multigenerational. Thus, this community can probably expect empty-nesters to be among its principal occupants due to the maintenance free living option.

And, finally, there are no homes on the site such that there will be no demolition of existing housing stock for this new infill development and thus no displacement of residents. Rather the Comp Plan tries to preserve single family communities of houses, so as to protect an affordable housing stock, which is not what is involved here.

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For all of the above-stated reasons, those shown on the detailed district development, this application complies with all other applicable Goals, Objectives and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

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