

**5.**

Request:

Project Name:      Manslick Commons II

Location:

Applicant:

Representative:

Jurisdiction:

Council District:

Case Manager:

**Land Development and Transportation Committee**  
**Staff Report**  
March 13, 2025



<b>Case No:</b>	25-ZONE-0004
<b>Project Name:</b>	Manslick Commons II
<b>Location:</b>	5820 E. Manslick Rd
<b>Applicant:</b>	Manslick Development, LLC
<b>Representative(s):</b>	Bardenwerper, Talbott, & Roberts, PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Ginny Mulvey-Woolridge
<b>Case Manager:</b>	Molly Clark, Planner II

**REQUEST(S)**

- **Change-in-Zoning** from R-4 single family residential to PRD planned residential development
- **Detailed District Development Plan/Major Preliminary Subdivision Plan** with binding elements

**CASE SUMMARY**

The development plan calls for a change in zoning to allow for development under the Planned Residential Development (PRD) standards. North of the Gene Snyder Expressway and to the west of Smyrna Parkway, the site contains 10.29 acres. The applicant is proposing to construct a 55-lot single-family subdivision. Access will be created via E Manslick Road.

**STAFF FINDING**

The proposal is ready for a public hearing date to be set.

**TECHNICAL REVIEW**

MSD and Transportation Planning have provided preliminary approval of the proposal.

**INTERESTED PARTY COMMENTS**

Interested party comments will be incorporated into the record.

## **STANDARD OF REVIEW FOR ZONING/FORM DISTRICT CHANGES**

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable Land use and Development policies of Plan 2040; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

## **STAFF ANALYSIS FOR CHANGE IN ZONING**

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

### The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

## **REQUIRED ACTIONS**

- **SET** the public hearing date for Planning Commission.

## **NOTIFICATION**

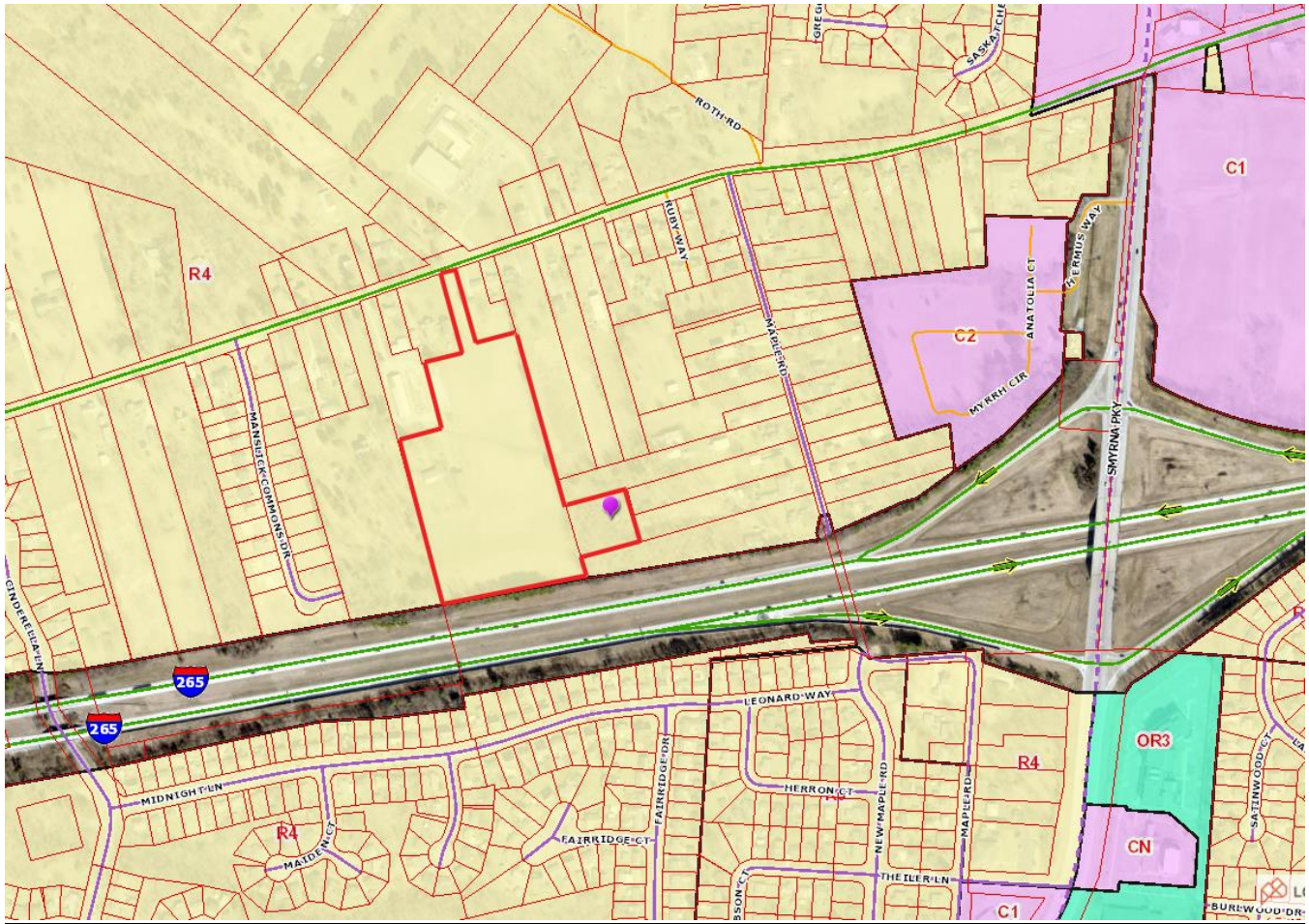
Date	Purpose of Notice	Recipients
2-26-25	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24
	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

## **ATTACHMENTS**

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

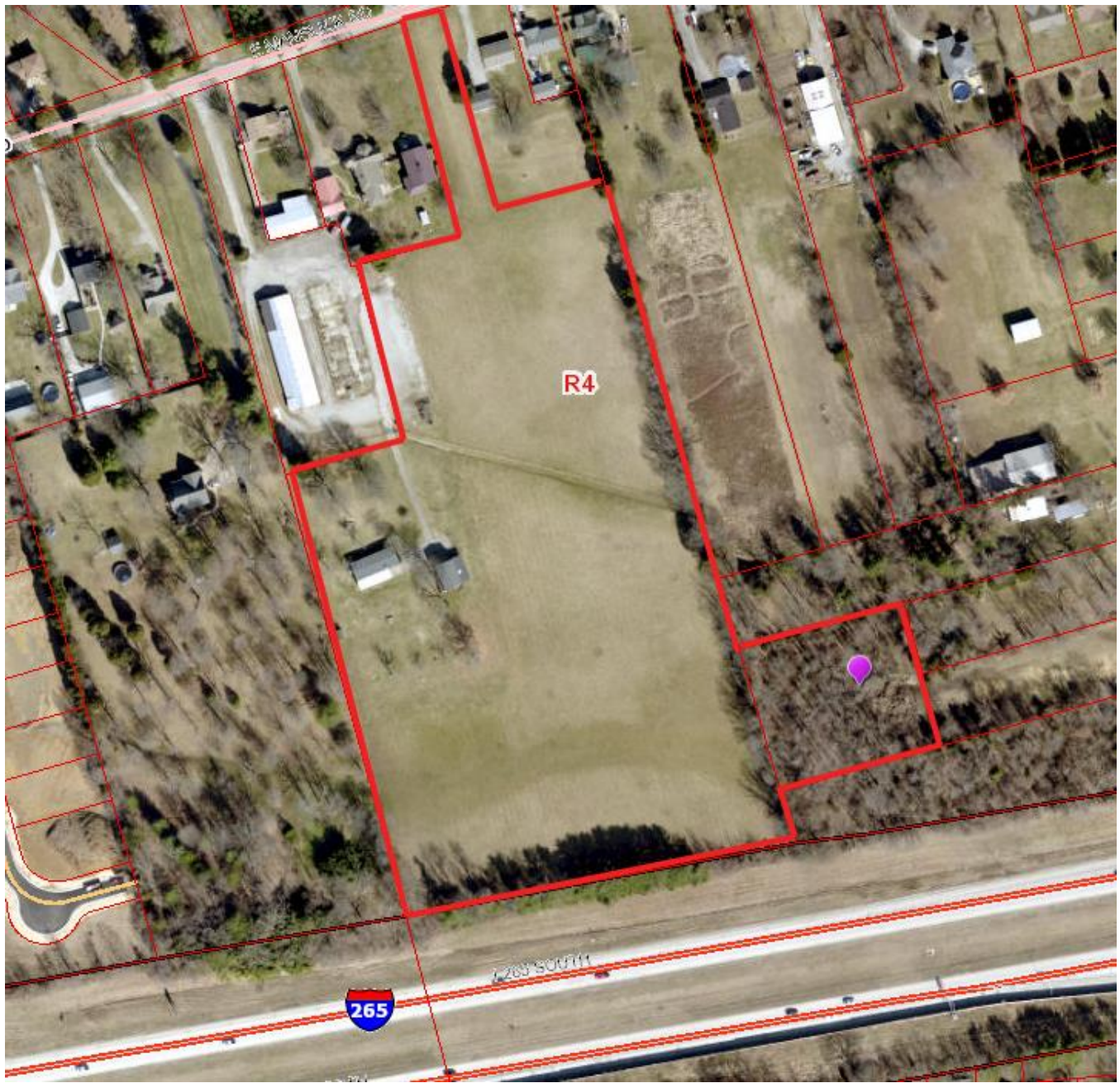


## 1. Zoning Map





## 2. Aerial Photograph



### **3. Proposed Binding Elements**

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
3. 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."
4. 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.
5. 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.
6. 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.
7. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the 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.
8. 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.
9. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
10. A deed of consolidation or minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.

11. 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.
12. No residential structures shall be permitted within 250 feet of the edge of pavement of the Gene Snyder Freeway's nearest travel lane.





# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF THE CORNERSTONE 2040 COMPREHENSIVE PLAN**

<u>Applicant &amp; Owner:</u>	Manslick Development, LLC
<u>Location:</u>	5820 E. Manslick Road and a portion of 8908 Maple Road
<u>Proposed Use:</u>	Single Family Subdivision
<u>Engineers, Land Planners and Landscape Architects:</u>	Sabak Wilson & Lingo
<u>Request:</u>	Zone change from R-4 to PRD

The purpose of the Planned Development (PRD) District is to provide flexibility in layout and design of residential developments in a manner that promotes implementation of the Plan 2040 Comprehensive Plan for Louisville Metro. The PRD district allows for smaller lots, cluster housing, reduced lot sizes and building setbacks, and other innovative designs which meet the intents of the Comprehensive Plan, all of which this development plan complies with. In that regard, the PRD regulation requires that a PRD plan shall meet at least two of the following criteria:

1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or Urban renewal plan; or
3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or
4. The proposal expands the diversity of housing types available within a neighborhood; or
5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.

This proposed PRD home style development meets three of the above criteria, notably numbers 3, 4, and 5. This is planned to be a diverse community, attractive to young and older single professionals, small families, and empty-nesters who are interested in the less maintenance associated with smaller yards, as opposed to that form of housing that still predominates most of Metro Louisville – i.e., standard single family homes on larger lots which residents are normally expected to maintain by themselves; this particular area of Metro Louisville is like almost all others where traditional style, detached single family homes on larger lots are the norm; there are

very few small lot or PRD style housing options in the area that allows homeownership; the proposed subdivision on smaller lots thus adds to the diversity of housing types in this area and will supply needed housing under demand for the differing age base of the community; and the smaller lots also allow for the implementation of permanent green space along the border with I-265; and

The Cornerstone 2040 Comprehensive Plan also strongly supports the provision of affordable and appropriate housing, and this new and additional housing option will provide just that being in a different price point than some of the surrounding residential homes.

#### **PLAN ELEMENT 4.1 - COMMUNITY FORM**

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 3.1.3, 4, 5, 6, 7, 9, 10, 11, 14, 16, 17, 18, 19, 20 & 28 of Goal 1 of the Community Form Plan Element as the subject property is located in the Neighborhood Form District which is characterized by predominately residential uses from low to high density, with diverse housing types in order to provide housing choice for differing incomes, ages, and abilities, and small lot neighborhoods with open space, all of which this DDDP provides; the site provides open space as is encouraged in the Neighborhood Form District at a scale that is appropriate for nearby neighborhoods which would not be provided if the subdivision were built out as a standard R-4 subdivision; the site location on E. Manslick Road, near the Smyrna Parkway intersection, which are both classified as a primary collectors, ensures easy access to the nearby “activity centers” just south-east of the site with an abundance of commercial uses and is appropriate for a slightly higher density than otherwise allowed in R-4 through this proposed small lot subdivision; while the density is slightly higher than allowed in R-4 (being a gross density of 4.85 dwelling units per acre or a net density of 5.64 dwelling units per acre), the density is not a “high intensity” use as described in Plan 2040 and this proposal will provide this area with new, attractive, housing choices for residents who desire to live in this community but prefer less maintenance, less demanding style living; major commercial land uses in close proximity to the subject property and very close access to I-265 will especially make this an attractive location for a diverse group of home buyers, who will likely include professionals, small families, and “empty-nesters”; and the existing services and infrastructure on Smyrna Parkway makes this area extremely popular and appropriate for this type of residential development; and it provides low density development with compensating open space, attractive building materials in a traditional design to blend easily with adjoining neighborhoods, albeit with an upgrade on some of the older, deteriorating properties in the area; and future residents will support and be supported by the businesses, services, schools and churches emerging in and around this site and nearby activity centers; and perimeter setbacks and landscape buffer areas are preserved along all property lines to screen resident activities from adjoining property owners; and the HOA will contract with professional groundskeepers for care of the common areas including the entrance frontage, buffers and open space areas, as is typical for planned residential communities; and these features will further serve to keep resident activities away from adjoining properties and to ensure a positive overall appearance for this proposed community; and

The development plan will utilize landscaping and/or fencing to provide appropriate transitions and buffers to mitigate impacts between this development and existing, adjacent homes; the setbacks are all appropriate for the area and consistent with nearby residences; and the height of

the homes, all being limited to single-story and one and a half story homes, which are wholly compatible with nearby residences; the proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area; refuse will be picked up on a regular basis in separate containers for each home, as in any residential development in the area; lighting will be residential in character in conformance with Land Development Code regulations; and setbacks will be compatible with residential subdivisions allowed in the Neighborhood Form District; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 2, 2.1, 3, 6, 8, 9, 13, 15, 16, & 17 of Goal 2 of the Community Form Plan Element as the subject property is located near a primary collector level road, with access to nearby activity centers, sidewalks will be provided on site which will provide safe areas for pedestrians and bicyclists to travel to nearby neighborhoods and locations; the proposed use and density are compatible with adjacent uses and meets Form District guidelines; the development plan encourages use of nearby activity centers near the development and easy access to the I-265 interchange on Smyrna Parkway; it results in efficient land use and cost effective infrastructure use, reducing public costs for land development by utilizing connections to existing infrastructure for water, sewer, electric and phone services; the plan places residential development in an appropriate location which is a designated residential center; and the utility easements provide for access, maintenance, and repair; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 2, 3, 6, 7, 8, 9 & 12 of Goal 3 of the Community Form Plan Element as the subject property because the site because, unlike most standard single-family subdivisions, this one includes some meaningful perimeter open space, conserving some natural resources and features, assuring good transitions to neighboring properties; and providing for passive outdoor activities off residents' individual home lots; and the site's open space will help meet the recreational needs of the community; it assures for better buffers and a far superior neighborhood look and feel; the homeowners association will maintain these open areas; and the site plan is designed to prevent foundation failure, and to minimize environmental degradation; and appropriate measures have been taken to protect the health, safety and welfare of future users of the development; and any potential highly permeable soils or potential wetlands will be fully vetted prior to any Planning Commission hearing; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2 & 3 of Goal 4 of the Community Form Plan Element as no portion of the subject property has been designated as a natural, historic or scenic preservation site and adequate buffers and tree canopy are being provided or preserved, etc.; and

#### **PLAN ELEMENT 4.2 - MOBILITY**

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 3, 6, 7 & 14 of Goal 1 of the Mobility Plan Element as the proposed development's entrance along E. Manslick Road near Smyrna Parkway, along with the internal street system with stubs for future connectivity, and internal sidewalk system, will provide safe, controlled and efficient traffic flow through the community, as well as accommodate and support the needs of pedestrians and bicycle traffic to and from the development to nearby activity



centers and commercial and retail land uses; and the addition and inclusion of sidewalks and bicycle traffic will promote both as a source of transportation as well as recreation; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 4, 5, 6, 7, & 8 of Goal 2 of the Mobility Plan Element as the subdivision density is no greater than permitted in the R-5 district which is not a high-density district and site location provide access to transportation facilities that accommodate all users consistent with those in the Neighborhood Form District through the use of roads, entryways and sidewalks; the site distance for the curb cut entrance is adequate for the use and location; the internal circulation of pedestrian and vehicular traffic is appropriate with the connected walkways and shared access, parking, etc.; the site does not allow or cause higher intensity use to circulate through areas of lower intensity or density developments; despite not being developed in a traditional R-4 or R-5 pattern, connectivity for the district through adjacent districts permitting similar density is appropriate and being provided; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 3, 4, 5, 7, 10, 12, 14, 17, 18, 20, 21, 23, 24, & 27 of Goal 3 of the Mobility Plan Element as the development plan provides internal walking and bicycling opportunities with the sidewalks and interconnected walkways, and by providing a diverse, but compatible mix of residential uses nearby to existing commercial and retail activity centers, thereby reducing miles traveled; the plan will not burden the transportation network, but will enhance it by developing the property in a way that is appropriate for the Neighborhood Form District along Smyrna Parkway, which is a primary collector level road; the plan is consistent with long range transportation plans; and the plan also satisfies the policy of infill development opportunities supporting biking and pedestrian travel; and all improvements to the right-of-way or dedication will be made as requested; and

E. Manslick Road, near the Smyrna Parkway interchange on I-265, is adequate to handle the amount of traffic generated by this proposal; and the accompanying plan is expected to receive the preliminary stamp of approval from Metro Works, thus further demonstrating this project's compliance with all of the Mobility Plan Elements' Goals, Objectives and Policies of the 2040 Comprehensive Plan; and

#### **PLAN ELEMENT 4.3 - COMMUNITY FACILITIES**

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies of the Community Facilities Plan Element as this development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers so as to not burden existing or future community facilities; and

#### **PLAN ELEMENT 4.4 – ECONOMIC DEVELOPMENT**

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policy 7 of Goal 1 of the Economic Development Plan Element as this development plan improves growth, innovation, and investment opportunity for all by reusing and redeveloping an underutilized property and provides additional diverse residential development, all in an area with existing infrastructure in an efficient manner; it will increase

economic opportunity to nearby business owners and employment providing a variety of small lot home style choices that will be available at the development and future residents will support the businesses and services in nearby activity centers; also future residents will find that the ease of access to retail development near the site, and to other nearby activity centers is an amenity, promoting an economic climate that improves growth, innovation, and opportunity for all; the development, as proposed, will provide easy access to Smyrna Parkway and I-265 and several other roads in the area, and from there to greater Louisville employment and commercial centers; and it will make efficient use of available property that lies within the Neighborhood Form District and is located in an area where residents currently seek new housing options and have easy access to nearby commercial and employment centers; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 2, 3, 4, 5, & 8, of Goal 2 of the Economic Development Plan Element as it enhances the quality of life in the area by reusing and readapting a current less desirable current use, while at the same time protecting and improving the economic value of the surrounding areas by ensuring the property is properly maintained and updated for today's current residential market demands; it satisfies the goal and policy of infill development to take advantage of the existing infrastructure; the design elements being used will limit the heat island effect through the use of green detention basins; and it promotes more affordable housing in the area; and

#### **PLAN ELEMENT 4.5 – LIVABILITY**

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 2, 7, 11, 21, 23, 25, 26, 27, 28, 31, 35, 36, & 39 of Goal 1 of the Livability Plan Element as the development plan preserves the natural features of the topography of the site and provides appropriate landscaping design standards for the area; the site minimizes impervious surface by the use of small lots and detention basins, and protects groundwater sources through the development and connection to existing MSD sewer infrastructure; it provides pedestrian and bicycle connectivity while not overly burdening traffic for the area near a primary collector interchange on I-265; it also does not burden current drainage associated with the site through the use of detention basins reducing storm water run-off; the site is in-fill development, thereby reducing miles traveled by developing in areas with infrastructure and nearby services; landscaping will be added to reduce the impacts of the site to other adjacent housing; the site will feature open spaces interspersed among the buildings that will be available for low impact recreational use by residents and will serve to provide natural areas and an overall positive appearance for the community; no portion of the site lies within the 100 year floodplain, all drainage will comply with MSD requirements, and this development plan will likely receive preliminary approval by MSD; Louisville Water Company will provide water to the site; and air quality will remain at good levels because, as noted above, the proposed internal road system and controlled entrance will distribute traffic to reduce air quality impacts relating to congestion or delays; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policy 8 of Goal 2 of the Livability Plan Element as the development plan provides and satisfies design standards of the Neighborhood Form District and provides safe, healthy and accessible housing with infill development in a residential area; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, & 4 of Goal 3 of the Livability Plan Element by providing equitable access to the land use planning and policy resources to the surrounding residents and property owners by providing notice of the development, notice of all public meetings and by providing the neighborhood meeting, which encouraged and provided an opportunity for area involvement in the plan design; and providing handicap parking and access in the site for the disabled and other safety measures in accordance with law; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, & 8 of Goal 4 of the Livability Plan Element by providing and enhancing choices for mobility choices through vehicular access, sidewalks for pedestrian traffic, and bicycle use, encouraging clean air by reducing miles driven by providing more residential density in a residential area near to the primary collector of Smyrna Parkway, thus supporting premium traffic systems; and

#### **PLAN ELEMENT 4.6– HOUSING**

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 3, 6, 7, & 9 of Goal 1 of the Housing Plan Element by providing a variety of housing types in the area, including homes on small lots where none exist presently, but still incorporating appropriate single buildings with design compatible and appropriate to the surrounding areas; the small lots supports “aging in place” and housing for older, empty-nester adults, along with and busy younger homeowners who chose to not have large yards; and the flexibility in design for the PRD subdivision will promote an adaptive use and infill development; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 5, 6, 7, & 9 of Goal 2 of the Housing Plan Element as this diverse housing plan promotes inter-generational, mixed income residents, including older “empty nesters”, younger “millennials”, and professionals and small families; the site is along near a primary collector interchange on I-265 providing proximity to multi-modal transportation; the design and plan provides housing which is in demand in the current residential marketplace with adequate access to employment centers with the nearby connection to Smyrna Parkway; and it encourages new residential development in an older residential area, while at the same time not causing the residential development to expand into or near industrial type areas; and

The proposed rezoning and preliminary subdivision plan complies with all the applicable Objectives and Policies 1, 2, 3, 5, 6, 7, & 12 of Goal 3 of the Housing Plan Element as it reduces the lot size and lines, thereby increasing density over what currently exists on the property, creating more affordable housing choices than currently exist in this area; the development of the site, with lighting and higher density will eliminate the isolation of the current home, thereby likely reducing the likelihood of crime; and the PRD subdivision provides innovative methods for residential development; and

\* \* \*

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with

evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

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