



Louisville Metro Government

Old Jail Auditorium
514 W. Liberty Street
Louisville, KY 40202

Agenda - Final Development Review Committee

Wednesday, August 19, 2026

1:00 PM

OldJail Auditorium

The Development Review Committee meeting will be conducted in-person at the Old Jail Building Auditorium, 514 West Liberty Street, Louisville, KY 40202.

Anyone wishing to join the meeting virtually using a computer, laptop, or mobile device, as well as anyone wishing to sign up to speak in support, in opposition, or as other for any case, should visit the following link:

<https://louisvilleky.gov/government/upcoming-public-meetings>

You can access case materials (staff reports, proposed plans, etc.) by clicking on the link below and selecting this meeting in the Calendar tab:

<https://louisville.legistar.com/Calendar.aspx>

If you have any questions, please contact the case manager or call the Office of Planning at 502-574-6230.

Call To Order

Minutes

1. [08.05.2026 DRC Minutes](#)

New Business

2. [26-STRCLOSURE-0023](#)

Request:	Closure of Public Right-Of-Way
Project Name:	Unnamed Alley Between N. Peterson Avenue and Frankfort Avenue
Location:	Unnamed Alley Between N. Peterson Avenue and Frankfort Avenue
Applicant:	Kennedy Turner
Representative:	Kennedy Turner
Jurisdiction:	Louisville Metro
Council District:	9 - Andrew Owen
Case Manager:	Zach Schwager, Planner I

3. [26-DDP-0022](#)

Request: Detailed District Development Plan with Binding Elements and associated waivers
Project Name: Flying Horse C-Store
Location: 6311 Commerce Park Court
Applicant: Upton Quick Stop Inc.
Representative: DSA Engineering Solutions, PLLC
Jurisdiction: Louisville Metro
Council District: 13 - Dan Seum, Jr.
Case Manager: Sydney Fawcett, AICP, Planner I

4. [26-MPLAT-0090](#)

Request: Minor subdivision plat to amend a record plat
Project Name: Pound Minor Subdivision Plat
Location: 10107 Watterson Trail
Applicant: Nathan Grimes
Representative: Nathan Grimes
Jurisdiction: Jeffersontown
Council District: District 11 - Kevin Kramer
Case Manager: Drake Watson, Planner I

5. [26-WAIVER-0099](#)

Request: Waiver of Land Development Code Section 5.5.5.A.1 to permit an accessory structure to be visible from the public street, Waiver of Land Development Code Section 10.2.10 to waive the 5-foot VUA LBA planting requirement
Project Name: Landscape & Site Design Waivers
Location: 1601 Dixie Hwy
Applicant: Edward Leon Rhodes
Representative: Edward Leon Rhodes
Jurisdiction: Louisville Metro
Council District: District 6 - J.P. Lyninger
Case Manager: Mollie Share, Planner I

Adjournment

This meeting will begin at 1:00 PM Eastern / 12:00 PM Central.



Louisville Metro Government

Text File

File Number: 08.05.2026 DRC Minutes

Agenda Date: 8/19/2026

Version: 1

Status: Minutes to be Approved

In Control: Development Review Committee

File Type: Minutes

Agenda Number: 1.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE
AUGUST 5, 2026**

A meeting of the Louisville Metro Development Review Committee was held on August 5, 2026, at 1:00 p.m. at the Old Jail Auditorium, 514 West Liberty Street Louisville, KY 40202.

Committee Member's Present:

Bill Fischer, Chair
Steve Lannert
Jim Mims
Beth Stuber

Committee Member's Absent:

David Steff

Staff Members Present:

Joseph Haberman, Planning Manager
Rachel Casey, Planning Supervisor
Laura Ferguson, Assistant County Attorney
Sydney Fawcett, Planner I
Catherine Gomez, Planner I
Abby Bills, Planner I
Mollie Share, Planner I
Haritha Gurivindapalli, Management Assistant

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

APPROVAL OF MINUTES

JULY 29, 2026, DEVELOPMENT REVIEW COMMITTEE MINUTES

00:03:50 On a motion by Commissioner Mims, seconded by Commissioner Lannert, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on July 29, 2026.

The vote was as follows:

YES: Commissioners Stuber, Lannert, Mims, and Fischer

ABSENT: Commissioner Steff

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

NEW BUSINESS

CASE NO. 26-EXTENSION-0012

Request:	Extension of Expiration Date
Project Name:	Jacob Street Multi-Family
Location:	232 E. Jacob Street
Applicant:	LDG Land Holdings LLC
Representative:	Dinsmore & Shohl LLP
Jurisdiction:	Louisville Metro
Council District:	District 4 – Ken Herndon
Case Manager:	Sydney Fawcett, AICP, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Committee received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at the Office of Planning, 444 South 5th Street.)

Agency Testimony:

00:04:20 Sydney Fawcett provided an overview of the request and presented a PowerPoint presentation. Fawcett responded to questions from Committee Members. (See recording for details)

The following spoke in favor of the request:

Emily Wade, 101 S 5th Street, Louisville, KY 40202

Ramona Vasta, 545 South 3rd Street, Louisville KY 40202

Summary of testimony of those in favor of the request:

00:06:30 Emily Wade explained that the project is awaiting final financing and tax credit approvals through the Kentucky Housing Corporation, with closing anticipated in early 2027 and construction to begin shortly afterward. Wade noted that the extension is needed to accommodate the financing timeline typical of affordable housing developments. Wade responded to questions from Committee Members. (See recording for details)

00:09:00 Ramona Vasta confirmed that the project has received an allocation of tax credits from the Kentucky Housing Corporation and is now working to finalize the

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

NEW BUSINESS

CASE NO. 26-EXTENSION-0012

remaining financing and construction plans. Vasta responded to questions from Committee Members. (See recording for details)

The following spoke in opposition to the request:

None

Deliberation:

00:10:00 Committee deliberation

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Extension of Expiration

00:10:30 On a motion by Commissioner Mims, seconded by Commissioner Stuber, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds that the applicant has requested the extension of expiration to allow them to continue to coordinate with the Kentucky Housing Corporation (KHC) to finalize funding for the approved development. Approving the extension of expiration would provide the applicant with more time to work with KHC prior to starting construction, now, therefore be it.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Extension of Expiration until August 15, 2028.

The vote was as follows:

YES: Commissioners Stuber, Lannert, Mims, and Fischer

ABSENT: Commissioner Steff

DEVELOPMENT REVIEW COMMITTEE MINUTES

August 5, 2026

NEW BUSINESS

CASE NO. 26-WAIVER-0084

Request: Waiver of Land Development Code Section 10.2.4.B.1 to allow a retaining wall to exceed 4 feet in height within the Landscape Buffer Area.

Project Name: Sandhill Preserve Dr Landscape Waiver

Location: Parcel IDs: 008602270000 & 008602280000

Applicant: Jarls Business Group, LLC

Representative: Mindel Scott

Jurisdiction: Louisville Metro

Council District: District 23 – Jeff Hudson

Case Manager: Mollie Share, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Committee received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at the Office of Planning, 444 South 5th Street.)

Agency Testimony:

00:11:20 Mollie Share provided an overview of the request and presented a PowerPoint presentation. Share responded to questions from Committee Members. (See recording for details)

The following spoke in favor of the request:

Joe Reverman, 5151 Jefferson Blvd, Louisville, KY 40219

Summary of testimony of those in favor of the request:

00:14:20 Joe Reverman provided an overview of the request and presented a PowerPoint presentation. Reverman explained that the requested wall waiver is necessary due to site grading constraints and existing elevation differences with neighboring properties. The wall is limited to two relatively small sections, would not create visual impacts for adjacent homeowners, and is expected to provide an improved buffer while maintaining required landscaping. Reverman responded to questions from Committee Members. (See recording for details)

The following spoke in opposition to the request:

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

NEW BUSINESS

CASE NO. 26-WAIVER-0084

None

Deliberation:

00:17:50 Committee deliberation

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Wavier of Land Development Code (LDC) Section 10.2.4.B.1 to allow a retaining wall to exceed 4 feet in height within the Landscape Buffer Area (26-WAIVER-0084)

00:18:20 On a motion by Commissioner Stuber, seconded by Commissioner Mims, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the proposed retaining wall will provide even more screening of potential visual and noise impacts than the required landscaping alone. The required plantings and buffer width along that Landscape Buffer Area will still be provided, and

WHEREAS, the Development Review Committee finds that the waiver will not violate specific guidelines of Plan 2040. Community Form Goal 1 Policy 9 ensures an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The proposed retaining wall serves as a height transition between the multi-family and single-family zoning, while still providing landscape buffers and appropriate building setbacks. Community Form Goal 3 Policy 9 encourages development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems. The addition of this retaining wall along the western property line will ensure that this development avoids substantial changes to the topography with minimal environmental degradation, and

WHEREAS, the Development Review Committee finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant's

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

NEW BUSINESS

CASE NO. 26-WAIVER-0084

request is limited to a wall on one side of the property while still maintaining the required buffer width and plantings, and

WHEREAS, the Development Review Committee finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as this is the only change from the existing and approved development plan. Elimination of this retaining wall would result in the need for a complete redesign of the site and a possible loss in housing units, now, therefore be it.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Wavier of Land Development Code (LDC) Section 10.2.4.B.1 to allow a retaining wall to exceed 4 feet in height within the Landscape Buffer Area (**26-WAIVER-0084**).

The vote was as follows:

YES: Commissioners Stuber, Lannert, Mims, and Fischer

ABSENT: Commissioner Steff

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

NEW BUSINESS

CASE NO. 26-WAIVER-0085

Request: Waiver of Land Development Code Section 5.8.1.B to waive the requirement to construct a sidewalk in the abutting right-of-way serving the development site.

Project Name: Top Hill Road Sidewalk

Location: 1801 Top Hill Road

Applicant: Zachary Devoe

Representative: Zachary Devoe

Jurisdiction: Louisville Metro

Council District: District 13 – Dan Seum, Jr.

Case Manager: Abby Bills, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Committee received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at the Office of Planning, 444 South 5th Street.)

Agency Testimony:

00:19:00 Abby Bills provided an overview of the request and presented a PowerPoint presentation. Bills responded to questions from Committee Members. (See recording for details)

The following spoke in favor of the request:

Zachary Devoe, 10705 Ashley Pointe Dr, Louisville, KY 40272

Summary of testimony of those in favor of the request:

00:23:40 Zachary Devoe stated that steep topography and the lack of existing or future sidewalks in the area make sidewalk construction and connectivity impractical. Devoe noted the site constraints and emphasized that the fee would create unnecessary financial hardship for him who is a self-funded builder. Devoe responded to questions from Committee Members. (See recording for details)

The following spoke in opposition to the request:

None

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

NEW BUSINESS

CASE NO. 26-WAIVER-0085

Deliberation:

00:28:00 Committee deliberation

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Waiver of Land Development Code Section 5.8.1.B to waive the requirement to construct a sidewalk in the abutting right-of-way serving the development site (26-WAIVER-0085)

00:32:30 On a motion by Commissioner Mims, seconded by Commissioner Stuber, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds that the requested waiver will not adversely affect adjacent property owners as there are no sidewalks along the adjoining properties on Top Hill Road. Granting the Waiver would provide no change from the existing conditions, and

WHEREAS, the Development Review Committee finds that the Granting of the Waiver will not result in a development consistent with the Comprehensive Plan or the overall intent of the Land Development Code. Mobility Goal 1, Policy 1.4 of Plan 2040 calls for new development to provide for the movement of pedestrians where appropriate, by including sidewalks along the streets of all developments. While there are no other sidewalks present along Top Hill Road, justifying the request to not provide the sidewalk on this property, payment of the fee-in-lieu that was offered to the applicant would contribute to Louisville Metro's ability to construct sidewalks and provide pedestrian connectivity in nearby areas. Granting of the Waiver would not be in line with the guiding principle of Connectivity laid out in the Comprehensive Plan, as it would deprive the community of an opportunity to provide improved pedestrian access in the larger area surrounding Top Hill Road.

Further, granting of the Waiver will not result in a development consistent with the intent of the Land Development Code, as the Land Development Code intends for all developments to provide public sidewalks when the established construction threshold is met, and

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

NEW BUSINESS

CASE NO. 26-WAIVER-0085

WHEREAS, the Development Review Committee finds that the applicant has provided adequate justification as to why they cannot reasonably construct the sidewalk, or a portion of the sidewalk, on the subject property, citing drainage and safety issues. However, the applicant has not provided adequate justification as to why the fee-in-lieu of construction cannot be paid, as the fee-in-lieu amount offered is reasonable and proportional to the cost of construction of the single-family home, and

WHEREAS, the Development Review Committee finds that the strict application of the provision of the regulation would not create an unnecessary hardship on the applicant, as the applicant has been offered a reasonable alternative to construction of the sidewalk on the subject property in the form of the fee-in-lieu of construction, and

WHEREAS, the Development Review Committee finds that there are site constraints on the subject property that would make sidewalk construction impractical, including heavily wooded terrain and potential steep slopes along Top Hill Road. There are additionally no sidewalks along Top Hill Road, and there is not a likelihood for sidewalks to be constructed in the future. However, the applicant has been offered alternatives to construction on site that would serve as mitigation for any site constraints affecting the requirement, now, therefore be it.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **DENY** the Waiver of Land Development Code Section 5.8.1.B to waive the requirement to construct a sidewalk in the abutting right-of-way serving the development site (**26-WAIVER-0085**).

The vote was as follows:

YES: Commissioners Stuber, Mims, and Fischer

NO: Commissioner Lannert

ABSENT: Commissioner Steff

The case will be heard at the GIVE DATE Planning Commission public hearing.

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

NEW BUSINESS

CASE NO. 26-STRCLOSURE-0012

Request:	Closure of Public Right-of-Way
Project Name:	Logan Street Market Place
Location:	E. St. Catherine Street and Logan Street
Applicant:	MMCS Properties LLC
Representative:	Land Design & Development, Inc
Jurisdiction:	Louisville Metro
Council District:	District 6 – J.P. Lyninger
Case Manager:	Catherine Gomez, Planner I

The staff report prepared for this case was incorporated into the record. The Committee received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at the Office of Planning, 444 South 5th Street.)

Agency Testimony:

00:33:30 Catherine Gomez provided an overview of the request and presented a PowerPoint presentation. Gomez responded to questions from Committee Members. (See recording for details)

The following spoke in favor of the request:

Zoe Sermersheim, 503 Washburn Avenue, Louisville, KY 40222

Mike Safai, 1001 Logan Street, Louisville, KY 40204

Summary of testimony of those in favor of the request:

00:38:30 Zoe Sermersheim provided an overview of the request and presented a PowerPoint presentation. Sermersheim stated that the closure would create a safer pedestrian environment while maintaining access through surrounding streets, alleys, and loading areas. Removable bollards would restrict vehicle traffic but allow emergency or service access when needed. Sermersheim confirmed that pedestrians and bicyclists would continue to have access along both sidewalks across the railroad area. Sermersheim responded to questions from Committee Members. (See recording for details)

00:44:00 Mike Safai stated that the proposed closure is intended to create a safer, family-friendly outdoor gathering space while keeping sidewalks open for public access. Safai explained that the market currently closes the street on weekends for outdoor

DEVELOPMENT REVIEW COMMITTEE MINUTES

August 5, 2026

NEW BUSINESS

CASE NO. 26-STRCLOSURE-0012

seating and children's activities, but overnight parking and vehicle traffic create safety concerns. Safai stated that an agreement has been reached with neighbor Matthew Friedman, allowing truck access to Logan Street Market's loading docks and providing two parking spaces for the neighboring property. Safai responded to questions from Committee Members. (See recording for details)

The following spoke in opposition to the request:

None

Deliberation:

00:50:00 Committee deliberation

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Closure of Public Right-of-Way

00:51:40 On a motion by Commissioner Stuber, seconded by Commissioner Mims, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds that adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and Office of Planning staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services or be dispossessed of public access to their property. The applicant will provide necessary easements or relocation of equipment per utility agency requirements, and

WHEREAS, the Development Review Committee finds that any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer, and

DEVELOPMENT REVIEW COMMITTEE MINUTES

August 5, 2026

NEW BUSINESS

CASE NO. 26-STRCLOSURE-0012

WHEREAS, the Development Review Committee finds that request to close the right-of-way follows the Goals, Objectives, and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation services and facilities to promote and accommodate growth and change in activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians, and people with disabilities. Mobility Goal 3, Policy 3 seeks to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 seeks to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement, and bike facilities and services) and air quality; and Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent land maintains access to public infrastructure, and utility access will continue to be provided to this parcel. The current alley is unused and inaccessible to the public, so keeping the alley will not serve the Goals, Objectives, and Plan Elements of the Comprehensive Plan stated in this review, and

WHEREAS, the Development Review Committee finds that there are no other relevant matters to be considered by the Planning Commission; now, therefore be it.

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

NEW BUSINESS

CASE NO. 26-STRCLOSURE-0012

RESOLVED, that the Louisville Metro Development Review Committee does hereby **PLACE** the case **26-STRCLOSURE-0010** on the August 6, 2026, Planning Commission consent agenda.

The vote was as follows:

YES: Commissioners Stuber, Lannert, Mims, and Fischer

ABSENT: Commissioner Steff

DEVELOPMENT REVIEW COMMITTEE MINUTES
August 5, 2026

ADJOURNMENT

The meeting adjourned at approximately 1:52 p.m.

Chair

Planning Director



Louisville Metro Government

Text File

File Number: 26-STRCLOSURE-0023

Agenda Date: 8/19/2026

Version: 1

Status: New Business

In Control: Development Review Committee

File Type: Planning Case

Agenda Number: 2.



26-STRCLOSURE-0023

Development Review Committee
Staff Report
August 19, 2026

Unnamed Alley Between N. Peterson Avenue and Frankfort Avenue

Location: Unnamed Alley Between N. Peterson Avenue and Frankfort Avenue
Applicant: Kennedy Turner
Representative: Kennedy Turner
Jurisdiction: Louisville Metro
Council District: 9 – Andrew Owen
Case Manager: Zach Schwager, Planner I

REQUEST & RECOMMENDED ACTIONS

1. Closure of Public Right-of-Way
 - Staff finds the request is in keeping with Plan 2040 and recommends the Development Review Committee **PLACE** on the next available consent agenda of the Planning Commission.

CASE SUMMARY

The applicant is proposing to close approximately 32,383 square feet of unimproved alley between N. Peterson Avenue, Frankfort Avenue, and N. Galt Avenue. The closure is requested because the alley is unimproved and cannot be improved with existing site conditions and the railroad to the south. There are 49 parcels that abut the alley; however, there are 42 owners of those properties, 30 of which have signed the consent form, more than the required 51%.

TECHNICAL REVIEW

- Comprehensive Plan 2040
- Land Development Code (Louisville Metro 2025)
- MSD and Transportation have provided preliminary approval.
- The proposed closure will maintain public facilities. All agencies have been addressed and approvals received from relevant utilities.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR STREET CLOSURES

1. *Adequate Public Facilities – Whether and the extent to which the request would result in demand on public facilities and services (both on-site and off-site), exceeding the capacity or interfering with the function of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services. No closure of any public right-of-way shall be approved where an identified current or*

future need for the facility exists. Where existing or proposed utilities are located within the right-of-way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities; and

STAFF FINDING: Adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Office of Planning staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the right-of-way to be closed will be left absent of public facilities or services or be dispossessed of public facilities to their property. The applicant will provide necessary easements or relocation of equipment per utility agency requirements.

2. *Cost for Improvement – The cost for a street or alley closing, or abandonment of any easement or land dedicated to the use of the public shall be paid by the applicant or developer of a proposed project, including cost of improvements to adjacent rights-of-way, or relocation of utilities within an existing easement; and*

STAFF FINDING: Any cost associated with the right-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent right-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer.

3. *Comprehensive Plan – The extent to which the proposed closure is in compliance with the Goals, Objectives, and Plan Elements of the Comprehensive Plan; and*

STAFF FINDING: The request to close the right-of-way is in compliance with the Goals, Objectives, and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states that to provide transportation services and facilities to promote and accommodate growth and change in activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians, and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 5 seeks to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement, and bike facilities and services) and air quality; and Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to

surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent lands maintain access to public infrastructure and utility services will continue to be provided to these lands.

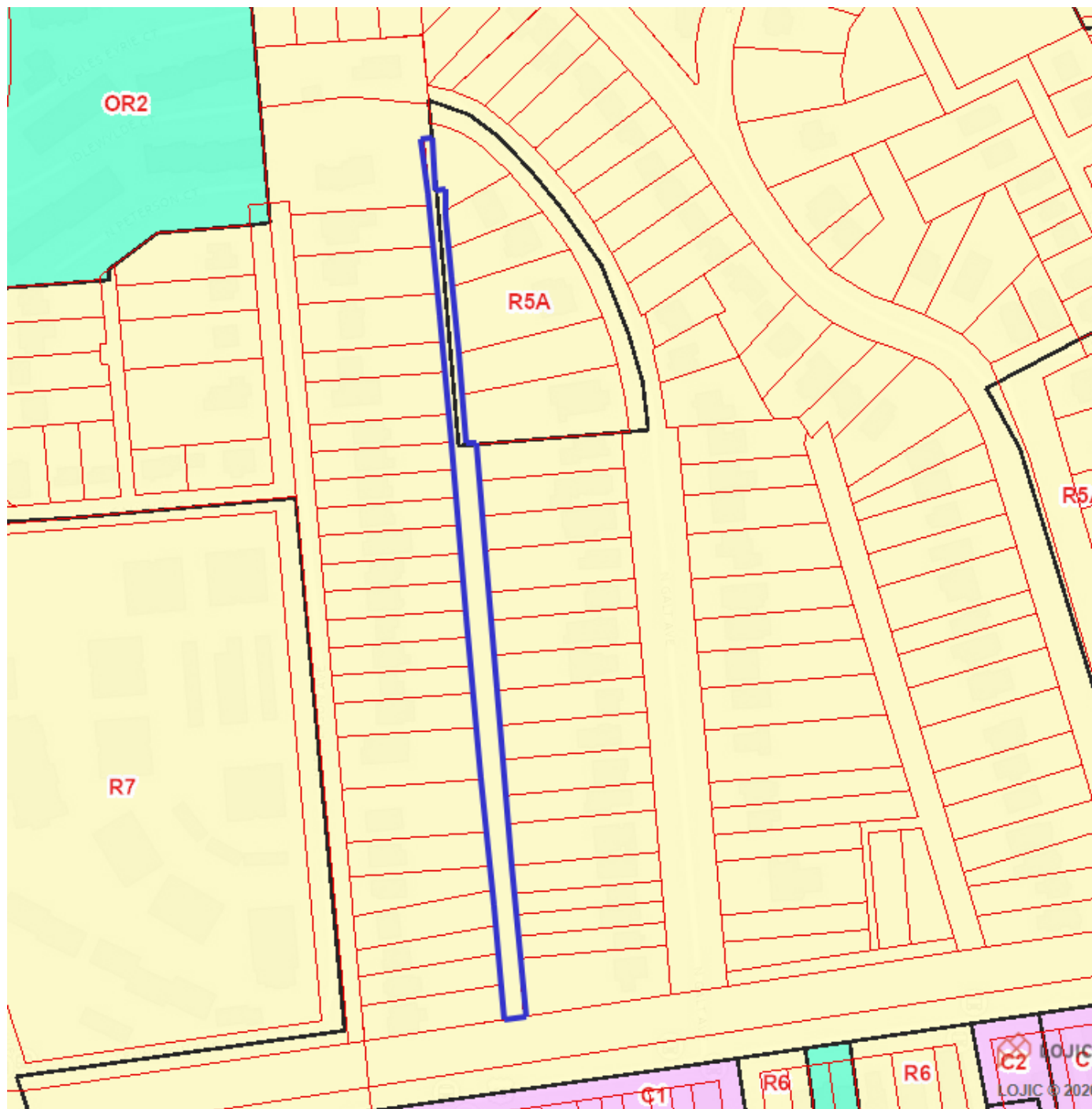
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
8/7/2026	Development Review Committee Public Hearing	1 st tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 9

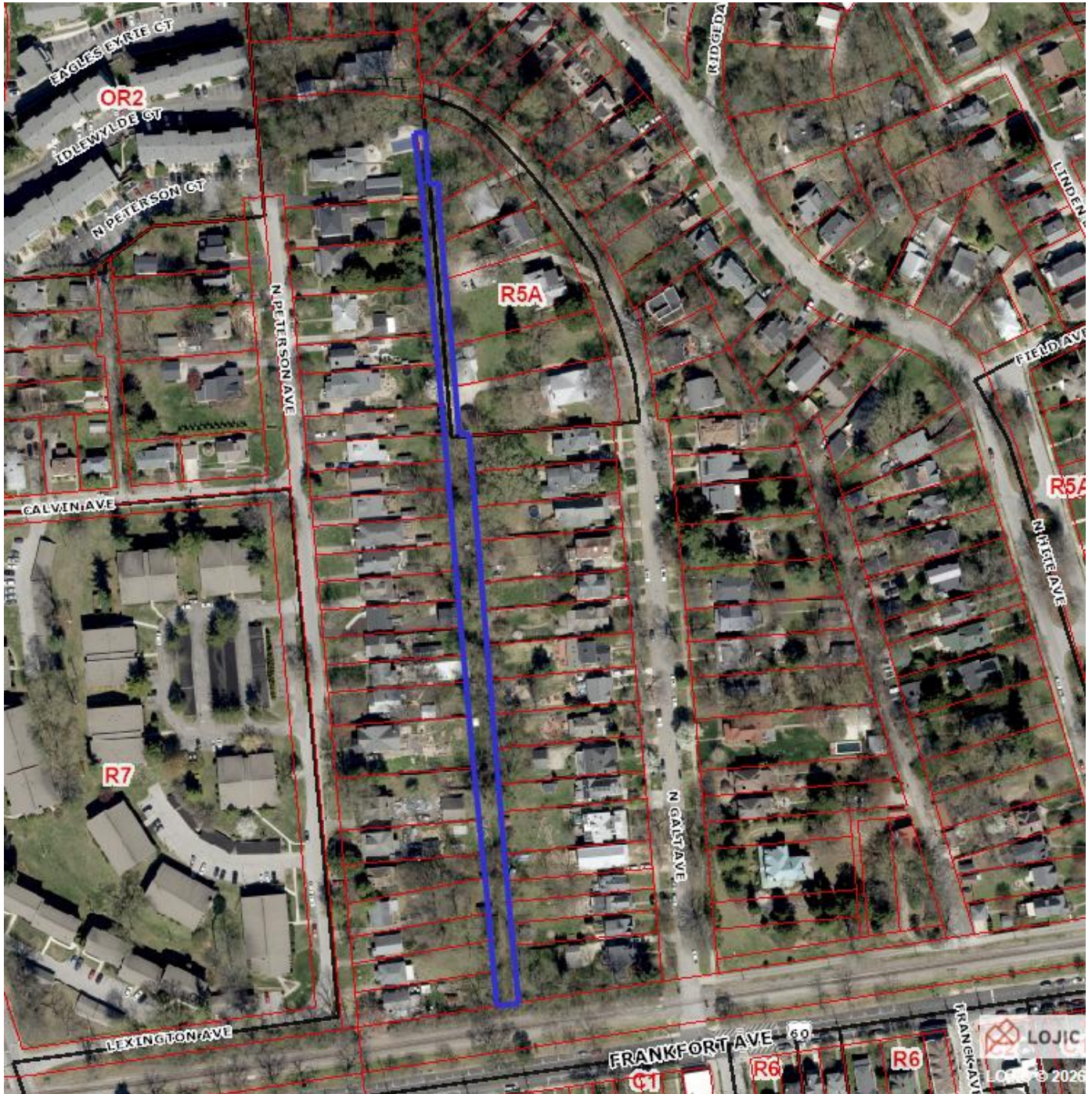
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. ZONING MAP



2. AERIAL PHOTOGRAPH



North Peterson Avenue

~ 60' R/W ~
D.B. 386, Pg. 638

Chatsworth Subdivision

D.B. 386, Pg. 638

Lynn H. Studwell
D.B. 3914, Pg. 206

Sylvester Lunsford Jr.
D.B. 10992, Pg. 528

Laura W. Welch
D.B. 7916, Pg. 264

Jerry L. & Cathy S. Hicks
D.B. 4350, Pg. 169

Helen M. Huber
D.B. 6203, Pg. 755

Kerry L. Bauer
D.B. 9868, Pg. 282

James Fitch IV
& Joanne A. Fitch
D.B. 11234, Pg. 909

Edgar & Carmen Graziani &
Sandra Graziani
D.B. 11055, Pg. 679

Elizabeth J. Ensign-George
D.B. 8544, Pg. 372

Creighton Benoit
D.B. 11181, Pg. 151

Lindsey N. Stroutman &
Aaron N. DeWitt
D.B. 10320, Pg. 091

Lynn H. Studwell
D.B. 8836, Pg. 884

Burnett R. Sanders III
D.B. 11549, Pg. 236

Lori A. Smith
D.B. 11504, Pg. 417

See PAGE 2

N 04°54'02" W 1260.91'

To Be Closed 32,383± Sq.Ft.

Alley

Variable Width

S 04°46'28" E 813.87'

Galt's Subdivision

in Crescent Hill
D.B. 346, Pg. 640

William S. Vander Meer
D.B. 8903, Pg. 970

James J. &
Juanita K. Jacobs
D.B. 4107, Pg. 150

Oraly A. Koyler &
Frances E. Weinstock
D.B. 5815, Pg. 736

Bernice W. Thomas &
Humphrey M. Thomas Jr.
D.B. —, Pg. —

Martha O. Schildmecht
D.B. 6453, Pg. 637

Larry & Cheryl Huggelt
D.B. 5356, Pg. 262

Colin Stouffer &
Evelyn Wilkinson
D.B. 10273, Pg. 429

Peter S. Melican
D.B. 8260, Pg. 607

North Galt Avenue

~ 80' R/W ~
D.B. 346, Pg. 640

LAND SURVEYORS CERTIFICATION

I, Kenneth Jason Graves, hereby certify that I am a Licensed Professional Land Surveyor in compliance with the laws of the Commonwealth of Kentucky, and I further certify that this plat of survey was completed by me, or persons under my supervision. This survey was completed by the method of random traverse with sideshots. The unadjusted precision ratio of said traverse loop was 1:56,867 and was not adjusted. The directional and linear measurements, as witnessed by the monuments shown hereon, are true and correct to the best of my knowledge and belief. This plat meets or exceeds the standards of governing authorities for an URBAN survey per 201-KAR-18:150.

Kenneth Jason Graves
Licensed Professional Land Surveyor No. 4010

05/11/2023

SURVEY NOTES

- All easements and setbacks listed are per the recorded deed, or plat, unless otherwise noted.
- A full title search was not requested or performed for this survey. Properties shown hereon are subject to all legal easements, right-of-ways, defects, liens, adverse claims, encumbrances, covenants and restrictions, which a title search may or may not reveal, whether shown on this plat or not.

SITE DATA

Zoned: R5
Form District: Traditional Neighborhood

100 50 0 100 200

Graphic Scale: 1" = 100 feet

LEGAL DESCRIPTION

Beginning at a set five-eighths inch diameter rebar, twenty-four inches in length, with a blue plastic cap stamped "JASON GRAVES KY PLS 4010", henceforth SET IPC, said SET IPC being the south-easterly corner of Fitch, deed book 11234, page 909 in the Office of the Clerk of Jefferson County, Kentucky, said corner being in the northerly line of L & N Railway's line, and point having a state plane coordinate of Northing: 277,961.233 (usr) and an Easting of 1,224,738.179 (usr);

Thence North 04 degrees 54 minutes 02 seconds West, passing an existing three-quarter inch diameter iron pipe at 216.58 feet, passing a SET IPC at 416.58 feet a distance of 1260.91 feet to a SET IPC, passing an existing three-quarter inch diameter iron pipe at 864.58 feet, in all 1260.91 feet to a SET IPC corner to Tanini, deed book 6333, page 530, Office aforesaid;

Thence North 85 degrees 04 minutes 22 seconds East a distance of 9.90 feet to a SET IPC, corner to Tanini;

Thence South 04 degrees 55 minutes 38 seconds East a distance of 74.26 feet to a SET IPC, corner to Tanini;

Thence North 85 degrees 04 minutes 22 seconds East a distance of 10.00 feet to an existing one inch diameter iron pipe (bent), corner to Tanini;

Thence South 04 degrees 55 minutes 38 seconds East, passing an existing three-quarter inch diameter iron pipe at 141.13 feet, passing an existing one inch diameter iron pipe at 296.00 feet, in all a distance of 371.00 feet to a set cross cut in concrete, corner to Wilding & Brumleve, deed book 8127, page 753, Office aforesaid;

Thence North 85 degrees 12 minutes 22 seconds East a distance of 10.52 feet to an existing wood fence post, corner to Rathke deed book 10668, page 782, Office aforesaid;

Thence South 04 degrees 46 minutes 28 seconds East, passing a three-quarter inch diameter crimped top iron pipe at 400.11, in all a distance of 813.87 feet to an existing one-half inch diameter rebar, at the south-westerly corner of Melican, deed book 8260, page 607, Office aforesaid, in the northerly line of L & N Railway;

Thence with L & N South 81 degrees 35 minutes 32 seconds West a distance of 28.89 feet to the POINT OF BEGINNING, having an area of 32,384 (more or less) Square Feet.

LEGEND

- Indicates a set rebar (5/8"x24") with a blue plastic cap stamped "JASON GRAVES KY PLS 4010"
- Indicates a set cross cut
- Indicates a found 1/2" rebar
- Indicates a found 1" iron pipe
- Indicates a found fence post
- Indicates a found 3/4" iron pipe
- Indicates a found 3/4" pinched iron pipe
- Indicates a calculated point (No monument found or set)

BEARING DATUM

KY GRID NORTH

Designated meridian is based on G.P.S. observations taken along a random traverse line on 09/23/2020.
Kentucky North Zone 1601
Horizontal Datum: NAD83
Vertical Datum: NAVD88
Geoid Model: Geoid 12a
Method: Network RTK
G.P.S. Unit: Spectra Precision SP80 (Dual Freq.)

ALLEY CLOSURE PLAT

Client Name: Kennedy Turner
Client Address: 1860 Mellwood Ave., Suite 222, Louisville, KY 40206
Property Located at: Rear Alley, North Peterson Avenue
Property Owner: City of Louisville
Property Owner's Address: 444 S. 5th Street, Louisville, KY 40202
Source of Ownership: D.B. 346, Pg. 640, D.B. 386, Pg. 638, P.B. 4, Pg. 86

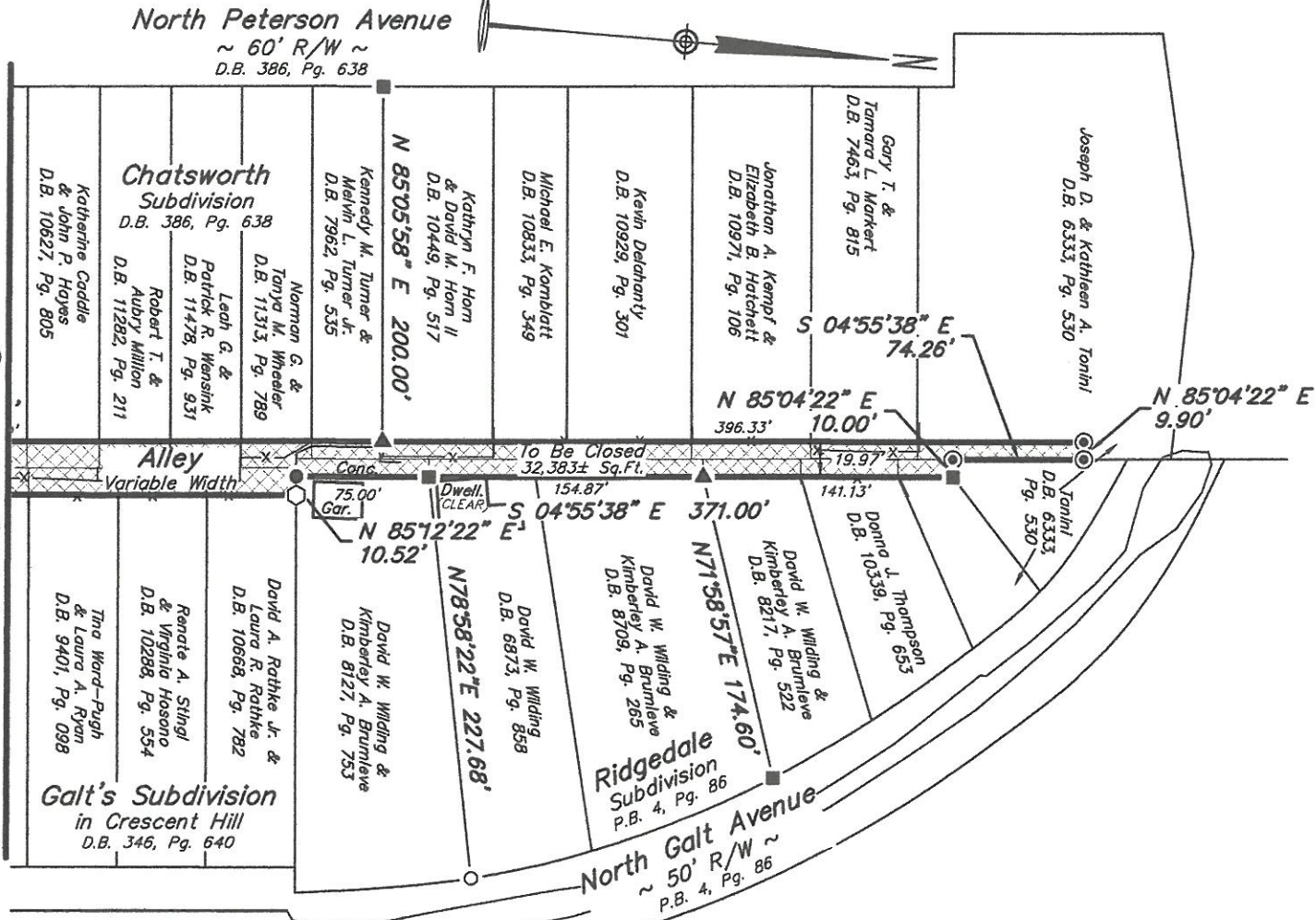
STATE of KENTUCKY
KENNETH J. GRAVES
4010
LICENSED PROFESSIONAL LAND SURVEYOR

Century
LAND SURVEYING
1107 State Street, Unit 4
New Albany, IN 47150
(502) 419-8136
Jason@LouisvilleLandSurveyor.com
www.louisvillelandsurveyor.com
THIS DOCUMENT COMPLIES WITH 201.KAR.18:150

Scale: 1" = 100'
Drawn by: J.Graves
Date: 05/08/2023
Rev.:
Field work performed by: JG
Field work completed on 05/08/2023
Page 1 of 2



See PAGE 1



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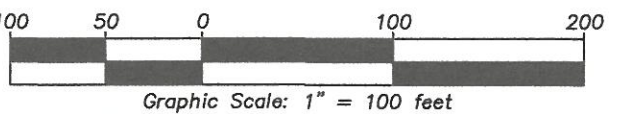
Kenneth Jason Graves
Licensed Professional Land Surveyor
Date: 05/11/2023
No. 4010

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Zoned: R5
Form District: Traditional Neighborhood



ALLEY CLOSURE PLAT

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Client Address: 1860 Mellwood Ave., Suite 222, Louisville, KY 40206
Property Located at: Rear Alley, North Peterson Avenue
Property Owner: City of Louisville
Property Owner's Address: 444 S. 5th Street, Louisville, KY 40202
Source of Ownership: D.B. 346, Pg. 640, D.B. 386, Pg. 638, P.B. 4, Pg. 86

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THIS DOCUMENT COMPLIES WITH 201.KAR.18:150

JUSTIFICATION

1. Adequate Public Facilities - Whether and the extent to which the request would result in demand on public facilities and services (both on-site and off-site), exceeding the capacity or interfering with the function of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services. No closure of any public right-of-way shall be approved where an identified current or future need for the facility exists. Where existing or proposed utilities are located within the right-of-way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities.

Adjoining properties will not be impacted regarding public utilities.

2. Cost for Improvement - The cost for a street or alley closing, or abandonment of any easement or land dedicated to the use of the public shall be paid by the applicant or developer of a proposed project, including cost of improvements to adjacent rights-of-way or relocation of utilities within an existing easement.

There will be no cost for improvement of the proposed existing alley closing.

3. Comprehensive Plan - The extent to which the proposed closure is in compliance with the Goals, Objectives, and Policies of the Comprehensive Plan.

The proposed closure is in compliance with the comprehensive plan.

4. Other Matters - Any other matters which the Planning Commission may deem relevant and appropriate.

There are no other matters relevant to the Planning Commission.

GRAHAM WHATLEY, ESQ.

Mellwood Art Center
1860 Mellwood Avenue, Suite 222
Louisville, KY 40206
(502) 742-9191 Office
(502) 744-2406 Cell
graham@grahamwhatley.com

June 7, 2022

MEMORANDUM IN SUPPORT OF

End the Alley Easement and remove from our Property Deeds

To reduce neighborhood crime, trespass and take control of our streets and especially the areas behind our homes, there is an exciting opportunity. We can have the City's alley easement permanently lifted on the unimproved alleyway which runs behind and between the properties on North Peterson and our neighboring street, North Galt!

Background

The Turner's have retained Attorney, Graham Whatley, who specializes in land use and zoning to address the concerns with the easement and its use, or more accurately, none use, and they would like to share some of his findings with you.

He has reached out to Metro Louisville, and they have informed him that the city has no intention of ever utilizing this easement for services or anything else. They informed him that the alley easement can be returned to the owners and the easement on each property deed lifted with little difficulty. However, and this is really the main "however," this process requires 51% of property owners to desire it in writing, and then an application can be filed along with a current survey. This action will allow you to own outright all your property without that restrictive easement in place. We expect it will add immediate value to your property as well as the Turners.

The Turners have already undertaken many of the requirements, for instance they have had a current land survey of the entire easement completed at their expense and it is ready for submission along with the application and the last item is the signed Consent to Alley Closure Form(s). These are the forms that 51% of us need to sign.

There will be no costs incurred to you for this process, as the associated fees have already been paid. If you desire this, property owners will simply sign and have their signature(s) notarized on the attached Consent to Alley Closure Form (one to be filled out by each owner. So, for example, husband and wife are the owners named on the deed, then both would need to fill out the form) approving it created for that purpose and returned to Graham Whatley for inclusion in the submission. When the application to close is approved any further issues of determining your property line with your neighbors will be up to you.

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MAR 29 2023

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23-STRCLOSUREPA-0010 28

If you're interested, following is a brief history of this alley easement.

History of the Alley Easement.

This plot of land (the alley easement) has always been rather misunderstood.

The space in question is deemed an "alley." It is currently considered by Louisville Metro to be an "unimproved alley/easement." As such, it falls under the City's Planning and Design Services and Inspections and Codes and Regulations Departments. It runs behind and between most of the properties on North Galt and North Peterson, dead ending at the South end near the railroad tracks and Frankfort Avenue, and to the North end near Brownsboro Road.

It was originally planned as an open pass-through with the intention of addressing possible drainage concerns and vehicular traffic predating automobiles at the time of the neighborhood's creation. The creation of this alley also predates the modern railway layout and goes back to a time when there were numerous crossings, including alleys, across the railway to Frankfort Avenue. The major changes to the railway (these changes were made to maintain or secure our corridor as a quiet zone from train whistles) thus landlocked the alley entirely.

Louisville Metro does not seek to keep this type of easement in place as it does not serve the purpose for which it was created and is simply a burden upon them to oversee.

Alley Easement is a burden without benefits.

So, we all own the property but because of the easement cannot fully utilize it, build on it, as historically, if you placed something there it was subject to removal. However, to our detriment all current property owners abutting the easement are considered responsible for maintaining their own portion, with no assistance provided by the City. So, in effect, over the years, due to the confusion of use of the easement, it has become overgrown and uncared for in many places.

The benefits of having the easement lifted and the alley officially closed are numerous. Most or many of us have left this space at the back of our properties alone to become overgrown. This poses a potential safety threat from strangers wandering through these ambiguous hidden areas behind our homes. Additionally, it has created confusion and misunderstandings between neighbors who are unclear of the boundaries and legalities of the unimproved alley. For example, some property owners may assume that they have fenced or enclosed the entirety of this easement to their own property and may think that this grants them ownership adversely, it does not. Permanently eliminating the city easement will restore full legal rights of ownership back to each deeded property owner of record.

Conclusion

We have taken on the ending of the easement, not to create issues but to resolve them. We think when these actions are taken it will help everyone by adding immediate value to our

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MAR 29 2023

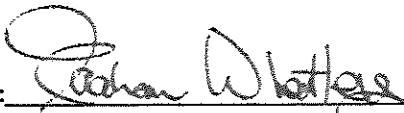
PLANNING & DESIGN
SERVICES

23-STCLOSURE-0010

properties and making this a better place to live. We hope you will feel comfortable signing the consent and can then look forward to receiving notice that part of your property is no longer encumbered with this easement!

Sincerely,

GRAHAM WHATLEY, ATTORNEY AT LAW

By: 
Graham Whatley, Esq.

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MAR 29 2023

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SERVICES

23-STRCLOSUREPA-0010 **30**



Louisville Metro Government

Text File

File Number: 26-DDP-0022

Agenda Date: 8/19/2026

Version: 1

Status: New Business

In Control: Development Review Committee

File Type: Planning Case

Agenda Number: 3.



26-DDP-0022

Development Review Committee
Staff Report
August 19, 2026

Flying Horse C-Store

Location: 6311 Commerce Park Court
Applicant: Upton Quick Stop Inc.
Representative: DSA Engineering Solutions, PLLC
Jurisdiction: Louisville Metro
Council District: 13 – Dan Seum, Jr.
Case Manager: Sydney Fawcett, AICP, Planner I

REQUESTS & RECOMMENDED ACTIONS

1. **26-WAIVER-0090:** Waiver of Land Development Code Section 10.2.4.B.3 to allow a utility easement to encroach more than 50% into a required landscape buffer area and to not provide the associated plantings
 - Staff finds the justification for the request is adequate and recommends the Development Review Committee **APPROVE** the Waiver
2. **26-WAIVER-0095:** Waiver of Land Development Code Section 5.6.1.C.1 to not provide clear windows and doors on 50% of wall surfaces are street level
 - Staff finds the justification for the request is adequate and recommends the Development Review Committee **APPROVE** the Waiver
3. Detailed District Development Plan with Binding Elements
 - Staff finds the justification for the request is adequate and recommends the Development Review Committee **APPROVE** the Detailed District Development Plan

CASE SUMMARY

The subject site is approximately 1.50 acres zoned C-M Commercial Manufacturing in the Neighborhood form district. The site is located along New Cut Road south of Highway 841. The site is currently undeveloped, and the applicant is proposing to construct a 3,828 square foot convenience store with associated gas canopy and 15 parking spaces. The subject site has existing utility easements along the northern, western, and southern property lines that overlay required landscape buffers. While the applicant can provide the buffers, the plantings cannot be provided. Due to the existing easements and layout of the site, the applicant has agreed to a fee in-lieu in place of the tree canopy that cannot be provided on site.

The applicant has also requested a variance to exceed the maximum front yard setback which was docketed for the August 17th Board of Zoning Adjustment meeting.

Related Cases

- **09-42-99:** Change in zoning from R-4 Single-Family Residential to R-5A Multi-Family Residential and C-M Commercial Manufacturing for a multi-family and industrial development with a General District Development Plan

TECHNICAL REVIEW

- Comprehensive Plan 2040
- Land Development Code (Louisville Metro 2025)
- MSD has provided preliminary approval
- Transportation Planning has provided preliminary approval

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 26-WAIVER-0090

(a) The waiver will not adversely affect adjacent property owners; and

STAFF FINDING: The waiver will not adversely affect adjacent property owners as the applicant will be providing a 15-foot landscape buffer along the northern and western property lines. Additionally, the subject site has roughly 85 feet of landscaped right-of-way along New Cut Road. The applicant will be providing plantings along the right-of-way to screen the subject site from the multi-family development across New Cut Road.

(b) The waiver will not violate specific guidelines of Plan 2040;

STAFF FINDING: The waiver will not violate specific guidelines of Plan 2040. Plan 2040 Community Form Goal 1 Policy 4 ensures new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. The surrounding developments have varying landscape buffers with minimal plantings. The existing utility easements prevent the applicant from providing the required landscape buffer without requesting a waiver.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF FINDING: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the easements are an existing condition of the site. While the applicant has indicated that the required plantings cannot be provided within the utility easements, a 15-foot

landscape buffer is still being provided. The applicant cannot provide the buffering without obtaining a waiver.

- (d) *Either: (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.*

STAFF FINDING: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the applicant is limited in where landscape buffers can be provided. Without the waiver to allow the existing utility easements to overlap more than 50% of the landscape buffers, the applicant would have to provide a significantly greater landscape buffer limiting the buildable area of the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 26-WAIVER-0095

- (a) *The waiver will not adversely affect adjacent property owners; and*

STAFF FINDING: The waiver will not adversely affect adjacent property owners as the surrounding industrial developments do not provide clear windows and doors along 50% of wall surfaces.

- (b) *The waiver will not violate specific guidelines of Plan 2040;*

STAFF FINDING: The requested waiver does not violate the guidelines of Plan 2040. Community Form Goal 1 Policy 4 calls to ensure new development is compatible with the scale and site design of nearby development and encourages quality design and building materials be promoted to enhance compatible development and redevelopment projects. The proposed structure will utilize animating features such as variation in materials in the absence of clear windows and doors. The surrounding developments consist of varying building scale and design, with some having a lack of clear windows and doors on 50% of their wall surfaces.

- (c) *The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant*

STAFF FINDING: The extent of the waiver is the minimum necessary to afford relief to the applicant as the provision of clear windows and doors for 50% of wall surfaces on three of four building facades is constrained by the storage and refrigeration within the internal floor plan which place limitations on available exterior wall surfaces for clear windows.

- (d) *Either: (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.*

STAFF FINDING: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as it would require a complete redesign of the internal floor plan to accommodate clear windows for 50% of three of the building's exterior facades by removal or reduction of the refrigeration, cooling, and storage.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN AND BINDING ELEMENTS

- a. *The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;*

STAFF FINDING: There do not appear to be any environmental constraints or historic resources on the subject site. The applicant will be required to obtain an approved landscape plan prior to construction.

- b. *The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;*

STAFF FINDING: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

- c. *The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;*

STAFF FINDING: There are no open space requirements for the proposed development.

- d. *The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;*

STAFF FINDING: The Metropolitan Sewer District has preliminarily approved the development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. *The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;*

STAFF FINDING:

- f. *Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.*

STAFF FINDING: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan. Community Goal 1 Policy 3.1.3 describes the Neighborhood form district as predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses should be limited to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas. Community Form Goal 1 Policy 4 calls to ensure new development and redevelopment is compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 1 Policy 9 suggests implementing an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The surrounding area has a mix of single-family, multi-family, and commercial developments. Due to its scale and site design, the proposed development acts as a transition from New Cut Road to the adjacent industrial developments. Additionally, the applicant will be providing tree canopy within the right-of-way along New Cut Road which will provide buffering to the proposed 10-foot shared use path along the southern property line.

Mobility Goal 3 Policy 20 suggests promoting joint access and circulation systems for development sites comprised of more than one buildable lot. The adjoining site is currently undeveloped. However, the applicant is providing a connection for the site to be developed in the future.

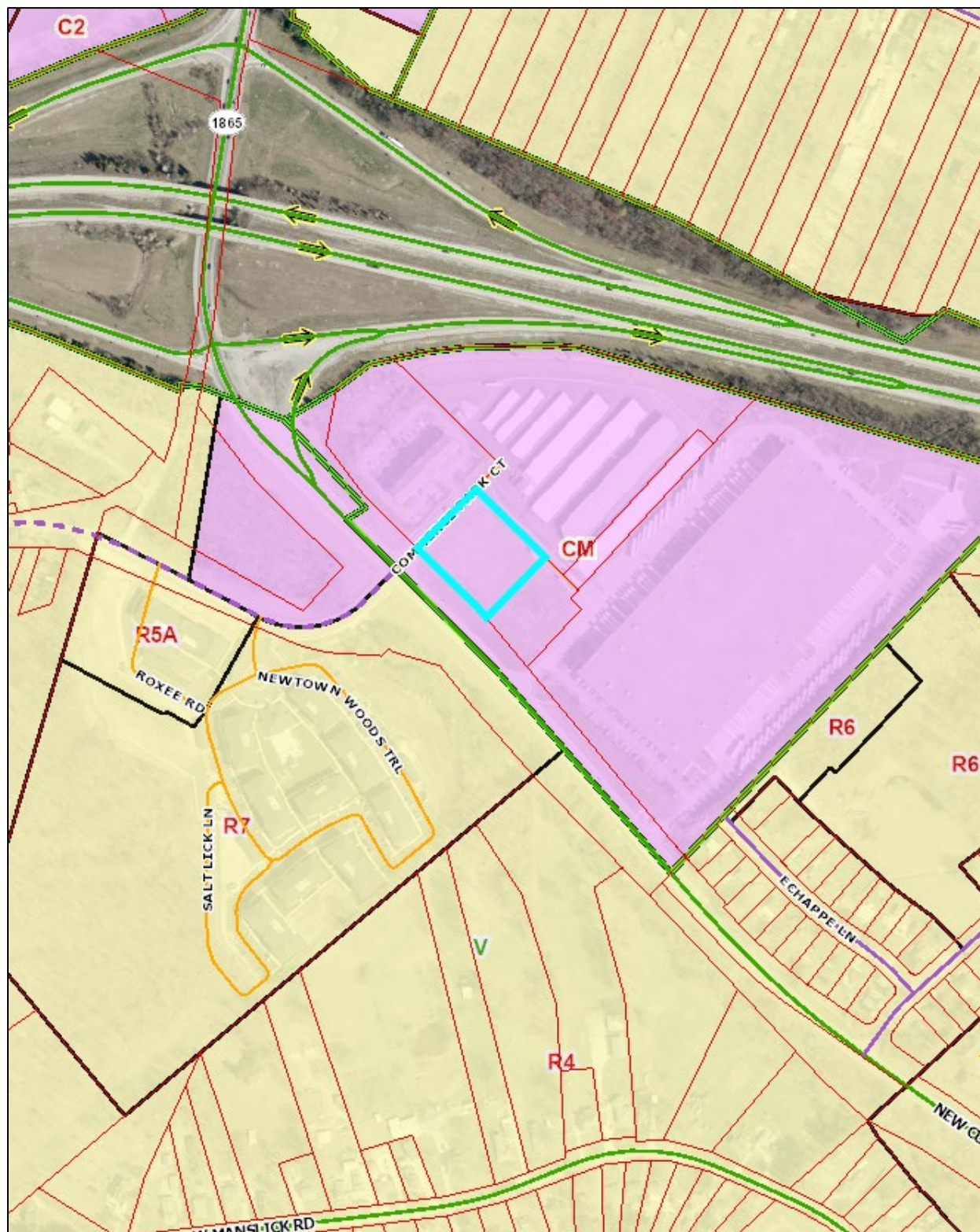
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
7/30/2026	Development Review Committee Public Hearing	1st tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 13

ATTACHMENTS

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

1. ZONING MAP



2. AERIAL PHOTOGRAPH



3. PROPOSED BINDING ELEMENTS

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is issued:
 - 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.
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.



R. Gary Glueck

Architecture

Planning

North Carolina Office
3797 Loop Road
Nashville, NC 27856

252-452-3000
glueckarchitecture@aol.com



INDIANA LICENSE
NO. 2632

CONTRACTOR SHALL
VERIFY AND BE
RESPONSIBLE FOR
ALL DIMENSIONS AT
JOB SITE.

NEW FREESTANDING BUILDING FOR:
FLYING HORSE
6311 NEW CUT ROAD
LOUISVILLE, KY 40118

PROJECT HISTORY

NO.	DATE	DESC.
1	4/1/26	CONSTR.

DRAWN BY: CADD

CHECKED BY: RGG

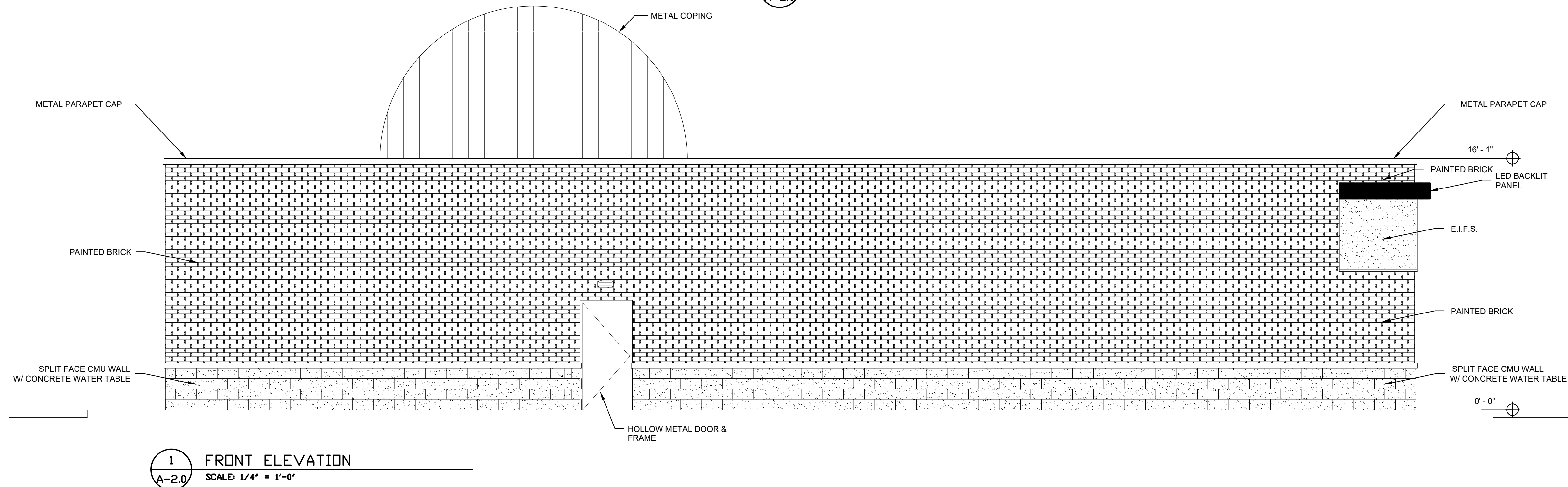
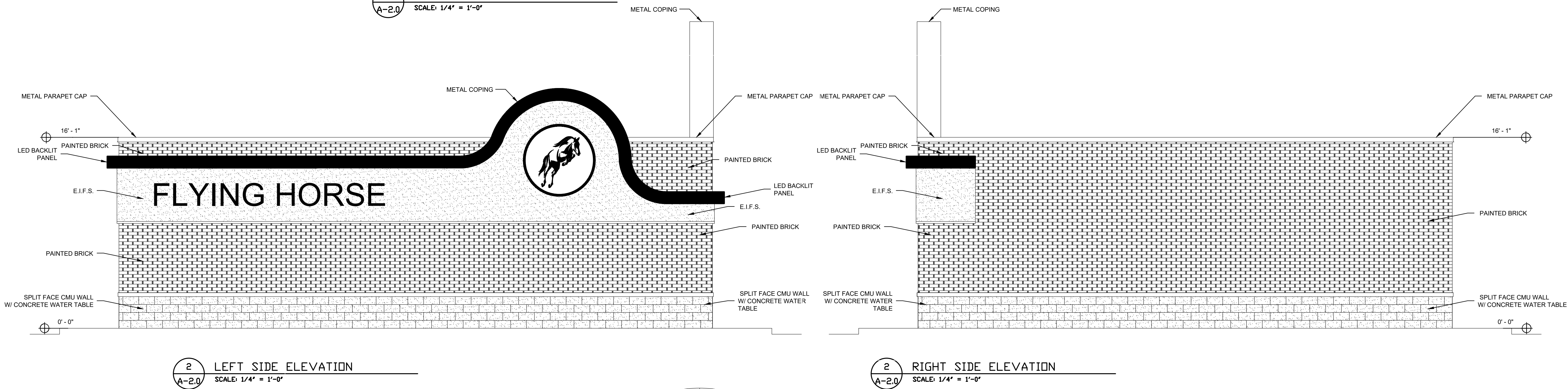
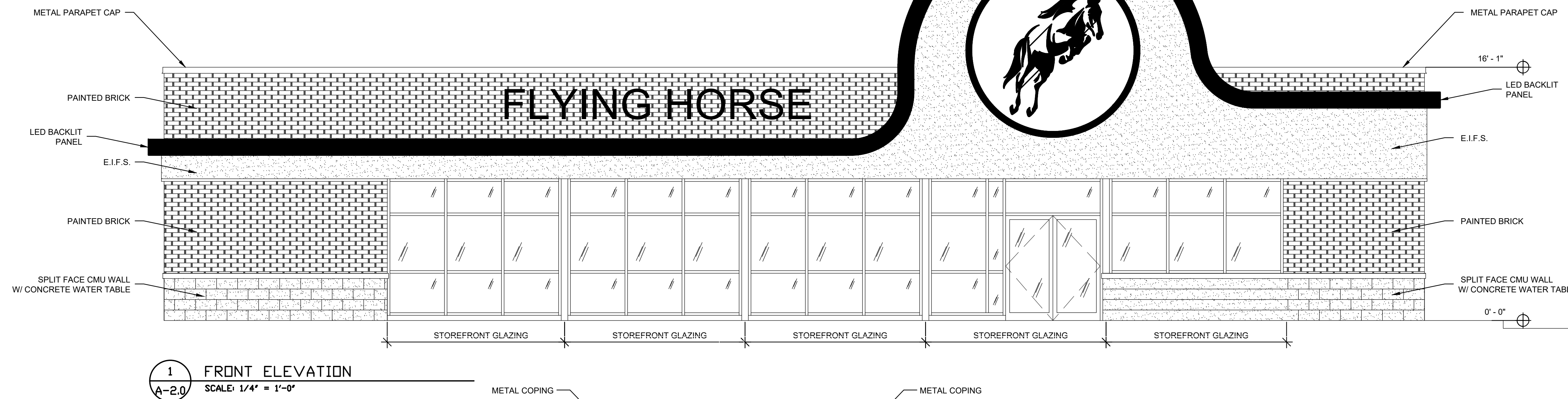
DATE: 4/1/26

SHEET TITLE

EXTERIOR ELEVATIONS

PROJECT SHEET NO.

1025004 A-2.0



April 27, 2026

Louisville Metro Planning & Development
444 S. 5th St.
Louisville, KY 40202

RE: Revised District Development Plan
Upton Quick Stop Inc.
6311 New Cut Road

To Planning and Design Services:

On behalf of Upton Quick Stop Inc., please see the enclosed Revised District Development Plan and supporting documents. The proposed improvements of the 1.48 acres, located at 6311 New Cut Rd., sustain the development of a convenient store with fueling options. The RDD Plan showing the 3,828 sq.ft. store and 10 pump canopy is similar to the previously approved plan, only revised to reflect the desire of the new owners and conform to revised development standards. It is the owner's expectation that the store fills a need for the adjacent community by providing convenient food, beverage and fuel options.

The new development is to be known as Flying Horse C-Store. The Flying Horse brand has other locations serving the nearby communities of Elizabethtown, Radcliffe and Frankfort. They are happy to extend their service options to the Louisville area.

If you have any questions for me or would like additional information, please contact me at nick_dunn@dsaengineeringsolutions.com or 859-629-1492.

Sincerely,

Nicholas T, Dunn, PE
Owner - Engineer
DSA Engineering Solutions, PLLC.
3485 Old Hustonville Rd.
Danville, KY 40422

JUSTIFICATION

To justify approval of any waiver, the Board or Commission considers the following criteria.

Please answer ALL of the following items. Use additional sheets if needed. Responses of Yes, No, or N/A will NOT be accepted.

1. Will the waiver adversely affect adjacent property owners?

NO IT IS THE INTENT OF THE APPLICANT TO FULFILL THE LANDSCAPING REQUIREMENTS

2. Will the waiver violate the Comprehensive Plan?

NO THE LANDSCAPE BUFFER AREAS WILL BE INSTALLED. THE EXISTING UTILITIES AND THEIR BASEMENTS WILL OVERLAP THE PLANNED LANDSCAPING.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

YES THE ADDITIONAL OVERLAP WITHIN THE EASEMENTS WILL ALLOW FOR THE REQUIRED PLANTINGS.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

A) NO THE AVAILABLE DEVELOPABLE AREA LIMITS OTHER DESIGN OPTIONS AND
B) THE STRICT APPLICATION OF THE REGULATIONS WOULD NOT ALLOW FOR THE REQUIRED PLANTINGS WITHIN THE LBAS.

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JUL 16 2026

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JUSTIFICATION

To justify approval of any waiver, the Board or Commission considers the following criteria.

Please answer ALL of the following items. Use additional sheets if needed. Responses of Yes, No, or N/A will NOT be accepted.

1. Will the waiver adversely affect adjacent property owners?

NO THE WAIVER IS SPECIFIC TO THE WINDOWS AND DOORS ON THE BUILDING.

2. Will the waiver violate the Comprehensive Plan?

NO AS STATED ABOVE, ITS ONLY RELATED TO WINDOWS AND DOORS.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

YES ACCORDING TO ARCHITECT

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

A) NO THE ARRANGEMENT IS TYPICAL FOR C-STORE / GAS STATIONS
 B) STRICT APPLICATION WOULD LIMIT THE RETAIL ARRANGEMENTS
 ON THE INSIDE OF THE STORE.

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JUL 30 2026

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PLANNING



Louisville Metro Government

Text File

File Number: 26-MPLAT-0090

Agenda Date: 8/19/2026

Version: 1

Status: New Business

In Control: Development Review Committee

File Type: Planning Case

Agenda Number: 4.



25-MPLAT-0090

Development Review Committee
Staff Report
August 14, 2026

Pound Minor Subdivision Plat

Location: 10107 Watterson Trail
Applicant: Nathan Grimes
Representative: Nathan Grimes
Jurisdiction: Jeffersontown
Council District: 11 – Kevin Kramer
Case Manager: Drake Watson, Planner I

REQUEST & RECOMMENDED ACTION

1. Minor Subdivision plat to amend a record plat to create two (2) tracts from one (1) tract.
 - Staff finds that reasonable notice has been given to all persons that may be affected by the recorded plat amendment and recommends that the Development Review Committee **APPROVE** the **Minor Subdivision Plat**.

CASE SUMMARY

The applicant is requesting to create two (2) tracts from one (1) tract. The subject site is currently zoned R-5 Single-Family Residential and is located within the Neighborhood form district on 0.43 acres. It is located on the north side of Watterson Trail, four (4) lots east of Walnutwood Way. The original parcel is Lot 40 of the Greggs Addition to Jeffersontown Subdivision, recorded within the Jefferson County Clerk in Plat Book 1, Page 96.

TECHNICAL REVIEW

- Per Section 7.1.91 of the Land Development Code, the Development Review Committee shall have the power to amend any recorded plat, if reasonable notice and an opportunity to express objections or concerns have been given to all persons affected by the recorded plat amendment.
- Notices were sent out to first-tier property owners and residents and all registered citizens within Council District 11. If the Committee determines that this is not sufficient notice, they shall determine the following:
 - Who may be affected;
 - Who should be given notice;
 - The nature of the notice;
 - The manner by which the opportunity to express objections or concerns will be accommodated.

- MSD has provided preliminary approval.
- Transportation Planning has provided preliminary approval.

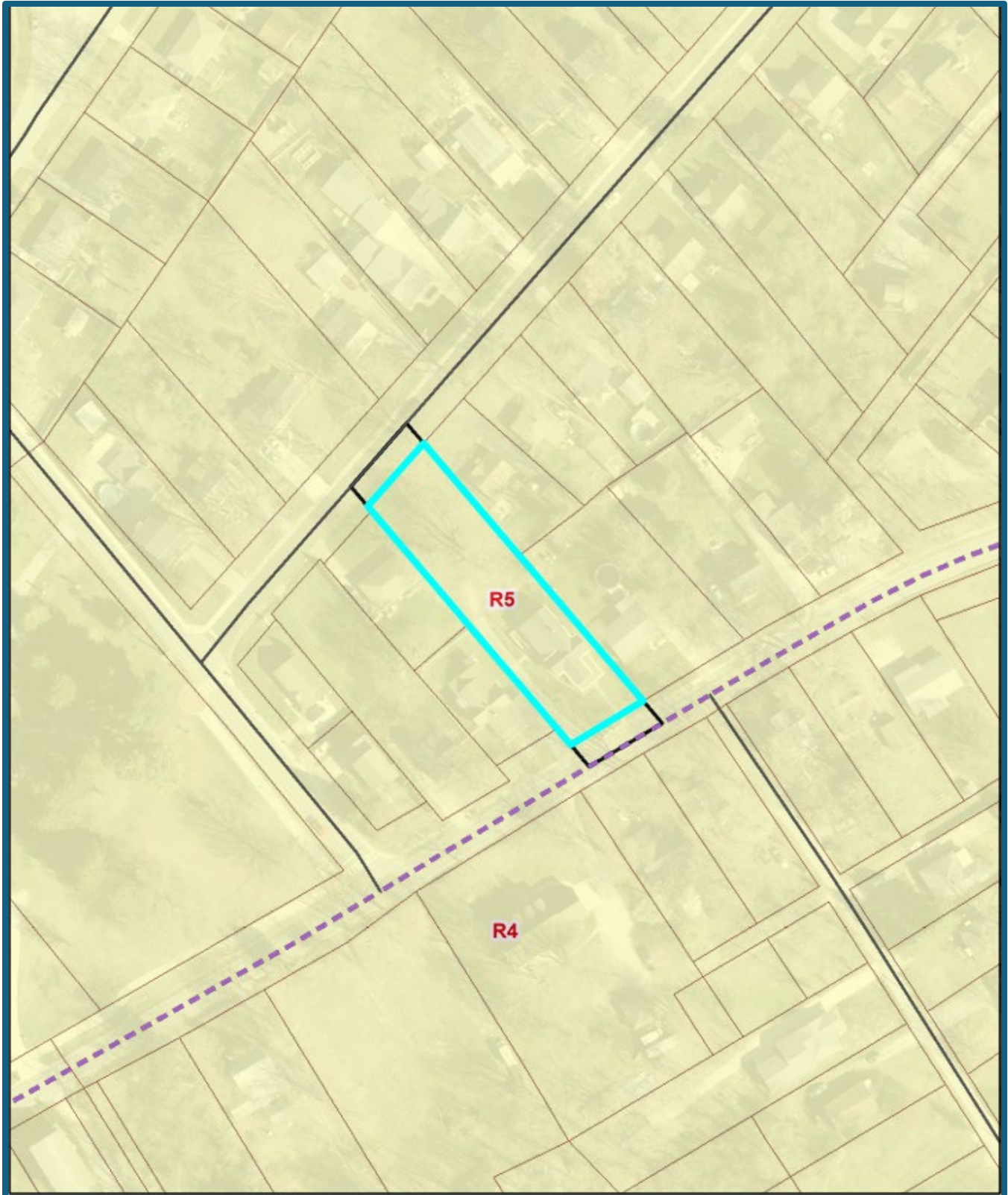
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
08/03/2026	Development Review Committee Public Hearing	1st tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 11

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



CERTIFICATE OF OWNERSHIP AND DEDICATION

This is to certify that the undersigned is the owner of the land shown on this plat and hereby acknowledges the same to be the plat of the Estate of Margaret Pound, Phyllis Gribbins, Exec., D.B. 3396, Pg. 442 and does hereby dedicate to public use a 40' Right-Of-Way of Watterson Trail shown thereon.

Phyllis Gribbins
Owner Signature

10107 Watterson Trail, Jeffersontown, KY 40298
Address

Certification of Acknowledgment
Commonwealth of Kentucky
County of Jefferson

I, *Nathan R. Grimes*, a Notary Public in and for the County aforesaid do hereby certify that the foregoing plat of the Estate of Margaret Pound, Phyllis Gribbins, Exec., D.B. 3396, Pg. 442 was this day presented to me by Phyllis Gribbins, Exec., known to me, who executed these Certificates in my presence and acknowledges it to be her free act and deed.

Witness my hand and seal this *31* day of *July*, 20*26*
My Commission expires: *24* day of *May*, 20*30*

CERTIFICATE OF APPROVAL

APPROVED THIS _____ DAY OF _____, 20____.

INVALID IF NOT RECORDED BEFORE THIS DATE: _____.

BY:

PLANNING COMMISSION

APPROVAL SUBJECT TO ATTACHED CERTIFICATES.

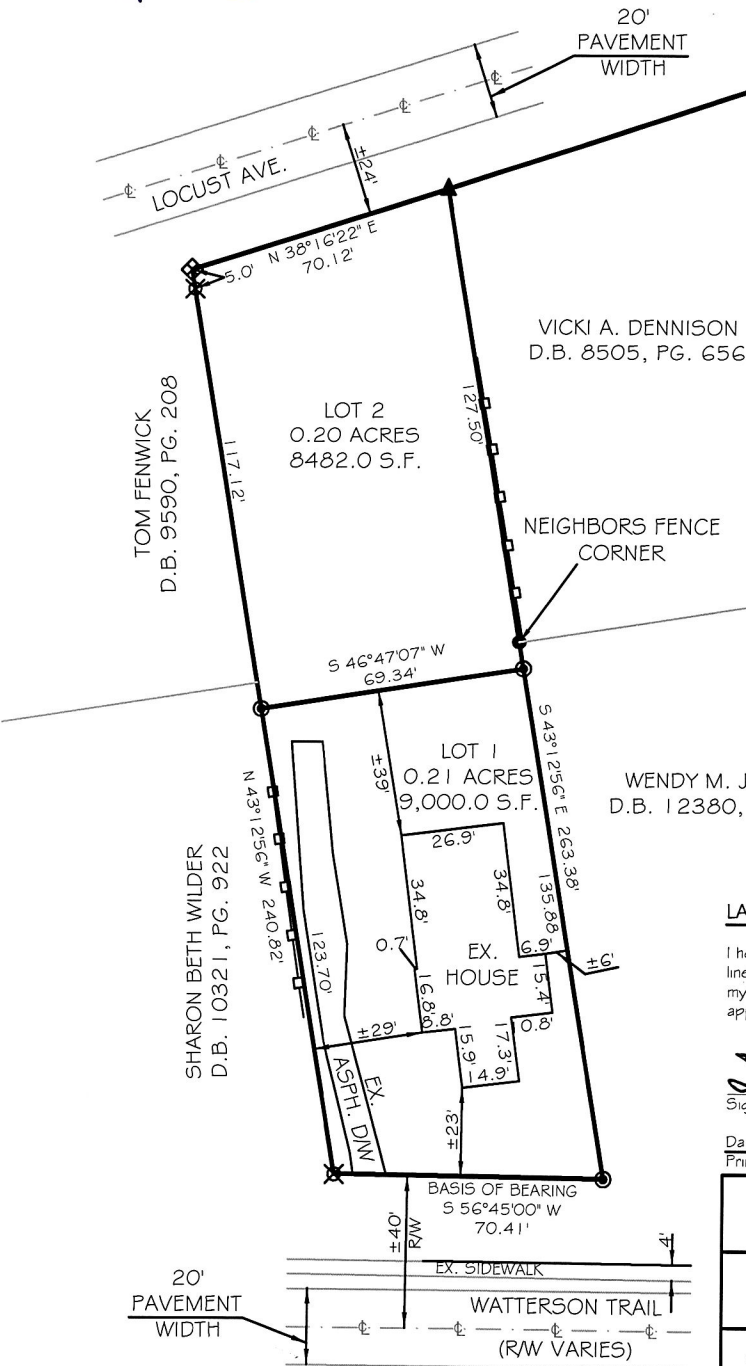
SPECIAL REQUIREMENT(S): _____

DOCKET NUMBER: _____



LEGEND

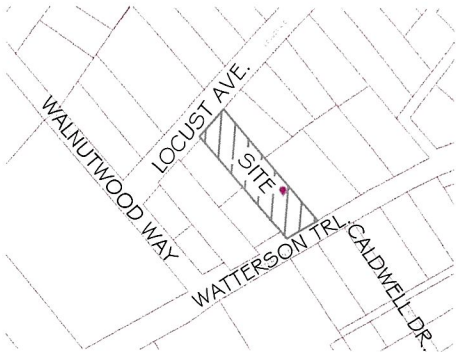
- SET GRIMES PIN & CAP
- ▲ SET GRIMES MAG NAIL WITH DISK OVER READING IN TREE ROOT
- ⊗ FOUND 1/2" PIN
- ◆ FOUND 1.5" PIPE
- WOOD/VINYL FENCE
- FOUND 3/4" PIPE



NOTE:
• THIS PLAT AMENDS PLAT BOOK 1, PG. 96 WHICH IS THE GREGGS ADDITION TO JEFFERSONTOWN SUBDIVISION.
• THIS SITE LIES WITHIN THE KARST TERRAIN AREA. ANY SUBSEQUENT DEVELOPMENT ON SITE IS SUBJECT TO THE REQUIREMENTS OF CHAPTER 4 SECTION 9 OF THE LAND DEVELOPMENT CODE.

FLOODPLAIN NOTE
THE SITE IS NOT WITHIN A 100-YEAR FLOOD ELEVATION PER FIRM MAP 21111C0063F, EFFECTIVE 02/26/2021

CORNER OF LOTS 36 & 45 OF GREGG'S SECOND ADDITION OF JEFFERSONTOWN, PLAT BOOK 1, PAGE 96



VICINITY MAP
SCALE: NTS

LAND SURVEYOR'S CERTIFICATE

I hereby certify that this plat and survey were made under my supervision, and that the angular and linear measurements as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief. This survey and plat meets or exceeds the minimum standards of all applicable regulations.

Dan Grimes 4431 7-31-26
Signature RL# Date

Daniel T. Grimes
Print Name

SOURCE OF TITLE:	D.B. 3396, PG. 442
ZONING & FORM DISTRICT:	ZONING: R5 FORM DISTRICT: NEIGHBORHOOD
TAX BLOCK & LOT NO.:	TAX BLOCK: 0489 LOT NUMBER: 004

STATE OF KENTUCKY
DANIEL T. GRIMES
4431
LICENSED PROFESSIONAL LAND SURVEYOR

Dan Grimes
7-31-26

OWNER'S NAME & ADDRESS		THE ESTATE OF MARGARET L. POUND PHYLLIS GRIBBINS, EXEC. 3615 DELL ROAD JEFFERSONTOWN, KY 40298	
STATEMENT OF PURPOSE:		THE PURPOSE OF THIS MINOR SUBDIVISION PLAT IS TO CREATE 2 LOTS FROM 1 LOT.	
POUND MINOR PLAT			
SITE ADDRESS:		10107 WATTERSON TRL. JEFFERSONTOWN, KY 40299	
CLIENT:		ESTATE OF MARGARET POUND	
DEED HOLDER:		THE ESTATE OF MARGARET L. POUND PHYLLIS GRIBBINS, EXEC.	
Project No: 2025-063		Scale: 1"=50'	Dwn by: BAS/DTG
Chk by: NG		Date: 07/15/2026	



117 S Indiana Avenue
Sellersburg, IN 47172
Tel: 812-246-5897
www.rdbi-inc.com



Louisville Metro Government

Text File

File Number: 26-WAIVER-0099

Agenda Date: 8/19/2026

Version: 1

Status: New Business

In Control: Development Review Committee

File Type: Planning Case

Agenda Number: 5.



26-WAIVER-0099

Development Review Committee
Staff Report
August 19, 2026

Landscape & Site Design Waivers

Location: 1601 Dixie Hwy
Applicant: Edward Leon Rhodes
Representative: Edward Leon Rhodes
Jurisdiction: Louisville Metro
Council District: 6 – J.P. Lyninger
Case Manager: Mollie Share, Planner I

REQUESTS & RECOMMENDED ACTIONS

1. Waiver of Land Development Code Section 5.5.5.A.1 to permit an accessory structure to be visible from the public street.
 - Staff finds the justification for the request is adequate and recommends the Development Review Committee **APPROVE** the Waiver.
2. Waiver of Land Development Code Section 10.2.10 to waive the 5-foot VUA LBA planting requirement.
 - Staff finds the justification for the request is adequate and recommends the Development Review Committee **APPROVE** the Waiver.

CASE SUMMARY

The subject site is approximately 0.17 acres on the corner of Dixie Highway and West Gaulbert Avenue in the C-2 Commercial zoning district and Traditional Marketplace Corridor form district. The applicant is proposing a 990 square foot storage building to be constructed 5 feet away from West Gaulbert Avenue right-of-way. Since the proposed accessory structure is visible from the public street, a waiver is required. Additionally, the applicant is seeking a waiver to provide relief to the 5-foot vehicular use area landscape buffer areas along both rights-of-ways.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1

(a) The waiver will not adversely affect adjacent property owners; and

STAFF FINDING: The requested waiver will not adversely affect adjacent property owners as the proposed building will be built to all applicable building code regulations and does not cause any site triangle issues. The intent of the structure is to make the site look more visually appealing to those around it by moving outdoor storage items inside a building.

(b) The waiver will not violate specific guidelines of Plan 2040;

STAFF FINDING: Community Form Goal 1 Policy 12 states that the design of parking, loading, and delivery areas located adjacent to residential areas minimize adverse impacts from noise, light and other potential impacts. It goes on to ensure that these areas are convenient for motorists but does not negatively impact nearby residents or pedestrians. The placement of a building along the rear property line will serve as a physical barrier between this commercial use and the residential to the east by providing some screening from noise and light impacts the site may produce.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF FINDING: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the site is on a corner lot and the primary building on the site is in the most interior corner. There is no place to put the building without it being visible by the public street.

(d) Either: (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF FINDING: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of land and would create an unnecessary hardship for the applicant. The applicant has a used auto sales business, and restrictions on the number of vehicles on the site can hinder their sales. With the addition of this storage building, the applicant can keep additional cars on the site while alleviating their zoning enforcement concerns and cleaning up the site in the process.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2

(a) The waiver will not adversely affect adjacent property owners; and

STAFF FINDING: There would be no change to the current landscaping, or lack thereof, on the site if approved, therefore there is no adverse impact on adjoining property owners because the current state of the property is not changing.

(b) The waiver will not violate specific guidelines of Plan 2040;

STAFF FINDING: Community Form Goal 1 Policy 4 ensures that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. For a 990 square foot building to improve site appearance, around 800 square feet of landscaping is thus triggered and required to be planted. The cost and hardship of planting and maintaining a landscape buffer along two street frontages, while losing inventory space, is not comparable to the construction and maintenance of a

smaller-than-average building within the general vicinity. Because of the size, location, and use of the site, this requirement is disproportional in scale and site design to the nearby existing and desired pattern of development within this section of the Traditional Marketplace Corridor.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF FINDING: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since this is an existing site condition that would not require improvement if the size of the lot was larger, due to the threshold requirements for landscaping in Chapter 10 of the LDC.

(d) Either: (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF FINDING: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of land and would create an unnecessary hardship for the applicant. This site has been developed with parking lots all the way up to the right-of-way in order to utilize the entirety of the small site for auto sales. Requiring the applicant to remove the existing concrete to put in plantings would have a negative impact on the business because the site would have less visibility along a major traffic corridor and they would not be able to store as much inventory on site.

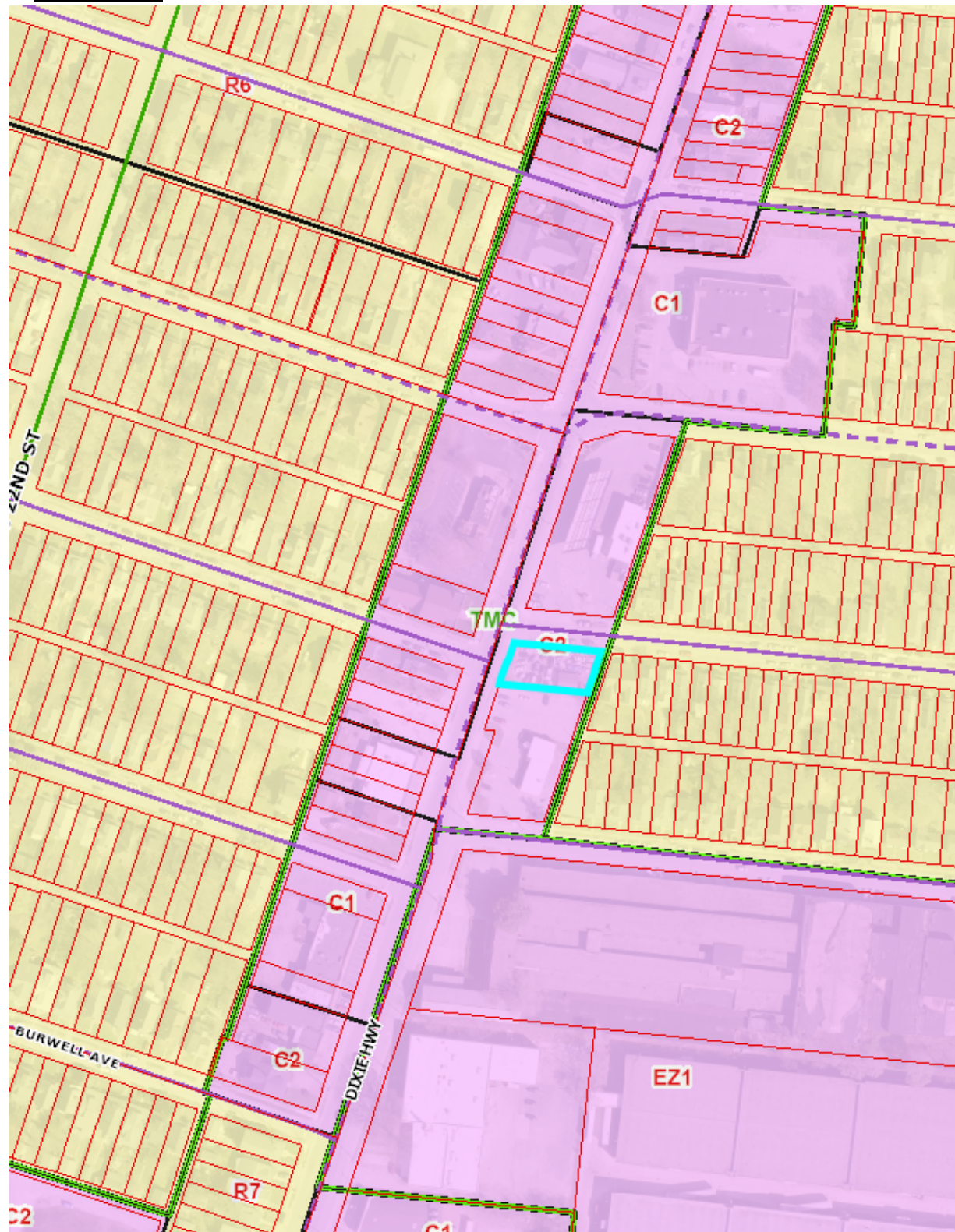
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
08/05/2026	Development Review Committee Hearing	1 st tier adjoining property owners and current residents
08/07/2026	Development Review Committee Hearing	Registered Neighborhood Groups in Council District 6

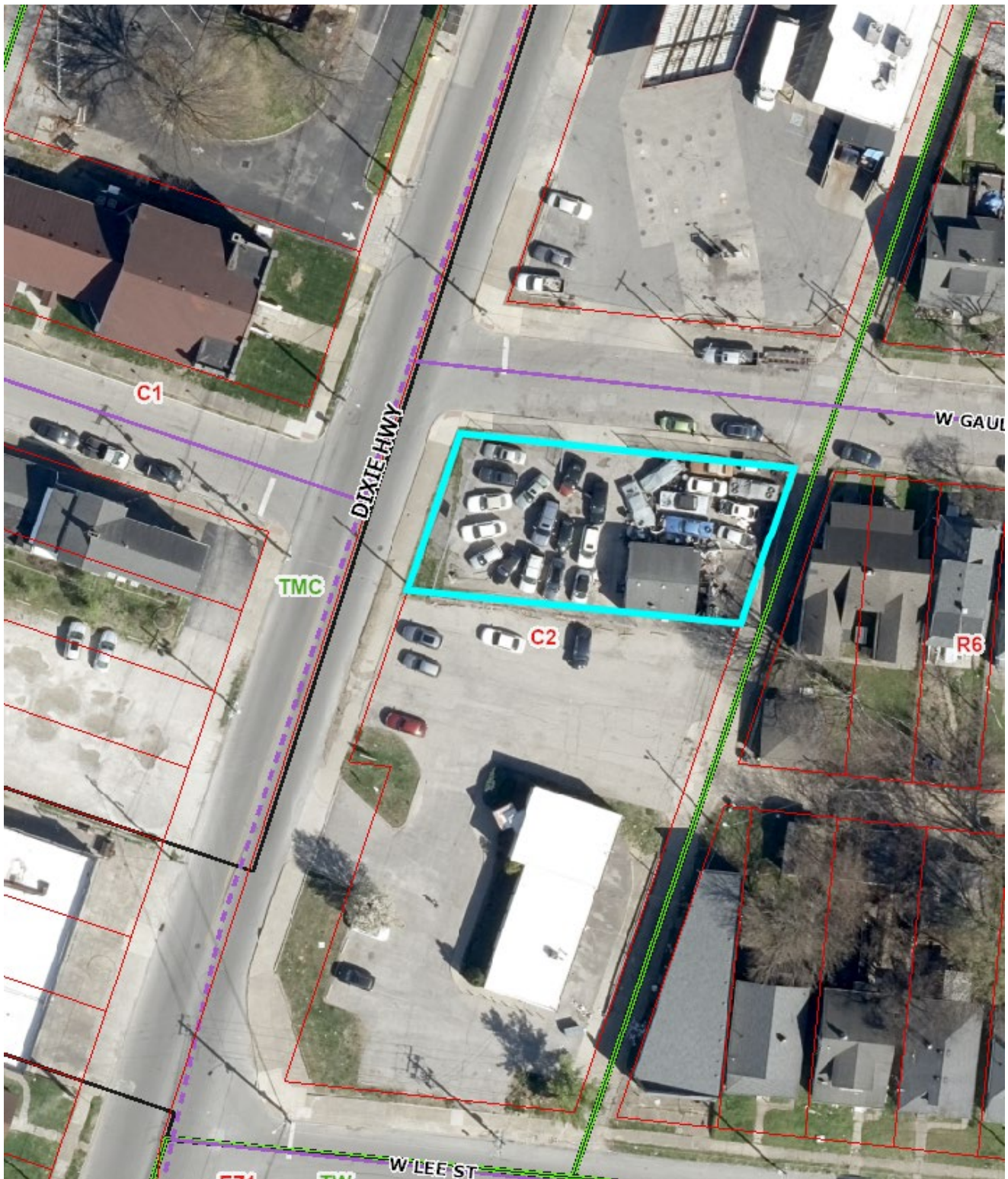
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph





Louisville Metro, MSD, LWC & PVA © 2026
This map is not a legal document and should only be used for general reference and identification.

1601 DIXIE HWY

7/6/2026, 1:07:59 PM

0 15 30ft



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AUG 04 2026

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• waiver for 5' LBA & Accessory to be seen from street

26-waiver-0099

JUSTIFICATION

To justify approval of any waiver, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes**, **No**, or **N/A** will **NOT** be accepted.

1. Will the waiver adversely affect adjacent property owners?

NO this will not affect adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

NO

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

yes burden upon property owner for additional landscaping.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

(B)

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AUG 04 2026

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PLANNING**