



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.

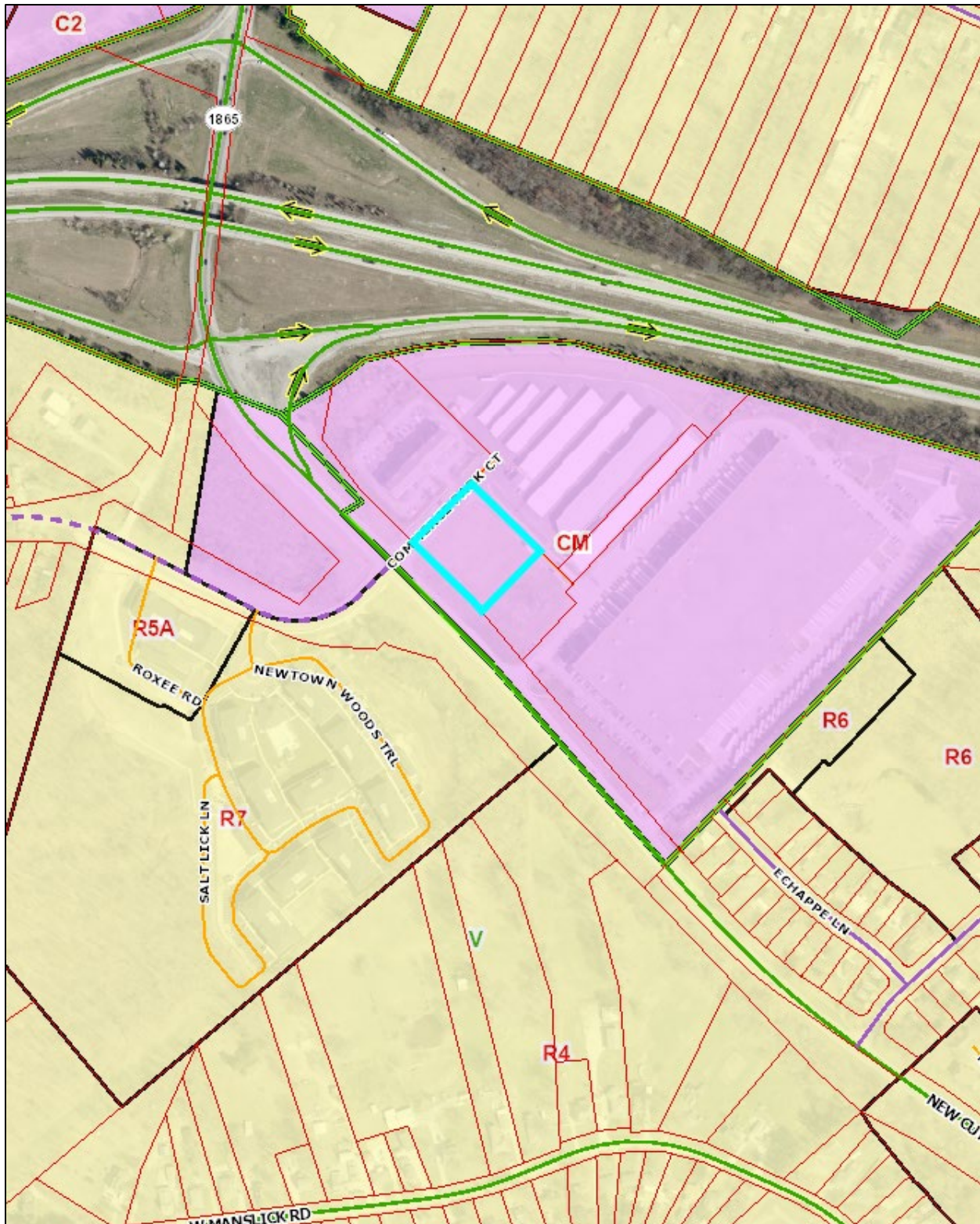
NOTIFICATION

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.