

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE  
June 3, 2026**

A meeting of the Louisville Metro Development Review Committee was held on June 3, 2026, at 1:00 p.m. at the Old Jail Auditorium, 514 West Liberty Street Louisville, KY 40202.

**Committee Members Present:**

Bill Fischer, Chair  
Steve Lannert  
David Steff  
Beth Stuber  
Jim Mims

**Staff Members Present:**

Joseph Haberman, Planning Manager  
Rachel Casey, Planning Supervisor  
Laura Ferguson, Assistant County Attorney  
Catherine Gomez, Planner I  
Abby Bills, Planner I  
Zach Schwager, Planner I  
Haritha Gurivindapalli, Management Assistant

The following matters were considered:

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**APPROVAL OF MINUTES**

**MAY 20, 2026, DEVELOPMENT REVIEW COMMITTEE MINUTES**

00:02:55 On a motion by Commissioner Steff, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on May 20, 2026.

**The vote was as follows:**

**YES: Commissioners Steff, Lannert, Stuber, Mims, and Fischer**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
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**NEW BUSINESS**

**CASE NO. 26-EXTENSION-0007**

Request:	Extension of Expiration
Project Name:	Cooper Chapel Road
Location:	8300 Cooper Chapel Road
Applicant:	GVPT Cooper LLC
Representative:	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	District 23- Jeff Hudson
Case Manager:	Catherine Gomez, 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 5<sup>th</sup> Street.)

**00:03:20     Commissioner Steff recused himself from the case:**

**Agency Testimony:**

00:03:30     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:**

Cliff Ashburner, Dinsmore & Shohl, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, KY 40202

**Summary of those in favor:**

00:06:00     Cliff Ashburner provided an overview of the request and presented a PowerPoint presentation. Ashburner outlined the history of the site, current ongoing road projects, utility relocations around the property. Ashburner mentioned that right-of-way acquisition for the Cooper Chapel Road extension has been completed, and alignment work on Buechel Church Road is expected soon. As a result, the applicant is requesting a two-year extension of the previously approved plan to allow time for the road improvements to be completed. The expectation is that, within this timeframe, the

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infrastructure will be sufficiently developed to support the project. Ashburner answered questions from Committee Members. (See recording for details)

**The following spoke in opposition to the request:**

**None**

**Deliberation:**

00:11:55      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:**

00:13:00      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:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested extension of expiration for two years until May 12, 2028.

**The vote was as follows:**

**YES: Commissioners Lannert, Stuber, Mims, and Fischer**

**RECUSED: Commissioner Steff**

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**NEW BUSINESS**

**CASE NO. 26-MPLAT-0043**

Request: Minor Subdivision Plat to create one (1) substandard lot pursuant to Land Development Code (LDC) Section 7.1.85.  
Project Name: Richmond Dr Minor Plat  
Location: 1971 Richmond Dr  
Applicant: The Sanctuary on Bardstown Rd LLLP  
Representative: Land Design & Development, Inc.  
Jurisdiction: Louisville Metro  
Council District: District 8 – Ben Reno-Weber  
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 5<sup>th</sup> Street.)

**Agency Testimony:**

00:14:00 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:**

Mike Hill, 503 Washburn Avenue, Louisville, KY 40222

**Summary of testimony of those in favor:**

00:17:25 Mike Hill provided an overview of the request and presented a PowerPoint presentation. Hill explained that the applicant proposed splitting an existing parking lot into two lots due to reduced parking needs. One lot will remain a smaller parking area serving nearby apartments and a restaurant, while the second will become a residential lot for a future single-family home with no alley access. A fence will separate the lots, and the future buyer will be informed of access and parking limitations. Hill responded to questions from Committee Members. (See recording for details)

**The following spoke in opposition of the request:**

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**None**

**Deliberation:**

00:25:20      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.**

**Minor Subdivision Plat to create one (1) substandard lot pursuant to Land Development Code (LDC) Section 7.1.85.**

00:25:50      On a motion by Commissioner Mims, seconded by Commissioner Steff, 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 proposed substandard lot will promote public health, safety, or welfare by facilitating development that is compatible with the surrounding neighborhood. The proposed subdivision and related modification to the existing Conditional Use Permit would result in a size reduction to the existing parking lot and would make Lot 2 developable as a single-family residence. The entirety of Richmond Drive is developed with single family homes; therefore, this proposal would rehabilitate a large portion of the subject site in a way that is compatible with the surrounding neighborhood, now, therefore be it.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Minor Subdivision Plat to create one (1) substandard lot pursuant to Land Development Code (LDC) Section 7.1.85.

**The vote was as follows:**

**YES: Commissioners Steff, Lannert, Stuber, Mims, and Fischer**

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**NEW BUSINESS**

**CASE NO. 25-DDP-0097**

Request: Revised Detailed District Development Plan (RDDDP) with revised binding elements.  
Project Name: Chick-Fil-A  
Location: 10003 Ballardsville Rd  
Applicant: The Deerfield Co  
Representative: GBC Design  
Jurisdiction: Louisville Metro  
Council District: District 17 – Markus Winkler  
Case Manager: Catherine Gomez, 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 5<sup>th</sup> Street.)

**Agency Testimony:**

00:26:50 Catherine Gomez provided an overview of the request and presented a PowerPoint presentation. Gomez outlined the development plan, elevation, parking and access. Gomez responded to questions from Committee Members. (See recording for details)

**The following spoke in favor of the request:**

Allan Wiley, 565 White Pond Drive, Akron, OH 44320

**Summary of testimony of those in favor of the request:**

00:31:10 Allan Wiley provided an overview of the request and presented a PowerPoint presentation. Wiley stated that the requested waiver to allow a building façade without windows facing Ballardsville Road, explaining that this side houses the kitchen and is intentionally designed to support drive-thru efficiency and pedestrian safety. Wiley stated Landscaping is proposed to screen the blank wall and the design is intended to handle traffic internally. Wiley responded to questions from Committee Members. (See recording for details)

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**The following spoke in opposition of the request:**

**None**

**Deliberation:**

00:35:30      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 (LDC) Section 5.6.1.C.1 to allow the façade along the street frontage facing Ballardsville Rd to contain less than 50% clear windows (26-WAIVER-0056).**

00:36:00      On a motion by Commissioner Steff, 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 waiver will not adversely affect the adjacent property owners because the proposed restaurant will follow a traditional drive thru façade similar to ones on the same commercial corridor along Ballardsville Rd, and

**WHEREAS**, the Development Review Committee finds that the 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. Community Form Goal 2 Policy 6 encourages a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. The façade facing the street frontage will be screened and buffered by landscaping requirements, 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. The applicant could have had the drive thru queue window face the adjacent commercial property instead of the street frontage, but that would require a redesign of the entire drive thru. Whether the window faces the street frontage or the adjacent commercial property, a façade will remain less than 50% clear windows, and

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**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 the subject site has sufficient landscape buffering in front of the façade to screen the drive thru from the street frontage. The rest of the facades meets all other requirements of the Land Development Code, now, therefore be it.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code (LDC) Section 5.6.1.C.1 to allow the façade along the street frontage facing Ballardsville Rd to contain less than 50% clear windows (**26-WAIVER-0056**).

**The vote was as follows:**

**YES: Commissioners Steff, Lannert, Stuber, Mims, and Fischer**

**Parking Waiver of Land Development Code (LDC) 9.1.16 to exceed the 52 maximum required parking spaces by 8, for a total of 60 parking spaces (26-PARKWAIVER-0005).**

00:36:50 On a motion by Commissioner Steff, 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 Plan 2040 characterizes the Neighborhood Form District to contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture on uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale appropriate for nearby neighborhoods. The neighborhoods should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle, and transit.

Community Form Goal 1, Policy 7 calls to locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. Community Form Goal 2, Policy 15 states that parking in activity centers should reflect the area’s associated Form District standards to balance safety, traffic, transit, pedestrian, environmental, and aesthetic considerations. Mobility Goal 2, Policy 1 advocates for the provision of transportation facilities and systems that accommodate all users and allow for context-sensitive solutions that recognize the distinguishing characteristics of each of

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the Form Districts. Mobility Goal 3, Policy 14 states that parking requirements should consider the density and relative proximity of residences to businesses in the market area, the availability and use (both current and potential) of multi-modal transportation options, the character and pattern of the Form District, and advances in technology. Parking standards should include the minimum and maximum number of spaces required based on the land use and pattern of development in the area. Sidewalks, pedestrian connections, and bicycle parking will be provided on site. The proposed development will be serviced from a major arterial road near a plethora of activity centers along Ballardville Road. The Comprehensive Plan acknowledges that parking demand can vary; however, the parking study sufficiently demonstrates the need for 60 parking spaces, not including the ADA parking and queue spaces, to accommodate the peak demand of this restaurant, and

**WHEREAS**, the Development Review Committee finds that the applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions. The proposal has sufficient site area for the maximum required parking in accordance with the LDC, and the applicant is requesting to increase the maximum permitted parking on-site to 60 spaces and 3 ADA parking spaces, and

**WHEREAS**, the Development Review Committee finds that the requirements found in LDC Table 9.1.3B do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use. The LDC bases the parking calculation for restaurants on the size of the associated dining space, resulting in a 52-space maximum for the proposed use. In some cases, this method of calculation may potentially create a conflict due to the overlap in the demand between drive thru and dine in visits; thus, the veracity and reliability of the data within the parking study is paramount to justifying the discrepancy if it does exist, and it is clear the applicant's parking study sufficiently demonstrates the need for 60 parking spaces, and

**WHEREAS**, the Development Review Committee finds that the applicant has provided a parking study and analysis comparing the demand of parking spaces for varying locations at every hour of the day, now, therefore be it.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Parking Waiver of Land Development Code (LDC) 9.1.16 to exceed the 52 maximum required parking spaces by 8, for a total of 60 parking spaces (**26-PARKWAIVER-0005**).

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**The vote was as follows:**

**YES: Commissioners Steff, Lannert, Stuber, Mims, and Fischer**

**Revised Detailed District Development Plan with revised binding elements.**

00:37:20 On a motion by Commissioner Steff, 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 there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site, and

**WHEREAS**, the Development Review Committee finds that 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, and

**WHEREAS**, the Development Review Committee finds that there are no open space requirements pertinent to the current proposal, and

**WHEREAS**, the Development Review Committee finds that the Metropolitan Sewer District has approved the preliminary 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, and

**WHEREAS**, the Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks. The proposed development's overall site design is compatible with the Neighborhood Form District pattern of development, and

**WHEREAS**, the Development Review Committee finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. Community Form Goal 1 Policy 4 calls to ensure new development is compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality

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design and building materials should be promoted to enhance compatibility of development projects. Community Form Goal 1 Policy 6 discourages non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Screening will be provided between the development and the adjacent street frontages. Community Form Goal 1 Policy 7 desires to locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. The proposed development is on the corner of Brownsboro Road and Ballardville Rd, which is a major transportation facility and transit corridor near activity centers. 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. Community Form Goal 1 Policy 11 ensures setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines. Community Goal 1 Policy 17 asks to mitigate adverse impacts of traffic from proposed development on nearby existing communities. Community Form Goal 2 Policy 4 allows non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity. Mobility Goal 2 Policy 2 coordinates the 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 6 ensures that the internal circulation pattern for streets within a development be designed with an appropriate functional hierarchy of streets and appropriate linkages with existing and future development. Mobility Goal 3 Policy 12 ensures 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. Economic Development Goal 1 Policy 3 locates commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas, now, therefore be it.

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**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following revised Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance)
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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

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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.

**The vote was as follows:**

**YES: Commissioners Steff, Lannert, Stuber, Mims, and Fischer**

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**NEW BUSINESS**

**CASE NO. 26-DDP-0019**

Request: Revised Detailed District Development Plan (RDDDP) with revised binding elements.  
Project Name: Biggby Coffee  
Location: 3737 Diann Marie Rd  
Applicant: Bhumesh LLC  
Representative: Viox & Viox, Inc.  
Jurisdiction: Louisville Metro  
Council District: District 17 – Markus Winkler  
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 5<sup>th</sup> Street.)

**Agency Testimony:**

00:38:00 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:**

Alex Russell, 466 Erlanger Road, Erlanger, KY 41018

Gary Muller, 9814 Featherbell Blvd, Prospect, KY 40059

**Summary of testimony of those in favor of the request:**

00:40:25 Alex Russell spoke in favor of the request. Russell responded to questions from Committee Members. (See recording for details)

00:41:30 Gary Muller representing Anchorage Middletown Fire & EMS, expressed support for the request with no negative findings. Muller noted two conditions for permitting: no trees can be planted within 4 feet of the existing private hydrant, and a

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current third-party inspection of the hydrant will be required. Muller responded to questions from Committee Members. (See recording for details)

00:42:30 Alex Russell agreed to the conditions and confirmed they understand the hydrant-related requirements and have already discussed them. (See recording for details)

00:42:40 Rachel Casey noted these conditions will be addressed during the construction phase and do not need to be included on the development plan being reviewed by the Committee. (See recording for details)

**The following spoke in opposition of the request:**

**None**

**Deliberation:**

00:43:20 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.**

**Revised Detailed District Development Plan with revised binding elements.**

00:43:25 On a motion by Commissioner Steff, 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 there are no significant natural or cultural resources present on the subject site. Compliance with the applicable tree canopy requirements will be achieved through submission of a detailed landscape plan, which will be reviewed and approved by the Office of Planning prior to the issuance of construction permits, and

**WHEREAS**, the Development Review Committee finds that provisions for safe and efficient vehicular and pedestrian circulation within the development and the surrounding community have been incorporated into the proposal. Metro Public Works has reviewed and approved the preliminary development plan, and

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**WHEREAS**, the Development Review Committee finds that there are no open space requirements pertinent to the current proposal, and

**WHEREAS**, the Development Review Committee finds that the Metropolitan Sewer District has approved the preliminary 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, and

**WHEREAS**, the Development Review Committee finds the overall site design and proposed land use are compatible with both existing and anticipated future development in the area. The surrounding context consists of a mix of residential and commercial development, making the proposal consistent with the prevailing development pattern, and with the Regional Center form district pattern of development. Landscape buffering and screening will be provided to screen adjacent properties and roadways where appropriate, and

**WHEREAS**, the Development Review Committee finds that the development plan complies with the applicable guidelines and policies of the Comprehensive Plan and to the requirements of the Land Development Code.

Community Form Goal 1 Policy 4 seeks to “Ensure 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 proposed development is compatible with the scale and site design of the surrounding area, as the entirety of the Chamberlain Ln corridor is developed with commercial uses of similar intensity and similar site design. The subject site is smaller than many of the other out lots in the vicinity, however, the drive-thru oriented site design and compliance with the infill regulations makes the proposal compatible with the other similar commercial developments in the area.

The proposal is additionally compatible with the pattern of development within the Regional Center form district, as the Regional Center form district seeks to ensure “a high level of access by a variety of travel modes”, and to encourage “full development of the regional center.” The proposal presents options for both vehicular and pedestrian access to the parcel and the structure, and the proposal would add a new commercial development to a lot that has previously been used as a parking lot, filling in a largely unused area, now, therefore be it.

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**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following revised 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 is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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,

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subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

**YES: Commissioners Steff, Lannert, Stuber, Mims, and Fischer**

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**CASE NO. 26-DDP-0019**

Request: Revised Detailed District Development Plan with associated Waiver and Revisions to Binding Elements  
Project Name: Lowe's – NE Louisville  
Location: 4930 Norton Healthcare Boulevard  
Applicant: DABS Investments, LLC  
Representative: Lowe's  
Jurisdiction: Louisville Metro  
Council District: 17 – Markus Winkler  
Case Manager: Zach Schwager, 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 5<sup>th</sup> Street.)

**Agency Testimony:**

00:44:15 Zach Schwager provided an overview of the request and presented a PowerPoint presentation. Schwager responded to questions from Committee Members. (See recording for details)

**The following spoke in favor of the request:**

Todd Bartok, 1000 Lowe's Boulevard, Mooresville, NC 28117

**Summary of testimony of those in favor of the request:**

00:50:45 Todd Bartok explained that the northwest corner of the building will be screened with tube steel/aluminum fencing, along with additional landscaping to buffer and enclose that area. Bartok responded to questions from Committee Members. (See recording for details)

**The following spoke in opposition of the request:**

Gary Muller, 9814 Featherbell Blvd, Prospect, KY 40059

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**Summary of testimony of those in opposition to the request:**

00:52:00 Gary Muller representing Anchorage Middletown Fire & EMS, raised concerns that the plans do not reflect current conditions. Muller reported that merchandise is currently stored in and beyond designated fire lanes on all sides, blocking emergency access and fire department connections. Muller emphasized the need to clear these areas and ensure plans accurately reflect on-site conditions to maintain required access. Muller responded to questions from Committee Members. (See recording for details)

00:57:00 Rachel Casey clarified that the issue is overall compliance with the approved development plan. The site was previously found out of compliance, prompting the revised plan now under review. If approved, the plan would prohibit storage in fire lanes, and the responsibility would shift to enforcing compliance. Casey responded to questions from Committee Members. (See recording for details)

**Rebuttal:**

00:58:30 Todd Bartok explained that the revised plan is intended to address prior code violations and achieve compliance. Materials previously stored along the building and in fire lanes will be relocated to a designated enclosed outdoor storage area, allowing fire lanes and access points to remain clear. Bartok stated that the updated plan also ensures fire department connections are unobstructed, includes replacement of faded fire lane signage. Bartok responded to questions from Committee Members. (See recording for details)

**Deliberation:**

01:00:35 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 from Land Development Code (LDC) Sections 4.4.8.C.1 and 4.4.8.C.2 outdoor sales/display and storage to exceed the maximum area and height and to permit outdoor storage within 25 ft. of the public right-of-way (26-WAIVER-0047)**

01:05:30 On a motion by Commissioner Mims, seconded by Commissioner Steff, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

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**WHEREAS**, the Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the proposed outdoor storage will be screened with additional landscaping along the northern property line, and

**WHEREAS**, the Development Review Committee finds that the waiver will not violate the Comprehensive Plan, as the proposal remains consistent with the Suburban Workplace Form District, which supports employment uses and associated infrastructure. The proposed outdoor storage will be screened with additional landscaping along the northern property line, 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 proposed outdoor storage and seasonal sales/display will not increase the impact of the existing use, and

**WHEREAS**, the Development Review Committee finds that the strict application of the provisions would create an unnecessary hardship on the applicant, as the proposed development would not increase the impact of the existing use, now, therefore be it.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Land Development Code (LDC) Sections 4.4.8.C.1 and 4.4.8.C.2 to exceed the maximum area and height and to permit outdoor storage within 25 ft. of the public right-of-way (**26-WAIVER-0047**).

**The vote was as follows:**

**YES: Commissioners Steff, Lannert, Stuber, Mims, and Fischer**

**Revised Detailed District Development Plan with revised binding elements.**

01:06:10 On a motion by Commissioner Mims, seconded by Commissioner Steff, 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 there is no net increase in impervious surface area within the development. The applicant is proposing additional landscaping to screen from the adjacent property to the north, and

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**WHEREAS**, the Development Review Committee finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan, and

**WHEREAS**, the Development Review Committee finds that open space will be provided to meet Land Development Code requirements, and

**WHEREAS**, the Development Review Committee finds that the Metropolitan Sewer District has approved the preliminary 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, and

**WHEREAS**, the Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area within the industrial park, and

**WHEREAS**, the Development Review Committee finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to the requirements of the LDC, now, therefore be it.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following revised Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Except for a Lowe's monument style sign at the main Lowe's entrance as shown on the DDDP, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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

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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.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. The outdoor garden center area delineated on the approved Detailed District Development Plan shall be enclosed with black tubular bars with columns as design accents and a low "knee wall" to improve the look and help obscure stacked materials.
7. Mechanicals and truck docks shall be screened as shown on the renderings presented at the June 2, 2005, public hearing.
8. Trees planted along the rear of the Lowes building and in the landscaped and outdoor amenity areas shall be as shown on the concept plans presented at the June 2, 2005, Planning Commission meeting.

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**The vote was as follows:**

**YES: Commissioners Steff, Lannert, Stuber, Mims, and Fischer**

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**ADJOURNMENT**

The meeting adjourned at approximately 2:09 p.m.

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**Chair**

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**Planning Director**