

Development Review Committee

Staff Report

June 3, 2026



Case No:	26-DDP-0004
Project Name:	Biggby Coffee
Location:	3737 Diann Marie Rd
Applicant:	Bhumesh LLC
Representative:	Viox & Viox, Inc
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Abby Bills, Planner I

REQUEST

- **Revised Detailed District Development Plan (RDDDP)** with revised binding elements.

CASE SUMMARY

The subject site is approximately 0.42 acres, zoned C-1 Commercial in the Regional Center Form District. The subject site is currently an off-street parking lot. The applicant is proposing to construct an 861 square foot drive-thru coffee shop.

Case History:

- **9-86-88:** Change in Zoning from R-4 to R-7, OR-3, C-1, and C-2, a General District Development Plan, and a Detailed District Development Plan to construct a restaurant.
- **18DEVPLAN1162:** A Revised Detailed District Development Plan with associated Waivers to construct a Hardee's restaurant.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

STAFF FINDING

Staff finds that the request is adequately justified and meets the applicable standards of review. The proposed development is consistent with the guidelines of Plan 2040 and meets the requirements of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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: 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.

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

STAFF: 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.

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

STAFF: There are no open space requirements pertinent to the current proposal.

- 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: 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.

- 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: 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.

- 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: 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 outlots 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.

REQUIRED ACTION:

- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revised binding elements.

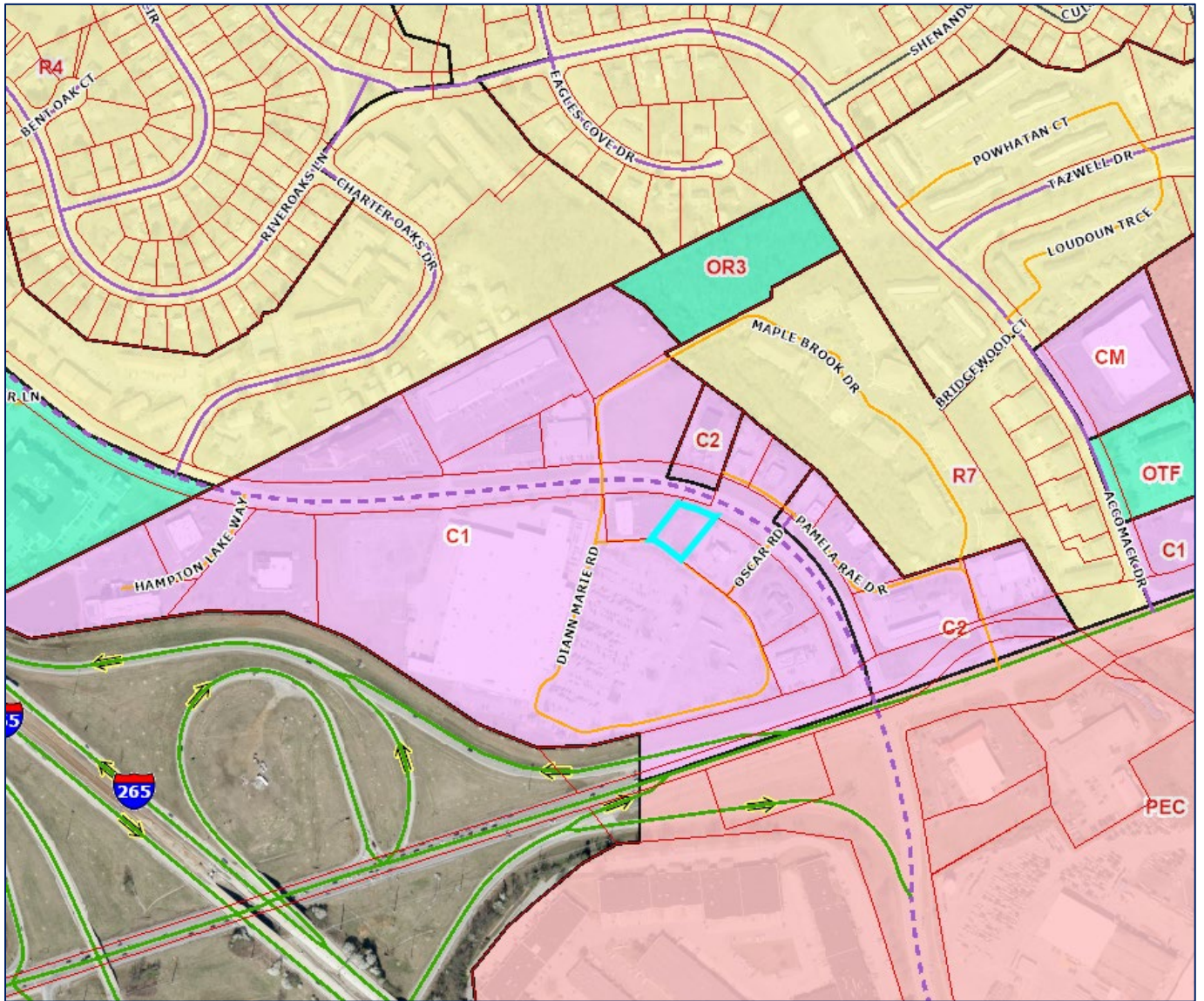
NOTIFICATION

Date	Purpose of Notice	Recipients
5/5/2026	Hearing before DRC	1 st tier adjoining property owners and current residents
5/1/2026		Registered Neighborhood Groups in Council District 17

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with Proposed Revisions
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements with Proposed Revisions

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. ~~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 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 is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. ~~A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.~~
 - c. 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.
 - d. ~~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.~~
5. ~~If a certificate of occupancy (building permit) is not issued within one (two) year(s) of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
6. ~~There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.~~
7. 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.

- ~~8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 19, 2018 DRC meeting.~~

4. 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.
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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, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.