



December 5th, 2022

Case Manager
Planning & Design Services, Ste. 300
Louisville, KY 40202

RE: Heartland RDDDP (Marshall Drive)

The subject property at 100-102 Marshall Drive was originally rezoned to C-2 (Commercial) under Docket #16ZONE1087. The rezoning approval allowed for the site to be used as an automobile sale parking lot. The current proposal is for a one story, 4,880 SF dental office use. The building is pulled toward Shelbyville Road along the existing commercial corridor. The required parking, screening, and parking will be provided on the site. The site will be accessed from Marshall Drive. Pedestrian access will be obtained from the sidewalk along Shelbyville Road with new sidewalks installed along the Marshall Drive frontage. The intent of the layout is to preserve as much of the existing tree canopy on site as possible.

As part of the previous approval, there were binding elements regarding use, access, screening, hours of operation, landscaping, notice etc. There will need to be revisions to the below binding elements as part of the new development plan application:

~~4.d. A minor plat or legal instrument shall be recorded consolidating the property into the larger lot to the west (4311 Shelbyville Road). A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the plans to the office responsible for permit issuance will occur only after receipt of said instrument. (Property will no longer be associated with 4311 Shelbyville Road)~~

9. Hours of Operation – can be revised to new use hours (less than previous use)

10. The only permitted use of the subject property shall be ~~an automobile sales parking lot.~~ **a dentist office.** Any changes in use shall be reviewed and approved by the Planning Commission or its designee. Thirty (30) days advance notice of any Planning Commission or designee decision shall be given to the City of Beechwood Village and 1st tier adjacent property owners.

13. Landscaping shall be installed pursuant to the "Detailed Landscape Plan" presented at the ~~June 15, 2017 Planning Commission hearing and presented to the City of Beechwood Village on May 9, 2017~~ **(update to hearing date)**. Any and all landscaping shall be maintained, including mowing, trimming, pruning, replacing all bushes, trees, grass, and or plantings. Any replacement landscaping shall be of similar quality and size as approved by Planning and Design services staff. All landscaping approved by the Planning and Design Services staff shall be installed following the exact specifications of the approved final landscaping plan.

16. ~~No test drives of vehicles shall be permitted within the City of Beechwood Village. Managers, sales agents and customers shall be advised by the applicant, developer and/or property owner of this prohibition (Not needed for new use).~~

18. An 8-foot tall (at top of columns) masonry wall shall be installed as located on the DDDP pursuant to the "brick wall detail" (except for height as noted herein) presented at the June 1, 2017 Planning Commission Public Hearing. The wall shall be maintained by the property owner.
(Update to current plan and hearing date(s))

One variance is being requested with the current revised detailed development plan to allow minimal encroachments into the 35' front yard setback. The encroachment allows proper circulation from the Marshall Drive existing curb cut. The larger portion of the setback variance for parking is toward Shelbyville Road. All landscaping and screening will be provided along Marshall Drive. The justification for the setback variance is attached as part of this letter of explanation with the development plan justification.

Thank you for your timely review of this revised detailed district development plan.

Sincerely,

Chris Brown, AICP
Louisville Branch Manager

Development Plan Justification:

- 1. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

Tree canopy will be preserved on the subject site. 77.2% of the site is existing tree canopy and 63.2% of the site tree canopy will be preserved. There are no other natural or historic resources on the property.

- 2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Access for vehicular transportation will utilize the existing curb cut from Marshall Drive. Proper parking and circulation will be provided on the property. Pedestrians will be able to connect to the proposed office building with the proposed connection from the existing Shelbyville Road sidewalk. Sidewalks are proposed to be constructed along the Marshall Drive ROW.

- 3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

There are no open space requirements. Landscape requirements will be met on the site.

- 4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

Provisions for adequate drainage facilities meeting MSD and binding elements requirements will be provided on the subject site.

- 5. Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

The use is compatible with the Shelbyville Road commercial corridor. The site design places the building adjacent to Shelbyville Road to allow proper landscape and screening from the adjacent residential property.

- 6. Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

The proposal conforms to the Comprehensive Plan and Land Development Code with the exception of the justified setback variance. All required plan elements will be provided for the proposed use.

Variance Justification (Chapter 5.3.1.C):

- 1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The variance will not adversely affect the public health, safety or welfare. The parking area will be screened and landscaped from the Marshall Drive ROW as required by the Land Development Code. In addition, existing tree canopy will be persevered along Marshall Drive.

2. Explain how the variance will not alter the essential character of the general vicinity.

The variance will not alter the essential character of the general vicinity since the building and parking follow the pattern of commercial nodes at both ends of the Beechwood Village connections to the Shelbyville Road corridor.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not cause a hazard or nuisance to the public since it will not affect the public ROW of Shelbyville Road or Marshall Drive.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations since it follows a pattern of sites along Shelbyville Road and all required landscape/screening will be provided for the use.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The variance arises from the location of the sewer and drainage easement at the rear of the site applicable to the subject property only. The location of the easement requires the building and parking to setback from the adjacent C-2 property along Shelbyville Road. It places portions of the parking and circulation within the front yard setback to maintain proper dimensions.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The strict application of the provisions of the regulation would require substandard dimensions to the drive lanes from the Marshall Drive access and reduce the needed parking within close proximity to the proposed building.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought since the sewer and drainage as well as infill requirements existed prior to the current site proposal.