

Development Review Committee

Staff Report

September 20, 2023



Case No:	23-WAIVER-0134
Project Name:	Heartland Dental
Location:	100 Marshall Drive
Owner(s):	Professional Resource Development Inc
Applicant:	WGM Development
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
Case Manager:	Lucia Rodriguez, Planner I

REQUEST(S)

- **Waivers:**
 1. **Waiver** from 10.1.4 (23-Waiver-0134) to not preserve 20% of the existing canopy.

CASE SUMMARY

The site is located along Shelbyville Rd in the Beechwood Village area of Louisville Metro, with access from Marshall Dr. The site currently has the approved 22-DDP-0133 to construct a single-story 4,880 SF dental office on approximately .76 acres which required the preservation of the tree canopy in question. However, upon review of the landscape plan, it was revealed that these trees could not be reliably protected during the construction process and therefore could not be permanently preserved.

STAFF FINDING

Staff finds that the waiver meets the standards of review of the Land Development Code.

TECHNICAL REVIEW

No outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- (a) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of the comprehensive plan, as it will allow for development that blends compatibility into the existing landscape. Community form guidelines under land use and development goals 9 & 10 mitigate any impacts and ensure appropriate transitions through landscape buffers and vegetation. The applicant has accomplished this through additional planned plantings to be provided adjacent to the R5 zoned property at 110 Marshall Drive.

- (b) The applicant has made a good faith effort to provide as many trees as possible on the site, on the adjacent right of way, or another alternative method of compliance as specified in 10.1.3; and

STAFF: The applicant has made a good faith effort to provide as many trees as possible on site by adding additional tree canopy to the North property perimeter to ensure that total tree canopy requirements for the site are met. They will also still make an effort to preserve the existing trees, although they would not be counted towards the tree canopy.

- (c) There are other mitigating circumstances affecting this site which do not generally apply to sites developed for the same use and in the same form district.

STAFF: After the review process for landscape plan associated with this waiver, staff has found that the preservation of these five trees is problematic due to the limited lot size. The construction activity, which will lead to compacted soil, will need to be done on top of a significant amount of critical root zone for all existing trees

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**

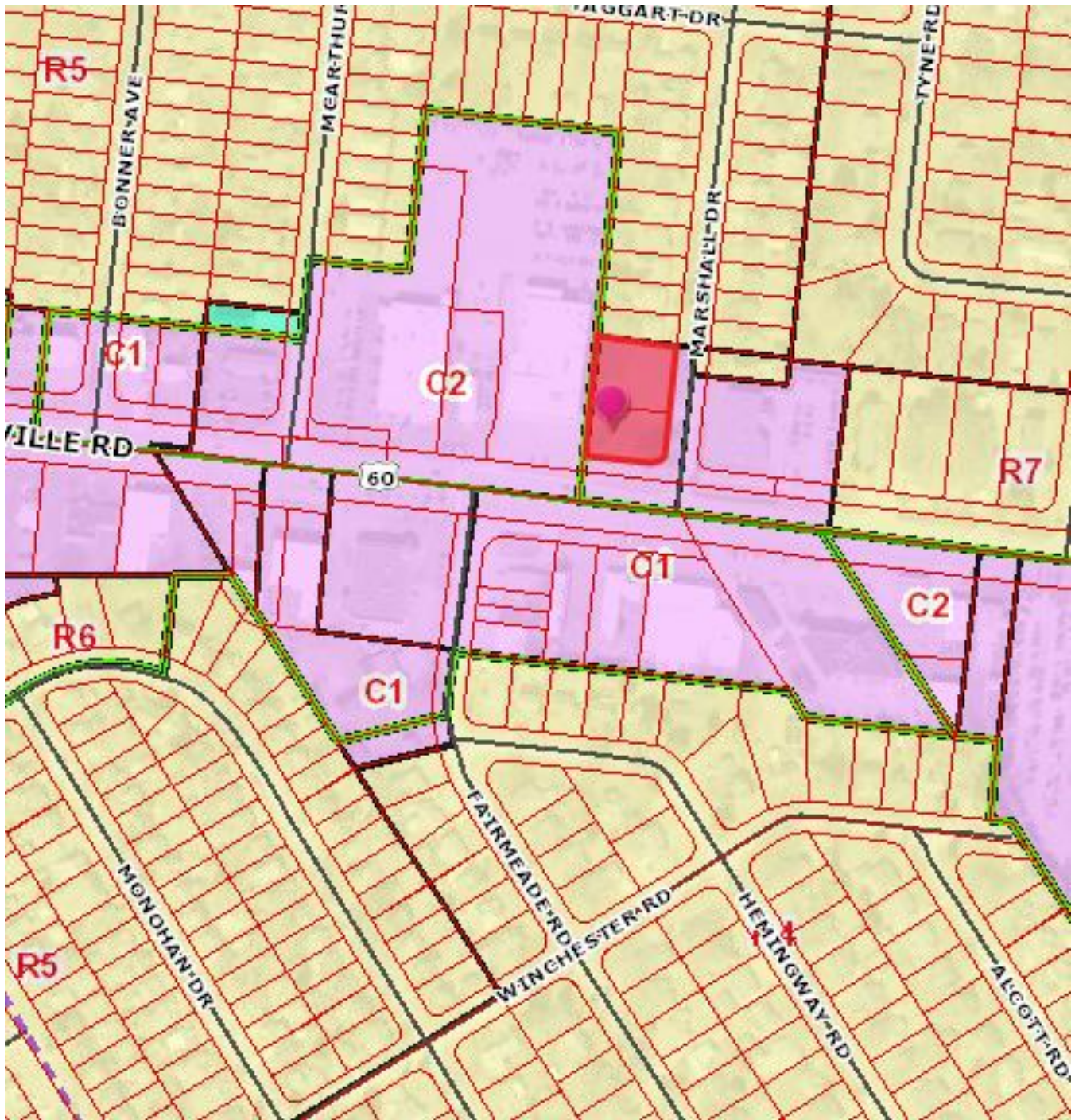
NOTIFICATION

Date	Purpose of Notice	Recipients
09/06/23	Hearing before DRC	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 9

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

