

Development Review Committee
Staff Report
March 15, 2023



Case No:	23-DDP-0002
Project Name:	Trinity High School Tennis Courts
Location:	150 Sears Avenue
Owner(s):	Trinity High School Foundation
Applicant:	Trinity High School Foundation
Jurisdiction:	City of St. Matthews
Council District:	9 – Andrew Owen
Case Manager:	Dante St. Germain, AICP, Planner II

REQUEST

- **Waivers:**
 - #1: from Article 12.C.3 part D.1.(a).1 to permit encroachment into a required 15’ property perimeter Landscape Buffer Area and waive required plantings and screening along the north property line and a portion of the west property line (23-WAIVER-0045)
 - #2: from Article 12.C.3 part D.1.(a).7 to permit encroachment into the required 4’ Vehicular Use Area Landscape Buffer Area and waive required plantings along Sears Avenue and Oechsli Avenue (23-WAIVER-0045)
- **Revised Detailed District Development Plan** with revised Binding Elements

CASE SUMMARY

The subject site is located in the City of St. Matthews at the intersection of Sears Avenue and Oechsli Avenue, and consists of one parcel partially developed as athletic practice fields. The applicant proposes a tennis court facility on a portion of the site. Private proprietary clubs include tennis centers in the City of St. Matthews Development Code.

The site on which the Conditional Use Permit area is proposed was rezoned, and is subject to binding elements, under docket 9-83-80. The site was R-6 and was rezoned to R-9 (currently OR-3) for an office building. The proposal was not constructed. The site was subject to a revised detailed district development plan in 1982 under the same docket number, to allow the site to be used as a practice field.

Two variances and a Conditional Use Permit will be required in addition to approval of the RDDDP.

STAFF FINDING

The RDDDP is adequately justified and meets the standard of review. The Conditional Use Permit is scheduled to be heard by the Board of Zoning Adjustment with the required variances on April 24, 2023.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF 12.C.3 part D.1.(a).1

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the use of the area where the encroachment occurs is not changing, and there is no screening in place now.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The use of the area where the encroachment occurs is not changing from its current use.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the use of the area of the encroachment is not changing, and providing the required LBA would significantly impact the use of the site.

- (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: 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 because the LBA is required only because the entire site is being subjected to a Conditional Use Permit and the use of the area of encroachment is not changing.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF 12.C.3 part D.1.(a).7

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as no LBA is currently provided along the Sears Avenue or Oechsli Avenue property frontages, and no adverse impacts have been evident.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The proposed use will not be significantly different in density or intensity from the current use, which does not provide an LBA.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the entire width of the lot is required for the proposed use.

- (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: 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 because the LBA is required only because the entire site is being subjected to a Conditional Use Permit.

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 do not appear to be any environmental constraints or natural resources on the site. No historic assets are evident on the site.

- 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 transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan.

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

STAFF: No open space provisions are relevant to the 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 land uses would be compatible with the existing and future development of the area. The site is already partially developed with athletic fields. The proposal would not be of significantly increased impact compared with the existing use.

- 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 conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the City of St. Matthews Development Code.

REQUIRED ACTIONS:

- **RECOMMEND** that the City of St. Matthews **APPROVE** or **DENY** the **Waivers**
- **RECOMMEND** that the City of St. Matthews **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revised Binding Elements

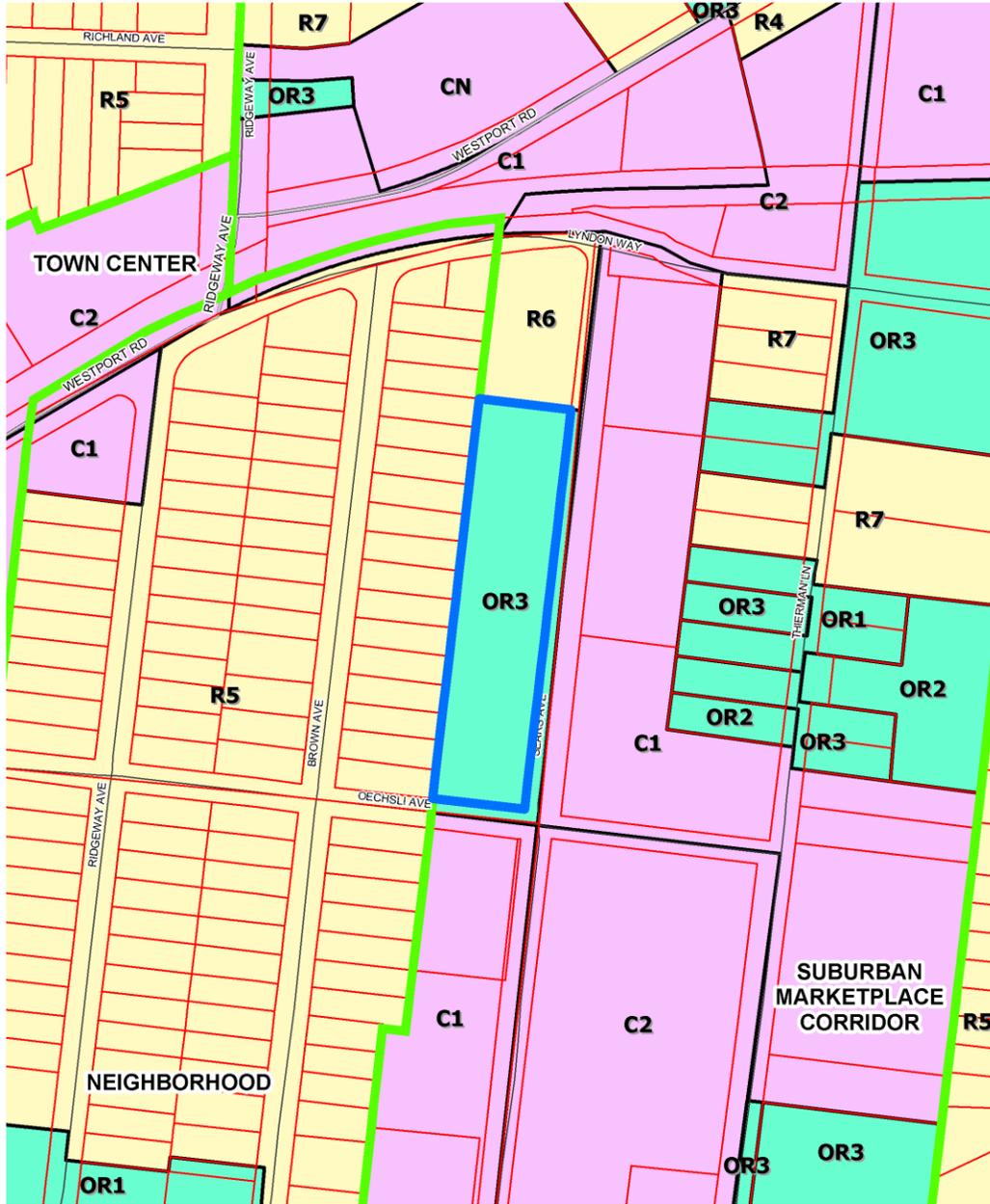
NOTIFICATION

Date	Purpose of Notice	Recipients
03/01/2023	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9

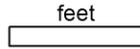
ATTACHMENTS

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

1. Zoning Map



Sears Ave Tennis Courts



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Map Created: 11/29/2022

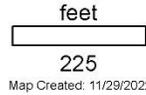


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2. Aerial Map



Sears Ave Tennis Courts



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3. Existing Binding Elements

- ~~1. Before alterations are made to the site the plan must receive reapproval from the Water Management Section of the Jefferson County Department of Public Works and Transportation.~~
- ~~2. There shall be no further development of the site until a revised district development plan is approved by the Planning Commission. Such plan shall be subject to additional binding elements as allowed by the Zoning District Regulations.~~
- ~~3. The property owner shall dedicate 10' of additional right-of-way to Sears Avenue to provide a total of 60'. Dedication shall be by minor subdivision plat and shall occur within 6 months of approval of the district development plan.~~

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the City of St. Matthews Development Code and agreed upon binding elements unless amended pursuant to the Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee, and the City of St. Matthews, 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, alteration permit or demolition permit) 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.
 - c. The property owner/developer shall receive the required variances and Conditional Use Permit from the Board of Zoning Adjustment.
5. 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.
6. 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.