

## JUSTIFICATION STATEMENT

Jeffrey J. & Rebecca L. Hollkamp

1039 Ash Street

Case No. 18ZONE1043

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JUN 29 2018

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### INTRODUCTION

Jeffrey J. & Rebecca L. Hollkamp (the “Hollkamps”) propose to re-zone the property located at 1039 Ash Street from R-5 Multi-family residential to C-1 Commercial for the potential reuse of the existing structure as a small café-style restaurant. For the reasons set out below, the proposed rezoning complies with the Cornerstone 2020 Comprehensive Plan.

### GUIDELINE 1 - COMMUNITY FORM

The proposal complies with the intent and applicable policies of Guideline 1, Community Form. The subject property is located in the Traditional Neighborhood Form District, which may contain “appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants, and services.” The subject property has had commercial uses for years, most recently as a chiropractor’s office. The proposal is to redevelop and revitalize the subject property as a small café-style restaurant operated by the neighboring landowner, who is a local restaurateur. The proposed reuse of this property as a restaurant is consistent with the proposed C-1 zoning district and the intent and policies of Guideline 1 as it will provide a neighborhood service and amenity commonly found in the walkable Schnitzelburg neighborhood. Conforming and non-conforming commercial uses are nearby, including two non-conforming commercial bar uses directly across Ash Street from the subject property, and commercial uses along the Goss Avenue activity corridor two blocks to the north.

### GUIDELINE 2 - CENTERS

The proposal complies with the intent and applicable policies of Guideline 2, Centers. The proposal is for the reuse of the existing building as a small café-style restaurant. The proposed use is consistent with other neighborhood-serving commercial uses in this walkable neighborhood, including the two non-conforming bar uses directly across Ash Street and the commercial uses to the north along Goss Avenue.

### GUIDELINE 3 - COMPATIBILITY

The proposal complies with the intent and applicable policies of Guideline 3, Compatibility. The proposal will not cause adverse traffic, noise, odor, parking, or visual impacts to the surrounding residences. The small size of the existing building to be reused limits the potential for traffic and parking impacts, and the applicant will provide the required number

of parking spaces through a combination of on-street parking along Ash Street and Hickory Street and off-street parking spaces in the rear of the subject property accessible from the alley along Hickory Street. Refuse will be stored at the rear of the property near the alley and appropriately screened to mitigate visual and odor impacts to surrounding residences. The proposal includes minimal renovation to the exterior of the existing building. The existing patio along Hickory Street will be redeveloped into a small outdoor seating area that will be screened by a 3' barrier as required by Land Development Code Chapter 4.2.41. The applicant will comply with all codes and regulations regarding operating hours and noise limitations to mitigate noise and light impacts. The neighboring landowner, who is a local restaurateur, will operate the proposed restaurant.

**GUIDELINE 4 - OPEN SPACE**

**GUIDELINE 5 - NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES**

The proposal complies with the intent and applicable policies of Guideline 4, Open Space, and Guideline 5, Natural Areas and Scenic and Historic Resources. The subject property is an already developed site and proposes a commercial use that does not require open space, and no historical resources are located on the site.

**GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

The proposal complies with the intent and applicable policies of Guideline 6, Economic Growth and Sustainability. The proposal is to redevelop and revitalize an existing building into a neighborhood-serving commercial use. The proposed restaurant is natural fit for this walkable neighborhood that is already home to a number of restaurants, bars, and other commercial uses along Ash Street and Goss Avenue.

**GUIDELINE 7 - CIRCULATION**

**GUIDELINE 8 - TRANSPORTATION FACILITY DESIGN**

**GUIDELINE 9 – BICYCLE, PEDESTRIAN, AND TRANSIT**

The proposal complies with the intent and applicable policies of Guideline 7, Circulation, and Guideline 8, Transportation Facility Design, and Guideline 9, Bicycle, Pedestrian, and Transit. The subject property is located two blocks from a major arterial road and activity center, Goss Avenue, and is well-served by the existing road infrastructure and public transit. TARC stops are located nearby at the intersection of Texas Avenue and Goss Avenue. The subject property provides amenities to promote bicycle and pedestrian use as bike facilities will be provided, an existing ramp provides ADA access, and the existing sidewalks are 8' feet wide.

**GUIDELINE 10 - FLOODING AND STORMWATER**

**GUIDELINE 11 - WATER QUALITY**

The proposal should have very little impact, if any, on the surrounding waterways, complying with the intent and applicable policies of Guideline 10, Flooding and Stormwater, and Guideline 11, Water Quality.

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**GUIDELINE 12 - AIR QUALITY**

The proposal complies with the intent and applicable policies of Guideline 12, Air Quality. The proposal should have no negative impact on traffic or air quality based due to its location near an existing activity center on Goss Avenue and the small size of the existing building that will be reused.

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June 29, 2018

Emily Liu, Director  
Division of Planning and Design Services  
444 South Fifth Street  
Louisville, KY 40202

**Re: 1039 Ash Street – Conditional Use Permit Letter of Explanation**

Dear Emily:

Please accept this letter as an explanation for the conditional use permit requested by Jeffrey J. & Rebecca L. Hollkamp (the “applicants”). The proposed conditional use permit will allow the applicants to convert an existing patio area at the subject property, located at 1039 Ash Street, into an outdoor dining area where alcohol will be sold and consumed. The proposed outdoor dining area will complement the applicants’ proposed reuse of the subject property as a small restaurant.

The subject property is in the Traditional Neighborhood Form District and is currently zoned R-5 Multifamily Residential. The applicants propose to rezone the property to C-1 commercial. Pursuant to Section 2.4.4(D) of the Land Development Code (“LDC”), the conditional uses in zone C-1 are set forth in Chapter 4, Part 2 of the LDC.

Section 4.2.41 of the LDC provides that “Outdoor alcohol sales and consumption . . . for a restaurant may be permitted in the C-1 zoning district upon the granting of a conditional use permit and compliance with the listed requirements.” Section 4.2.41 sets forth the following conditions for approval:

- A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries.
- B. Outdoor dining areas within the public right-of-way must receive approval from the agency responsible for transportation engineering and shall be designed in accordance with agency standards.

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- C. Outdoor dining areas adjacent to the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.
- D. Outdoor dining areas that include the sale and consumption of alcohol within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards).
- E. This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of ABC licenses:
  - 1. Restaurant liquor and wine license by the drink for 100 plus seats
  - 2. Restaurant wine license by the drink for restaurants with seating for 100 and receives at least 70 percent gross receipts from food sales
- F. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.
- G. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).

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Here, the proposal meets each of the requirements for a conditional use permit for an outdoor dining area within a C-1 zone.

First, the proposed outdoor dining area will have designated boundaries as it will be limited to the existing small patio area on the east side of the structure and will be contained by a three foot screen as required by Section 4.2.41(C).

Second, the proposed outdoor dining area sits almost entirely outside of the right of way of the sidewalk along Hickory Street to the east. However, the very small portion that does sit in the right of way will comply with all applicable requirements of Louisville Metro Public Works.

Third, a three foot screen will contain the proposed outdoor dining area as required by Section 4.2.41(C). The applicants have not decided on a final design for the screen, but will submit renderings to the Division of Planning and Design Services.

Fourth, the proposed outdoor dining does not require the additional screening set forth in Section 4.2.41(D). The only residentially zoned or used property within 50 feet of the proposed outdoor dining area is the property to the west of the subject property. This property is already

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adequately screened from the proposed outdoor dining area as the existing structure on the subject property sits between the existing patio and the property to the west, thus providing a complete screen of the proposed outdoor dining area.

Fifth, the proposed restaurant use will obtain the appropriate license from the ABC for the outdoor dining area.

Sixth, the proposed restaurant use will comply with the requirement to cease use of the outdoor dining area for the sale and consumption of alcohol by 1 a.m.

Finally, the proposed restaurant use will comply with the Metro Noise Ordinance.

For the foregoing reasons, the applicants' proposal meets all the requirements for a conditional use permit for an outdoor dining area within a C-1 zoning district. Thank you for your consideration, and please docket this case for consideration by the appropriate Planning Commission committee at your earliest convenience.

Sincerely,



Clifford H. Ashburner

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18 ZONE 1043

## WAIVER JUSTIFICATION

**Jeffrey J. & Rebecca L. Hollkamp**

**1039 Ash Street**

**Case No. 18ZONE1043**

The proposed waiver from the required landscape buffer, planting and screening requirements along the west property line will not adversely affect the adjacent property owner as the applicant does not propose to make any changes to the existing configuration of the property and will leave the existing 6' solid wood privacy fence in place. The neighboring landowner to the west, who is a local restaurateur, will operate the proposed restaurant.

The proposed waiver will not violate the Comprehensive Plan. The proposed waiver will permit the applicant to redevelop and revitalize the existing structure into a neighborhood-serving restaurant. A 6' solid wood privacy fence that provides adequate screening is already in place between the subject property and the neighboring property to the west, which is owned by the operator of the proposed restaurant. The extremely narrow space between the two properties, which is typical for the Schnitzelburg neighborhood, does not permit additional plantings or landscape buffering.

The extent of the proposed waiver of the regulation is the minimum necessary to afford relief to the applicant. The proposed waiver will permit the applicant to reuse the existing structure without any alteration to the building's footprint.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as the extremely narrow space between the subject property and the property to the west limits the applicant's ability to add new landscape buffering or screening. An existing 6' solid wood privacy fence between the properties provides adequate screening.

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