

Justification Statement:

The rezoning is being requested to allow the existing bar use to use the adjacent vacant single family house for a kitchen and small meeting/special event space. The rezoning will allow the bar to offer food along with the drinks which will allow it to stay competitive with other bars in the area. Hickory Street has a mixture of residential and non-residential structures built at the corners of cross-streets.

The site is located in a Traditional Neighborhood Form District in a neighborhood that has a mixture of residential and non-residential buildings. (1.B.2, 2.1, 2.2, 2.9). The proposal is to re-use an existing vacant house for kitchen & a small special event space (2.7).

The only proposed changes to the site would be additional parking spaces to be provided behind the existing house and a connection between the house and bar buildings. (7.10) The site has existing trees and additional trees will be planted (3.22) providing tree canopy on the site and with the addition of a screening fence the site will be compatible with the surrounding residential area.

The existing buildings include a mixed use building at the corner with a bar on the first floor and a dwelling unit on the second floor and an adjacent single family residential structure that are in keeping with the character of the neighborhood (3.1). The re-use of the existing residential building minimizes the impact of the use on the neighborhood. The green space will be maintained where possible on the site including in front of the residential structure (3.9, 3.24). Site lighting will not change and therefore will not create adverse impacts on surrounding properties (3.8).

No changes will be made to any of exteriors of the buildings and the only new construction will be a connection between the two buildings to provide access from the proposed kitchen to the bar on the site and the kitchen and event space use will allow for adaptive reuse of a historic building (5.2 & 5.4).

The site is easily accessible by pedestrians from existing sidewalks throughout the neighborhood. The proposed parking spaces will be accessed from the alley along the rear of the property minimizing the impact of the parking on the neighborhood.

The existing and proposed trees on the site provide the required tree canopy for the site and existing trees will be retained where possible. (13.5).

The site has adequately water, sewer and utility service (14.2, 14.3, 14.4).

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Parking Waiver Justification:

In order to justify approval of any parking waiver, the Planning Commission considers the following criteria. Please answer **all** of the following items. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

For all Parking Waivers:

1. **The Parking Waiver is in compliance with the Comprehensive Plan.**

The parking waiver is in compliance with the comprehensive plan as this is a neighborhood Tavern in a very walkable community with excess on-street parking. The surrounding lots all have alley access with that ability to park off of the alley.

2. **The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions.**

The applicant has made every effort to provide off-street parking spaces on the site. The surrounding properties are all developed so there are no off-site off-street parking spaces available to lease or use.

For Waivers to reduce the minimum number of required parking spaces; OR use on-street parking spaces that are not directly adjacent to or abutting the development site; OR use parking spaces located in a public parking lot:

1. **The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use.**

The requested waiver is the smallest possible reduction due to the fact that the increase in parking requirements are based upon the building size and the waiver is required due to the new use for an existing building. The sidewalk seating has been added at the request of the Neighborhood Association.

2. **Adjacent or nearby properties will not be adversely affected.**

Nearby properties will not be adversely affect as most of the properties have parking accessed from alleys.

3. **The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use.**

The requirements in Table 9.1.2 do not accurately depict the parking needs as a good portion of the new space being added is to provide a kitchen that will only have 1 or 2 employees rather than bar seating space that is parked at 1 space per 100 square feet. On-street parking will meet the generated parking needs by the use.

4. **There is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand.**

There is a surplus of on-street parking spaces in the area that will accommodate any increase in parking demand. (See parking study)

Waivers to provide more parking spaces than the maximum allowed:

1. **The requirements found in Table 9.1.2 do not allow the provision of the number of parking spaces needed to accommodate the parking needs.**

N/A

2. **The requested increase is the minimum needed to do so.**

N/A

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Parking Study Summary:

Parking counts were conducted on 3 evenings along Lydia Street and Hickory Street for one block in each direction. Based on the public works standard of a 20 foot long parking space the total legal amount of spaces available within a one block walk from the Old Hickory Inn is 120 on-street spaces (90 spaces along Lydia Street & 40 spaces along Hickory Street). The most vehicles parked along Lydia Street at any one time was 41 vehicles on a weekday evening at 11 PM and the most parked along Hickory Street was 26 vehicles on a Saturday evening at 7 PM. At its busiest the most vehicles parked within one block of the Old Hickory Inn was 62 vehicles leaving 58 spaces available.

All of the houses/buildings front on Lydia Street and have alley access. Most of the homes have either garages or parking spaces off of the alley which accounts for the empty on-street spaces.

The parking counts clearly indicate that there is a surplus of on-street parking in the neighborhood to handle any additional vehicles that result from the rezoning of the site and the addition of a kitchen and small special event area.

The total number of spaces required is 11 spaces with 3 of those spaces resulting from the addition of sidewalk seating areas that were added at the request of the Schnitzelburg Neighborhood Association.

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Parking Study: Hickory Street

Saturday

Date: 3-22-14

Hickory Street: Between Milton Street & Lydia Street

West side of the Street
(Same side as the Old Hickory Inn):

4 PM: 3

5 PM: 5

6 PM: 7

7 PM: 7

8 PM: 8

9 PM: 6

10 PM: 5

11 PM: 6

Midnight: 3

East side of the Street
(Opposite side as the Old Hickory Inn):

4 PM: 4

5 PM: 7

6 PM: 7

7 PM: 6

8 PM: 7

9 PM: 9

10 PM: 6

11 PM: 5

Midnight: 4

Hickory Street: Between Lydia Street & Mulberry Street

West side of the Street
(Same side as the Old Hickory Inn):

4 PM: 5

5 PM: 4

6 PM: 6

7 PM: 6

8 PM: 6

9 PM: 5

10 PM: 4

11 PM: 5

Midnight: 3

East side of the Street
(Opposite side as the Old Hickory Inn):

4 PM: 4

5 PM: 4

6 PM: 5

7 PM: 7

8 PM: 4

9 PM: 5

10 PM: 7

11 PM: 4

Midnight: 4

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Parking Study: Lydia Street

Saturday

Date: 3-22-14

Lydia Street: Between Hoertz Ave & Hickory Street

South side of the Street
(Same side as the Old Hickory Inn):

4 PM: 5

5 PM: 1

6 PM: 9

7 PM: 7

8 PM: 10

9 PM: 8

10 PM: 8

11 PM: 9

Midnight: 8

North side of the Street
(Opposite side as the Old Hickory Inn):

4 PM: 6

5 PM: 8

6 PM: 6

7 PM: 9

8 PM: 9

9 PM: 10

10 PM: 7

11 PM: 7

Midnight: 7

Lydia Street: Between Hickory Street & Texas Street

South side of the Street
(Same side as the Old Hickory Inn):

4 PM: 4

5 PM: 6

6 PM: 6

7 PM: 9

8 PM: 10

9 PM: 8

10 PM: 6

11 PM: 7

Midnight: 9

North side of the Street
(Opposite side as the Old Hickory Inn):

4 PM: 6

5 PM: 5

6 PM: 9

7 PM: 9

8 PM: 8

9 PM: 7

10 PM: 9

11 PM: 8

Midnight: 8

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Parking Study: Hickory Street

Friday

Date: 3-21-14

Hickory Street: Between Milton Street & Lydia Street

West side of the Street
(Same side as the Old Hickory Inn):

4 PM: 4
5 PM: 6
6 PM: 4
7 PM: 7
8 PM: 6
9 PM: 6
10 PM: 5
11 PM: 2
Midnight: 3

East side of the Street
(Opposite side as the Old Hickory Inn):

4 PM: 3
5 PM: 4
6 PM: 6
7 PM: 6
8 PM: 6
9 PM: 5
10 PM: 4
11 PM: 2
Midnight: 1

Hickory Street: Between Lydia Street & Mulberry Street

West side of the Street
(Same side as the Old Hickory Inn):

4 PM: 3
5 PM: 3
6 PM: 3
7 PM: 2
8 PM: 1
9 PM: 2
10 PM: 3
11 PM: 1
Midnight: 1

East side of the Street
(Opposite side as the Old Hickory Inn):

4 PM: 1
5 PM: 1
6 PM: 2
7 PM: 1
8 PM: 2
9 PM: 2
10 PM: 2
11 PM: 2
Midnight: 1

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Parking Study: Lydia Street

Friday

Date: 3/21/14

Lydia Street: Between Hoertz Ave & Hickory Street

South side of the Street
(Same side as the Old Hickory Inn):

4 PM: 7
5 PM: 8
6 PM: 8
7 PM: 6
8 PM: 9
9 PM: 7
10 PM: 8
11 PM: 8
Midnight: 4

North side of the Street
(Opposite side as the Old Hickory Inn):

4 PM: 9
5 PM: 10
6 PM: 8
7 PM: 9
8 PM: 10
9 PM: 9
10 PM: 8
11 PM: 8
Midnight: 8

Lydia Street: Between Hickory Street & Texas Street

South side of the Street
(Same side as the Old Hickory Inn):

4 PM: 6
5 PM: 5
6 PM: 7
7 PM: 8
8 PM: 8
9 PM: 8
10 PM: 9
11 PM: 13
Midnight: 8

North side of the Street
(Opposite side as the Old Hickory Inn):

4 PM: 5
5 PM: 4
6 PM: 8
7 PM: 9
8 PM: 11
9 PM: 9
10 PM: 9
11 PM: 8
Midnight: 7

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Parking Study: Hickory Street

Weekday

Date: 3-24-14

Hickory Street: Between Milton Street & Lydia Street

West side of the Street

(Same side as the Old Hickory Inn):

3 PM: 4
4 PM: 5
5 PM: 5
6 PM: 6
7 PM: 8
8 PM: 5
9 PM: 4
10 PM: 4
11 PM: 2

East side of the Street

(Opposite side as the Old Hickory Inn):

3 PM: 3
4 PM: 3
5 PM: 4
6 PM: 4
7 PM: 4
8 PM: 3
9 PM: 1
10 PM: 0
11 PM: 0

Hickory Street: Between Lydia Street & Mulberry Street

West side of the Street

(Same side as the Old Hickory Inn):

3 PM: 2
4 PM: 3
5 PM: 3
6 PM: 5
7 PM: 4
8 PM: 2
9 PM: 0
10 PM: 0
11 PM: 0

East side of the Street

(Opposite side as the Old Hickory Inn):

3 PM: 1
4 PM: 1
5 PM: 1
6 PM: 0
7 PM: 0
8 PM: 1
9 PM: 0
10 PM: 0
11 PM: 0

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Parking Study: Lydia Street

Weekday:

Date: 3-17-14

Lydia Street: Between Hoertz Ave & Hickory Street

South side of the Street
(Same side as the Old Hickory Inn):

- 3 PM: 8
- 4 PM: 7
- 5 PM: 8
- 6 PM: 9
- 7 PM: 11
- 8 PM: 10
- 9 PM: 11
- 10 PM: 11
- 11 PM: 11

North side of the Street
(Opposite side as the Old Hickory Inn):

- 3 PM: 6
- 4 PM: 5
- 5 PM: 8
- 6 PM: 9
- 7 PM: 12
- 8 PM: 10
- 9 PM: 10
- 10 PM: 9
- 11 PM: 10

Lydia Street: Between Hickory Street & Texas Street

South side of the Street
(Same side as the Old Hickory Inn):

- 3 PM: 5
- 4 PM: 5
- 5 PM: 6
- 6 PM: 8
- 7 PM: 7
- 8 PM: 9
- 9 PM: 11
- 10 PM: 10
- 11 PM: 10

North side of the Street
(Opposite side as the Old Hickory Inn):

- 3 PM: 6
- 4 PM: 6
- 5 PM: 9
- 6 PM: 11
- 7 PM: 9
- 8 PM: 10
- 9 PM: 8
- 10 PM: 10
- 11 PM: 10

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

The waiver will not affect adjacent property owners as the existing building already encroaches to within 2.37 feet of the property line and two of the three parking spaces that encroach to within 5 feet of the property line are for employees so there will not be a lot of coming & going from those spaces. An 8 foot tall solid wood fence will be provided for the area behind the house to screen the parking spaces from the adjacent property.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive plan as the building is existing and there are existing parking spaces behind the building that are being replaced. The 8 foot solid wood fence will help mitigate the parking that encroaches into the required LBA (3.22).

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The extent of the waiver is the minimum necessary to afford relief to the applicant in that the existing building would have to be removed to provide the full buffer and the parking is necessary for the proposed expansion. Every effort has been made to provide as much buffer as possible between the parking and the adjacent property.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The strict application would deprive the applicant of a reasonable use of the property since the required buffer is 15 feet wide and the lot is only 26.5 feet wide. If the full buffer were provided there would only be 11.5 feet of usable area on the site.

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