

**Zoning Justification Statement for 1201 Payne Street  
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This proposal is for a long standing restaurant to be appropriately zoned and reopened under new ownership. The requested zoning change is from R-6 to C-1 to allow a restaurant with drink. An Italian themed restaurant named "CIAO" is being proposed. Luigi Gelsomini, the owner of Luigi's Pizzeria & Pasta on Main Street, will be the operator of the restaurant. The neighborhood and Irish Hill Neighborhood Association seem pleased with the decision to have a restaurant but have concerns with it being rezoned (versus non-conforming rights) and with the site being vacant. The applicant, after investigation, believes that non-conforming rights do not work and that the zoning change is needed to operate the restaurant correctly. This justification statement will demonstrate how this long standing use in the neighborhood is appropriate under the LDC.

In the Cornerstone 2020 Comprehensive Land Use Plan, the property is a Traditional Neighborhood as shown by its grid pattern and deep narrow lots with alleys. The site is two blocks from Baxter Avenue and two blocks from Lexington Road. It is the Irish Hill Neighborhood which is an area of a mixed use of residential uses (single and multifamily) and a variety of small business uses including restaurant, shops, businesses and office uses. It also has the Clifton Community Center and the Walden Theater in the area. The Baxter Avenue and Lexington Road areas also have a variety of commercial uses.

The subject site has been a neighborhood restaurant for over 20 years. Baxter Station was a well known establishment which operated at this location since the 1993. During all of that time, it operated under non-conforming rights. The proposed restaurant would operate in a like manner with a similar restaurant layout and parking situation. Several factors, including a decision to fully move the kitchen to the rear section of the building, led to the need for a zoning change application.

The size and shape of the lot does not allow for many new options. The footprint of the building is the same with slight variations to how the doors operate. The restaurant would maintain a similar floor layout but is proposing a lot of internal renovations including structural improvements to the building. The seating capacity of Baxter Station was 103 in 1997. Ciao has agreed to not exceed that capacity and currently is looking at a seating pattern with 88 seats. The front area adjacent to the classic wooden bar area will have pizza ovens and the chef tossing the "pizza dough". The main kitchen area is being moved to the rear of the building where the pasta, meat entrees and other food prep work and dishwashing will occur. The restaurant layout will be similar but have a more open floor plan than the prior arrangement.

The parking for the restaurant will be on the street. Baxter Station always used on street parking to serve its guests. It has 7 spots adjacent to its street side yard which under the LDC it can claim towards its required 15 parking spot requirement. A parking study was

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conducted over two months to document available on street parking. It is being submitted along with this application. The Parking Study shows there is adequate available on street parking to meet the restaurant parking requirements under the LDC and to accommodate the residential and other needs in the area.

The site's use is consistent with the atmosphere of this Traditional Neighborhood for several reasons including the most obvious one which is it has been a neighborhood gathering place for almost 25 years. When operating as a successful restaurant, it was enjoyed by the community. The building's size and scale is consistent with the area. It is on a corner of busy collector level road and only two blocks from Baxter Avenue. Its presence revitalizes the area and provides for a livable community where people can walk to lunch, an evening meal or a cup of coffee and dessert. Compatibility, the benchmark for zoning changes, is met because this place has served as a restaurant for many years. For these reasons and for the reasons set forth below, the requested zoning change is appropriate under KRS 100.213 and consistent with the Guidelines and Policies of the current Comprehensive Plan.

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#### **Guideline 1-Community Form**

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The proposal requests a rezoning for a former restaurant to be a restaurant with appropriate C-1 zoning. Internal renovations and an external facelift is proposed. This type of revitalization in the Irish Hill Neighborhood is consistent with Guidelines for a Traditional Neighborhood which envisions neighborhood uses such as "offices, shops, restaurant and services" Guideline 1 B. 2. This area along Payne Street has definitely been revitalized over the past 20 years and the "preservation and renovation" of this existing restaurant structure and its continued use, while still maintaining the traditional design and layout of the neighborhood, is consistent with goals in Guideline 1. B.2 (a) and (b). These factors and its compatibility with the area make the requested zoning designation appropriate under Guideline 1, Policy B.2.

#### **Guideline 2 Centers**

The proposed use complies with the intent of Cornerstone 2020 Guideline 2, Policy 2 which states that non-residential and mixed uses may be developed outside of Center when located in "older or redeveloping residential areas when the non-residential use does not create nuisances and is compatible with the surroundings" Guideline 2. 2. The restaurant is existing and the building is compatible in size and scale with the surrounding development. It is in an established area and is an established use. The restaurant contributes to the neighborhood having a sense of place by having a place to meet, converse and dine. The restaurant's hours of operation will be similar to the predecessor restaurant and will be agreed to in a binding element. The restaurant's operation will be of the same service and type as the previous establishment thus any impacts should be the same for the area. Its location does encourage walking, biking and public transport to access. Its impact on the neighborhood should be minimal as a restaurant use is common

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for the street. Accordingly, this proposal is consistent with Guideline 2, Policy 2, 4, 5, 14, and 16.

### **Guideline 3 Compatibility**

This proposal complies with the intent and the policies of Guideline 3 for all the location reasons set forth above and below and because this is an existing structure and the proposed use-a restaurant is a known use and compatible with the area. Further, the use is a service to this Traditional Neighborhood and adds to its livability and sense of place.

The requested rezoning designation is compatible because no discernible changes to the appearance of the neighborhood will occur by this project. The issue of appropriate size and shape of the structure, setbacks, transitions and visual impact to the neighborhood are basically non-existent because this structure (as a former restaurant) is existing and the streetscape will remain the same. A landscape waiver is requested because the building and adjacent buildings are existing and compatible with the lot patterning in the neighborhood. A 15 foot buffer is impossible to meet because the structures are existing and the lot themselves are only 25 feet wide. A new 6 foot wooden privacy fence will be installed in the location indicated on the Site Plan. Further, the building is being reworked on the outside as part of this proposal thus adding to the streetscape along Payne Avenue. For these reasons, the proposal is consistent with Guideline 3 Policies 4, 9, 22 and 23.

### **Guideline 4 Open Space**

The proposal complies with the overall intent of Guideline 4 since no new construction is proposed and there are no additional or applicable Open space requirements with which to comply.

### **Guideline 5 Natural Area and Scenic and Historical Resources**

This proposal complies with the intent and the policies of Guideline 5 because neither the subject property nor the area has been identified as a natural or historic resource requiring preservation. Notwithstanding, the proposal does preserve and renovate an existing structure in the Irish Hill Neighborhood. There are no special districts or soil and slope issues facing this proposal.

### **Guideline 6 Economic Growth and Sustainability**

This proposal promotes and is consistent with the policies of Guideline 6 because the proposal reuses an existing structure, thus encouraging redevelopment and reinvestment into older neighborhoods as desired by Guideline 6, Policies 3, 5 and 6. This proposal is a reinvestment in the community by continuing to provide a neighborhood restaurant in an area that the community is working to revitalize and maintain as a stable community. The use as a restaurant is compatible with the area and provides a service in a convenient

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location. Further, the area is served by existing public infrastructure and utility connections of water, sewer and electric services thus reducing the cost of land development and preventing sprawl.

### **Guideline 7 Circulation**

This proposal complies with the intent and the policies of Guideline 7 no new circulation issues are presented by the proposal. The restaurant historically used on street parking and that practice will continue. A Parking Study done in conjunction with this application shows there is adequate on street parking to meet this use. Further, the site is located near public transportation and is in an area where bicycle and pedestrian transportation is more common. For these reason, the proposal is in conformance with Guideline 7, Policies 4 and 10.

### **Guidelines 8 and 9 Transportation**

The proposal complies with the intent and the policies of Guidelines 8 because it does not impact any environmentally sensitive areas, scenic corridors or streetscape issues. The site has a bike rack in the front. It is within 1000 feet of TARC service along Baxter Avenue and Lexington Road.

### **Guidelines 10 and 11 Flooding and Stormwater and Water Quality**

The proposal complies with the intent and the policies of Guidelines 10 and 11 because it used an existing structure so land disturbance is minimized. The only new construction is renovation.

### **Guideline 12 Air Quality**

The proposal complies with the intent and the policies of Guideline 12 because this type of reuse of an existing structure in a developed area will work to decrease vehicular miles traveled between work and other personal trips. The restaurant will serve as a walking designation for some people and also keep local people from travelling by vehicle to dine out. The site is also served by a nearby TARC transit stops, thus encouraging the use of mass transit reducing vehicular miles traveled by residents. Bicycle racks are available at the site. Sidewalks are available in front of the site and in the neighboring streets, thus encouraging pedestrian travel to adjacent uses and facilities.

### **Guideline 13 Landscape Character**

The intent of this guideline is to protect and enhance landscape character. A landscaping waiver is requested because of the size of the lot and the locations of the existing buildings prevent any buffering from occurring. Landscaping will occur along the rear side of the building where grass is available. Also two new street trees are proposed along Cooper Avenue. This is all the site's current built out state permits in terms of landscaping.

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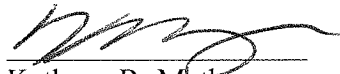
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**Guideline 14 Infrastructure**

The proposal complies with the intent and the policies of Guideline 14 because all necessary utilities are available.

For these reasons, this proposal to properly zone a former restaurant and to allow it to operate in the traditional neighborhood is compatible with the area and in conformance with the applicable guidelines of the Cornerstone 2020 Comprehensive Plan and consistent with KRS Chapter 100.

Respectfully submitted



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