

**Demonstrations of Appropriateness  
1203 Payne Street  
Case No. 21-ZONE-PA-0043**

The Applicant is requesting a Conditional Use Permit per LDC 4.2. 41 for outdoor alcohol sales and consumption in connection with its change in zoning application for 1203 Payne Street from R-6 to C-1.

I. Plan 2040 Comprehensive Plan Compliance

See the associated Compliance Statement filed in connection with the associated rezoning of the site in response to LDC 11.5a. 1.B (1) – (4).

II. LDC 4.2.41 Listed Conditions

**A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries.**

The outdoor patio area is shown on the development plan at the rear of 1203 Payne Street adjacent to the alley and is accessible only from the restaurant. The area is enclosed by four walls.

**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.**

N/A.

**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.**

N/A.

**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 residentially used or zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards).**

A slatted fence/wall is provided in conformance with LDC 10.49 to be approved by the DPDS Director or her designated staff.

**E. This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of ABC licenses:**

Ciaco's Restaurant holds a restaurant liquor and wine license by the drink for 100 plus seats.

**F. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.**

In order to mitigate potential nuisances to adjacent neighbors, outdoor service will end at 10:00 p.m. Monday through Saturday. The restaurant is closed on Sunday.

**G. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).**

Any entertainment activity will be compliant with the LMCO Chapter 99 Noise Ordinance.

Client/Priddy/Payne Street – Demonstration of Appropriateness  
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