

# **CPC MINUTES**

**October 28, 2014  
Meeting**

**ZONING DOCKET 096/14** – Request by DOWN BY LAW B & B, LLC for a Zoning Change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District and the rescission of Ordinance No. 19,536 MCS (Zoning Docket 104/99, which granted a conditional use to permit a community center), on Square 322, Lots 13 or 99 and 100, in the Second Municipal District, bounded by Saint Philip, North Dorgenois, Dumaine, and North Rocheblave Streets. The municipal address is 2552 SAINT PHILIP STREET. (PD 4)

**Applicant:** Down By Law B & B, LLC

**Request:** This is a request for a zoning change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District and the rescission of Ordinance No. 19,536 MCS (Zoning Docket 104/99, which granted a conditional use to permit a community center).

**Location:** The petitioned property is located on Square 322, Lots 13 or 99 and 100, in the Second Municipal District, bounded by Saint Philip, North Dorgenois, Dumaine, and North Rocheblave Streets. The municipal address is 2552 Saint Philip Street. The site is within the Tremé Local Historic District. (PD 4)

**Description:** The property that is the subject of this application is a rectangular lot located at the intersection of Saint Philip Street and North Dorgenois Street in the Tremé neighborhood. It measures 59 feet, 7 inches in width along Saint Philip Street, 111 feet in depth, and 6,614 square feet in area. It is developed with the historic Police Jail and Patrol Station. The station, constructed in 1902-1903, is a masonry structure which incorporates elements of the Queen Anne and French Renaissance Revival styles. It originally functioned as a satellite facility to the House of Detention located at the intersection of Tulane and Broad Streets, which was constructed at the same time and has since been demolished. By 1951, the structure had been converted into a library. In 2000, it was granted a conditional use (Ordinance No. 19,536 MCS; Zoning Docket 104/99) to allow its use as a community center. The structure stood vacant for several years and was sold from the City to the applicant in early 2014.

The applicant proposes to use the site as a bed and breakfast accommodation containing nine guest rooms. As part of the conversion for this use, the structure is to undergo extensive interior renovations as well as exterior modifications including the installation of new dormers and a new roof. Once renovated, the structure's first floor is to contain six guest rooms, dining, kitchen, and common areas. The second floor is to contain three guest rooms and common space. The third floor is to contain the owners' living space. Of the structure's 7,218 square feet of gross floor area, 3,032 square feet (42% of the total) is to be dedicated to bed and breakfast use. The structure has historically provided no off-street parking spaces and none are proposed for the proposed bed and breakfast accommodation.

In the Comprehensive Zoning Ordinance, the term “bed and breakfast accommodation” is an umbrella term that includes all kinds of bed and breakfast facilities. Individual bed and breakfast facilities are classified as one of several sub-types: bed and breakfast family home, bed and breakfast guest home, bed and breakfast historic homes, and bed and breakfast inns.

As that proposed bed and breakfast facility is to contain nine guest rooms, it could potentially be classified as either a bed and breakfast historic home<sup>1</sup> or a bed and breakfast inn<sup>2</sup>. Bed and breakfast historic homes are allowed as conditional uses (subject to supplementary use standards) in the RD-3 District that is currently applied to the site. They are allowed as permitted uses (subject to supplementary use standards) in the B-1A District that is proposed for the site. Bed and breakfast inns are not allowed as permitted or conditional uses in the RD-3 District. They are allowed as permitted uses (subject to supplementary use standards) in the B-1A District that is proposed for the site. As such, the zoning change would allow the applicant to convert the structure into a bed and breakfast by right, provided that it would meet all supplementary use standards and other requirements in the Comprehensive Zoning Ordinance, including those requirements in the applicable definitions of “bed and breakfast accommodation,” “bed and breakfast historic home,” and/or “bed and breakfast inn,” etc.

Additionally, since the site is the subject of a conditional use ordinance that only allows it to be used as a community center, it will also be necessary to revoke that ordinance to allow it to be used as a bed and breakfast accommodation or for any other purpose.

#### **CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)**

The speakers at the public hearing are listed on the attached public hearing speaker sheet.

The Principal City Planner summarized the request, stating the staff’s recommendation.

Commissioner Wedberg made a motion to defer to defer the request until the November 11, 2014 City Planning Commission meeting to allow the staff to identify potential paths that would allow the establishment of a bed and breakfast at the site, which could include an amendment of the “bed and breakfast accommodation definition” and a conditional use application to allow a bed and breakfast to be established at the site under the existing zoning as an RD-3 District. Commissioner Marshall seconded the motion, which was adopted.

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<sup>1</sup> A bed and breakfast historic home is defined by **Article 2, Section 2.2** of the Comprehensive Zoning Ordinance as “bed and breakfast accommodations with no less than three (3) and no more than nine (9) sleeping rooms subject to approval by the Historic District Landmarks Commission and subject to a current certificate of liability insurance posted on the premises. Historic home status will only be granted to structures that are at least 3,000 square feet in size, a minimum of fifty (50) years old, and capable of being architecturally rated as green, blue, or purple.”

<sup>2</sup> A bed and breakfast inn is defined by **Article 2, Section 2.2** of the Comprehensive Zoning Ordinance as “bed and breakfast accommodations with a maximum of nine (9) sleeping rooms and subject to a current certificate of liability posted on the premises.” By definition, they are allowed only in commercial zoning districts.

**Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 096/14 IS HEREBY DEFERRED UNTIL THE NOVEMBER 11, 2014 CITY PLANNING COMMISSION MEETING.

YEAS: Brown, Bryan, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Duplessis, Hughes

**ZONING DOCKET 097/14** – Request by MIRIAM B. SCHAEFER for a Conditional Use to permit a bed and breakfast family home in an RD-3 Two-Family Residential District, on Square 1343, Lot 23, in the Third Municipal District, bounded by Lapeyrouse, North Rocheblave, North Dorgenois, and Laharpe Streets. The municipal address is 2434 LAPEYROUSE STREET. (PD 4)

**Applicant:** Miriam B. Schaefer

**Request:** This is a request for a Conditional Use to permit a Bed and Breakfast Family Home in an RD-3 Two Family Residential District.

**Location:** The petitioned property is located on Square 1343, Lot 23, in the Third Municipal District, bounded by Lapeyrouse, North Dorgenois, North Rocheblave and Laharpe Streets. The municipal address is 2434 Lapeyrouse Street. It is within the Esplanade Ridge Local Historic District. (PD 4) The nearest Bed and Breakfast to the petitioned site is Ashton’s Bed and Breakfast, which is located at 2023 Esplanade Ave and is approximately 6 blocks away and is not on the same block face as the petitioned site. Therefore, the proposal meets the proximity standards of Article 11, Section 11.6.1(a).

**Description:** The petitioned lot measures 30’ in width by 157’ in depth and has a total site area of 4,710 square feet. The structure is a single-story, 2-bedroom, 1-bathroom owner-occupied single-family residence with a width of 13.5’, a depth of 79’ and a floor area of 1,120 square feet. The applicant does not propose any alterations to the exterior of the site or any additions to the floor area of the site – therefore approval is not required by the Historic District Landmarks Commission (HDLC) for this request.

**CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)**

Staff summarized the request, stating the staff’s recommendation of approval. The applicant was the only proponent present. There were no opponents present.

Commissioner Steeg made a motion to approve the applicant's request. This motion was seconded by Commissioner Bryan and was adopted.

**Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 097/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO ONE (1) WAIVER AND ELEVEN (11) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

*Waivers*

1. The applicant shall be granted a waiver of the standards of **Article 15, Section 15.2.1 Table 15.A.** which requires two off-street parking spaces to permit one off-street parking space.

*Provisos*

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall submit floor plans which indicate compliance with **Article 11, Section 11.6.1(h)** of the Comprehensive Zoning Ordinance.
3. The applicant shall submit a proof of owner occupancy in a form of Homestead Exemption issued by the New Orleans Assessor's Office. The homestead exemption status shall be maintained for the life of the use.
4. A current Certificate of Liability Insurance shall be posted on the premises.
5. The operator shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
6. Additional cooking facilities shall not be installed within the home, other than that proposed for the personal use of the owner.
7. Lease of common areas for social events is prohibited.
8. Any modifications to the exterior of the building and the existing gates/fences shall require review and approval by the HDLC.

9. The applicant shall indicate on the site plans the location of secure trash storage. In no case shall trash be stored so that it is visible from the public right-of-way.
10. Any proposed exterior signage shall be subject to the provisions of **Article 12, Section 12.2.2** and **Article 4, Section 4.6.6** of the Comprehensive Zoning Ordinance and approval of the Historic District Landmarks Commission.
11. The applicant shall submit a revised site plan detailing additional landscaping such as flower boxes or other shrubbery along the front of the site and shall plant a tree in the public right-of-way near the site subject to the review and approval of CPC staff.

YEAS: Brown, Bryan, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Duplessis, Hughes

#### **REASONS FOR RECOMMENDATION**

1. The proposed bed & breakfast family home will have minimal adverse impacts on the surrounding area.
2. The request is consistent with the *Plan for the 21<sup>st</sup> Century: New Orleans 2030 Land Use Plan*.

**ZONING DOCKET 098/14** – Request by LEBORNE, LLC for a Zoning Change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business District, on Square 186 or 186A, Lot A, in the Sixth Municipal District, bounded by South Broad, South Dupre, General Pershing, and South Gayoso Streets and Fontainebleau Drive. The municipal address is 4401 SOUTH BROAD STREET.

**Applicant:** LEBORNE, LLC

**Request:** This is a request for a zoning change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business District.

**Location:** The property is located on Square 186 or 186A, Lot A, in the Sixth Municipal District, bounded by Fontainebleau Drive, South Gayoso, General Pershing, South Dupre and South Broad Streets. The municipal address is 4401 South Broad Street. (PD 3)

**Description:** The property is located at the end of Napoleon Avenue in the Broadmoor neighborhood at the intersection of Fontainebleau Drive, South Dupre, and South Broad Streets. Rosa Keller Public Library is across South Broad Street from the subject site. The property is developed with a two-story,

mixed-use structure that had residential uses on the second floor and commercial uses on the first floor. The most recent commercial use was a Time Saver convenience store which closed in 1993. The applicant has indicated that it was originally Hubert Drug Store which opened in 1917. The name 'Hubert' remains on a parapet above the front entrance.

The irregular-shaped lot has an area of approximately 6,675 square feet. There is approximately fifty-five feet (55') of street frontage on Fontainebleau Drive, ten feet (10') on South Broad Street, and forty-five feet (45') along South Dupre Street. There is a driveway and off-street parking on the Fontainebleau Drive and South Dupre/South Broad Street sides. The two-story building has traditional corner store features and approximately 5,100 square feet of floor area. The first floor is currently vacant and there are two apartments on the second floor. The structure lost its status as a non-conforming commercial use due to vacancy when the convenience store closed. A zoning change is required in order to resume commercial use of the building. The applicant is proposing to open a restaurant on the first floor. The applicant previously applied for a zoning change at this location on four separate occasions and the requests were denied.

### **CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)<sup>3</sup>**

The Senior City Planner read a summary of the report. Several proponents and several opponents spoke.

Commissioner Steeg made a motion to defer the request for two meetings in order to give the applicant and neighbors enough time to create a good neighbor agreement. Some of the commissioners were concerned about using a good neighbor agreement as a basis for their decision because it would not be enforceable by the City. The motion was seconded by Commissioner Mora, and subsequently failed.

**MOTION:**

**BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 098/14 IS HEREBY DEFERRED FOR TWO MEETINGS.**

**Yeas:** Bryan, Mitchell, Mora, Steeg

**Nays:** Brown, Marshall, Wedberg

**Absent:** Duplessis, Hughes

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<sup>3</sup> The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for ZD 98/14.

Commissioner Marshall made a motion to approve the request as recommended by staff. Some of the commissioners believed that the good neighbor agreement could be worked out prior to a decision by the City Council. Some of the commissioners were concerned about approving the zoning change because of the site situation and opposition to the request. The motion was seconded by Commissioner Wedberg and subsequently failed.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 098/14 IS HEREBY RECOMMENDED FOR APPROVAL. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Yeas: Brown, Marshall, Wedberg

Nays: Bryan, Mitchell, Mora, Steeg,

Absent: Duplessis, Hughes

The vote resulted in **NO LEGAL MAJORITY**.

#### **REASONS FOR RECOMMENDATION**

1. Some of the commissioners were concerned about using a good neighbor agreement as a basis for their decision because it would not be enforceable by the City.
2. Some of the commissioners believed that the good neighbor agreement could be worked out prior to a decision by the City Council.
3. Some of the commissioners were concerned about approving the zoning change because of the site situation and opposition to the request.

**ZONING DOCKET 099/14** - Request by WAL-MART REAL ESTATE BUSINESS TRUST for a Conditional Use to permit a fast food restaurant in a B-2 Neighborhood Business District, an SC Shopping Center District, an ENORC Eastern New Orleans Renaissance Corridor District overlay, and an HUC Highway Urban Corridor District overlay, on Section 26, Lot 4-C-1, in the Third Municipal District, bounded by Bullard Avenue, Interstate 10 Service Road, and Lake Forest Boulevard. The municipal address is 6020 BULLARD AVENUE. (PD 9)

**Applicant:** Wal-Mart Real Estate Business Trust

**Request:** This is a request for a Conditional Use to permit a fast food restaurant in a B-2 Neighborhood Business District, an SC Shopping Center District, an ENORC Eastern New Orleans Renaissance Corridor District overlay, and an HUC Highway Urban Corridor District overlay.



**Location:** The petitioned property is located on Section 26, Lot 4-C-1 in the Third Municipal District, bounded by Bullard Avenue, I-10 Service Road and Lake Forest Boulevard. The municipal address is 6020 Bullard Avenue. (PD 9)

**Description:** The subject site is a vacant rectangular parcel located near the southwest corner of the intersection of Bullard Avenue and the Interstate 10 Service Road. The site has approximately 280 feet of frontage on Bullard Avenue, a depth of approximately 150 feet, and an area of 45,991 square feet (1.06 acres). Prior to Hurricane Katrina, the site was a part of the campus of the Lakeland Medical Center, the large portion of which is now redeveloped with a Wal-Mart retail store.

The proposed 3,395 square feet fast food restaurant will have pedestrian access from Bullard Avenue and vehicular access from an interior road that leads to the Wal-Mart parking lot. The restaurant will have an outdoor dining area, two drive-up windows, and 46 off-street parking spaces. Extensive landscaping has been proposed for the site.

#### **CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)**

The speakers at the public hearing are listed on the attached public hearing speaker sheet.

The Planning Administrator summarized the request, stating the staff's recommendation for approval subject to one (1) waiver and eight (8) provisos.

The representative of the applicant expressed his concerns regarding two provisos of the report, Proviso #2 and Proviso #4. He explained that reorienting the fast food restaurant toward the northern access road will not serve his corporate client needs which favor the fully signaled southern access road as the main access to the site. He further stated that rotating the site for 180 degrees will result in a less attractive building façade, one with drive-thru windows, facing the Wal-Mart shopping center rather than Bullard Avenue. He also objected to the related relocation of the trash area, stating a desire to keep trash away from the main entrance. The applicant confirmed their willingness to comply with all other provisos of the report.

Commissioners inquired about the possibility for deferral of the request to allow time for further discussion of the proposed revisions between the applicant and the staff. The CPC Director stated that the discussion has already taken place. Without some specific direction from the Commission regarding the subject matter, the two parties will continue to maintain their respective views.

Without further discussion, Commissioner Steeg made a motion for approval of the request as per staff recommendations. The motion was seconded by Commissioner Bryan and adopted.

**Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT **ZONING DOCKET 099/14** IS HEREBY RECOMMENDED FOR **APPROVAL** SUBJECT TO ONE (1) WAIVER AND EIGHT (8) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Waiver:

1. The applicant shall be granted a waiver of **Article 18, Section 18.15.10** of the Comprehensive Zoning Ordinance to permit three (3) attached signs.

Provisos:

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The trash enclosure area shall be relocated to the south side of the site.
3. The applicant shall provide to the City Planning Commission a litter abatement program letter approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type, and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street right-of-way. The name and phone number of the owner/operator of the restaurant shall be included in this letter to be kept on file in case of any violation. In no case shall trash be stored so that it is visible from the public right-of-way.
4. The applicant shall revise the site plan to orient the fast food restaurant toward the main Wal-Mart entrance road and to create a safe and convenient pedestrian connection with the adjacent Wal-Mart store pedestrian walkway.
5. All future signage shall comply with standards of **Article 10, Sections 10.2.8 and 10.2.9**.

6. The applicant shall revise the project elevation to replace EIFS with stucco.
7. The applicant shall submit revised site plan that indicates the provision of one (1) off-street loading space.
8. The applicant shall install bicycle parking racks capable of accommodating at least five (5) bicycles. The applicant shall modify the site plan to indicate the presence of such racks.

YEAS: Brown, Bryan, Marshall, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Duplessis, Hughes

RECUSED: Mitchell

**REASON FOR RECOMMENDATION**

1. The negative impacts associated with the proposed use can be mitigated through the use of staff recommended provisos.
2. The proposed fast food restaurant should be similar in operational character to the other fast food restaurants and business uses located within the B-2 and SC Districts. The impact of the proposal on other properties in the area is not expected as the proposed site is located within an existing commercial area at the intersection of two (2) major arterial roadways.

**ZONING DOCKET 100/14** – Request by CLOTHESLINE LAUNDROMAT, INC. for a Conditional Use to permit a car wash in a C-1 General Commercial District and an Eastern New Orleans UC Urban Corridor District overlay, on an undesignated square, Lot 19-B2-1, in the Third Municipal District, bounded by Downman Road, Chef Menteur Highway, Dwyer Road, and Jourdan Road. The municipal addresses are 3908 DOWNMAN ROAD AND 5835 CHEF MENTEUR HIGHWAY. (PD 9)

**Applicant:** Clothesline Laundromat, Inc.

**Request:** This is a request for a conditional use to permit a car wash in a C-1 General Commercial District and the Eastern New Orleans UC Urban Corridor District overlay.

**Location:** The petitioned property is located on an undesignated square, Lot 19-B2-1, in the Third Municipal District, bounded by Chef Menteur Highway, Downman Road, Dwyer and Jourdan Roads. The municipal addresses are 3908 Downman Road and 5835 Chef Menteur Highway. (PD 9)

**Description:** The petitioned site is a part of the 3.5 acre T-shaped lot (Lot 19-B2-1) that fronts on Chef Menteur Highway and Downman Road. The lot is only partially developed; it contains a self-serve car wash facility on a portion of the site fronting Chef Menteur Highway. The proposed new automated car wash will occupy a central, vacant part of the site measuring 173 feet in width along Downman Road, 301.5 feet in depth and containing an area of 75,375 square feet or 1.7 acres. A large residual “flag” shaped parcel will remain to the right of the petitioned site.

The applicant is proposing to develop an automated car wash facility on the site. The facility will consist of a small attendant structure, a car wash building, a double queuing lane, two self-serve vacuum stations, a trash refuse area, and parking for 34 vehicles. The proposal includes perimeter and interior landscaping.

### **CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)**

The speakers at the public hearing are listed on the attached public hearing speaker sheet.

The Planning Administrator summarized the request, stating the staff’s recommendation for approval subject to one (1) waiver and twelve (12) provisos.

The representative of the applicant expressed his concerns regarding the requirements to install fencing around the site, which, as the planner explained, was not recommended in the report. The staff recommended a waiver of this requirement (see Waiver #1).

The representative of the applicant expressed additional concerns regarding three provisos: Proviso #8, Proviso #9 and Proviso #10. He explained that reducing the width of the curb cuts will not be feasible due to the nature of the business. The staff responded that Proviso #8 directs the applicant to seek approval of the Department of Public Works for curb cut widths that deviate from the stated standards. The representative of the applicant further stated that the required 20 foot landscape buffer (Proviso #9) is not appropriate for the site where surrounding properties do not provide the same. And, lastly, he stated that the pre-finished concrete blocks are the desired exterior finish for the car-wash building. The applicant confirmed willingness to comply with other provisos of the report.

The staff stated that the site is sufficient in size to provide for the required landscape buffer and that the painted concrete blocks, as indicated on the submitted plans, are not acceptable exterior finish within the Eastern New Orleans Urban Corridor District. Without further discussion, Commissioner Wedberg made a motion for approval of the request as per staff recommendations. The motion was seconded by Commissioner Bryan and adopted.

### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT **ZONING DOCKET 100/14** IS HEREBY RECOMMENDED FOR **APPROVAL** SUBJECT TO ONE (1) WAIVER AND TWELVE (12) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

*Waivers*

1. The applicant shall be granted a waiver of the fencing requirements of **Article 11, Section 11.59. c** and **d** to permit the car wash without the front and perimeter fence.

*Provisos*

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall resubdivide the property into three (3) lots of record to reflect the three (3) separate uses on the site. The subdivision shall be approved and recorded prior to the issuance of the Certificate of Use and Occupancy.
3. The applicant shall secure all appropriate LDEQ Discharge Permit if discharging into the Municipal Separate Sewer System, or the requirements of the Sewerage and Water Board Plumbing Code if discharging into the sanitary sewer system.
4. The hours of operation shall be limited to 7:00 a.m. until 8:00 p.m.
5. An attendant shall be on duty during hours of operation.
6. The applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, acceptable to the Department of Sanitation, inclusive of the location of trash storage out of the public right-of-way, the frequency of trash pickup, the clearing all litter from the adjacent right-of-way, and the periodic cleaning of the adjacent street rights-of-way, as necessary. The name and phone number of the owner/operator of the establishment shall be kept on file in case of any violation.
7. The applicant shall submit a lighting plan that indicates the exact location, type, make, and height of all retained or proposed exterior lighting for the review and approval of the staff of the City Planning Commission. All exterior lighting shall be limited in height to twenty-five (25) feet and shall be directed away from

adjacent properties.

8. The applicant shall reduce widths of ingress/egress points to meet standards of **Article 15, Section 15.2.5 (15)** unless larger widths are deemed appropriate and approved by the Department of Public Works.
9. The applicant shall revise the site plan to comply with the standards of **Article 10, Section 10.1B.12 (1)** pertaining to the minimum required depth of the landscape buffer and the appropriate landscaping.
10. The applicant shall submit a revised elevation plan to replace plain concrete blocks with an exterior finish that is permitted as per standards of **Article 10, Section 10.1B.11(5)**.
11. All signage shall comply with **Article 10, Section 10.1B.8 Permitted Attached Identification Signs** and **Article 10, Section 10.1B.9 Permitted Detached Identification Signs** of the Comprehensive Zoning Ordinance, subject to the review and approval of the staff of the City Planning Commission.
12. The applicant shall revise the site plan to indicate the location of one off-street loading space.

YEAS: Brown, Bryan, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Duplessis, Hughes

#### **REASON FOR RECOMMENDATION**

1. The car wash facility, if built according to the development standards of the district, is an acceptable use for the property, consistent with the objectives of the UC District and inoffensive to the surrounding mix of land uses.
2. The proposal is consistent with the *Plan for the 21st Century*.

**ZONING DOCKET 101/14** – Request by CHAMARY, LLC for a Conditional Use to permit a parking lot to provide off-street parking for a main use located within 300 feet of said lot in an RM-2A Multiple-Family Residential District, on Square 208, Lot 23, in the Fourth Municipal District, bounded by Saint Mary, Saint Andrew, and Prytania Streets and Saint Charles Avenue. The municipal address is 1540 SAINT MARY STREET. (PD 2)

**Applicant:** Chamary LLC

**Request:** This is a request for a Conditional Use to permit an accessory parking lot for a main use within 300' of said lot in an RM-2A Multiple-Family Residential District.

**Location:** The petitioned property is located on Square 208, Lot 23, in the Fourth Municipal District, bounded by Saint Mary, Saint Andrew and Prytania Streets and Saint Charles Avenue. The municipal address is 1540 Saint Mary Street. (PD 2) It is within the Lower Garden District Local Historic District.

**Description:** The petitioned site is a vacant lot formerly occupied by a residential structure, measuring 30' in width by 107' in depth and having a lot area of 3,210 square feet. The applicant's site plan indicates that the proposed parking lot will consist of nine (9) off-street parking spaces, and be accessible from St. Mary Street. The proposed lot will be utilized as an accessory parking lot for the existing AT&T Communications store, which sits immediately adjacent to the proposed parking lot, in lots 24 and 25, at 1900 St. Charles Avenue.

#### **CITY PLANNING COMMISSION MEETING (October 28, 2014)**

Staff summarized the request, stating the staff's recommendation of denial. The applicant was the only proponent present. There were no opponents present. The applicant's name is listed on the attached public hearing speaker sheet.

Commissioner Marshall made a motion to deny the request. This motion was seconded by Commissioner Mitchell and was adopted.

#### **Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 101/14 IS HEREBY RECOMMENDED FOR **DENIAL**. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

YEAS: Brown, Bryan, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Duplessis, Hughes

#### **REASONS FOR RECOMMENDATION**

1. The proposed use is inconsistent with the Master Plan.

2. The proposed use would extend an existing surface parking area further into a residential neighborhood and onto a minor street.
3. The accessory parking lot would not be providing required parking for the associated main use.

**ZONING DOCKET 102/14** – Request by VICKIE D. FILIP for a Conditional Use to permit a bed and breakfast family home in an RD-3 Two-Family Residential District, on Square 7, Lot 11 or 24, in the Fifth Municipal District, bounded by Bouny, Alix, and Seguin Streets and Pelican Avenue. The municipal address is 420 BOUNY STREET. (PD 12)

**Applicant:** Vickie D. Filip

**Request:** This is a request for a Conditional Use to permit a Bed and Breakfast Family Home in an RD-3 Two Family Residential District.

**Location:** The petitioned property is located on Square 7, Lot 11 or 24, in the Fifth Municipal District, bounded by Bouny, Alix, and Seguin Streets and Pelican Avenue. The municipal address is 420 Bouny Street. (PD 12)

**Description:** Lot 11 measures thirty-two (32) feet along Bouny Street, has a depth of one hundred sixty (160) feet and has a total lot area of five-thousand one-hundred twenty (5,120) square feet. The proposed one-bedroom bed and breakfast unit measures approximately three-hundred and twenty-four (324) square feet and will be located on the second floor of a two-story single family residence. The house includes approximately twenty-five hundred fifty-six (2,556) square feet and is currently an owner-occupied single-family residence.

#### **CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)**

The City Planner summarized the request, stating the staff's recommendation of approval.

##### *Proponents*

The applicant spoke in favor of the request and stated she needed clarification on Proviso No. 8, which requires a litter abatement letter.

##### *Opponents*

There were no opponents.

##### *Discussion*

Staff stated they would work with the applicant to clarify the requirements of Proviso No. 8.



Commissioner Steeg made a motion for approval as recommended by staff, which was seconded by Commissioner Mora and adopted.

**Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 102/14 IS HEREBY RECOMMENDED FOR APPROVAL, SUBJECT TO ONE (1) WAIVER AND TWELVE (12) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

*Waiver*

1. The applicant shall be granted a waiver of **Article 15, Section 15.2.1** of the Comprehensive Zoning Ordinance, which requires two (2) off-street parking spaces, to permit one (1) off-street parking space.

*Provisos*

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall submit floor plans which indicate compliance with **Article 11, Section 11.6.1(h)** of the Comprehensive Zoning Ordinance.
3. A current Certificate of Liability Insurance shall be posted on the premises.
4. The operator shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
5. Additional cooking facilities shall not be installed within the home, other than that proposed for the personal use of the owner.
6. Food shall not be cooked for guests on site, but only purchased from a licensed food seller (caterer or bakery) and served “as is” or warmed at the facility.
7. Lease of common areas for social events is prohibited.
8. The applicant shall provide a litter abatement program letter, approved by the Department of Sanitation, describing the location of trash storage, the frequency of trash pickup by the City or private contractor, and the clearing of all litter from

the sidewalks and street right-of-way. The program description, including name and phone number of the owner/operator of the facility, shall be kept on file in case of any violation.

- 9. The applicant shall indicate on the site plans the location of secure trash storage. In no case shall trash be stored so that it is visible from the public right-of-way.
- 10. Any exterior signage shall be subject to the provisions of **Article 12, Section 12.2.2 and Article 4, Section 4.1.6** of the Comprehensive Zoning Ordinance.
- 11. The applicant shall secure a Certificate of Appropriateness from the Historic District Landmarks Commission for any and all exterior renovations and repairs.
- 12. The applicant shall secure the appropriate rights to utilize City property in connection with any and all encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.

YEAS: Brown, Bryan, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Duplessis, Hughes

**REASONS FOR RECOMMENDATION**

- 1. The proposed bed & breakfast family home will have minimal adverse impacts on the surrounding area.
- 2. The request is consistent with the *Plan for the 21<sup>st</sup> Century: New Orleans 2030 Land Use Plan*.

**ZONING DOCKET 103/14** - Request by the BOARD OF COMMISSIONERS OF THE ORLEANS LEVEE DISTRICT for an Amendment to Ordinance No. 24,995 MCS (Zoning Docket 061/12, which granted a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant) to permit the sale of alcoholic beverages for off-premises consumption at a gasoline service station, in a B-2 Neighborhood Business District, on an undesignated square, Lot 2E, in the Second Municipal District, bounded by Lakeshore Drive and the New Basin Canal. The municipal address is 7840 LAKESHORE DRIVE. (PD 5)

**Applicant:** BOARD OF COMMISSIONERS OF THE ORLEANS LEVEE DISTRICT

**Request:** This is a request for an Amendment to Ordinance No. 24,995 MCS (Zoning Docket 061/12, which granted a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant) to permit the sale of alcoholic beverages for off-premises consumption at a gasoline service station, in a B-2 Neighborhood Business District.

**Location:** The location is on an undesignated square, Lot 2E, in the Second Municipal District, bounded by Lakeshore Drive and the New Basin Canal. The municipal address is 7840 LAKESHORE DRIVE. (PD 5)

**Description:** The subject site is developed with two structures which include a standard restaurant at the North end of the site and a convenience store towards the South end of the site. The property is located on Lakeshore Drive in the West End neighborhood. The location is bounded by the New Basin Canal, Lakeshore Drive, Robert E. Lee Boulevard, and Lake Pontchartrain. Lot 2E is irregular in shape and has lot area of approximately 21,840 square feet. The property is one hundred fifty-three feet nine inches (153'9") in width along the north property line and tapers to sixty-eight feet (68') in width along the south property line. The site has three hundred eighteen feet (318') of frontage along Lakeshore Drive and three hundred ninety-six feet (396') of frontage along the New Basin Canal. A portion of the leased area extends into the canal.

The applicant is requesting an amendment to the conditional use in order to permit the sale of alcoholic beverages for off-premises consumption at a convenience store for the gasoline service station. The gas station and convenience store occupy approximately 6,372 square feet or 0.146 acres of the site. There is a pump island on the Lakeshore Drive side of the site and a boat fueling station at the bulkhead along the canal. The convenience store has a floor area of 1,200 square feet and is located on the main floor of a raised structure. A paddle board business is using the space on the ground floor.

#### **CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)<sup>4</sup>**

The Senior City Planner read a summary of the report. The applicant's representative spoke in support of the request. There were no opponents.

Commissioner Bryan made a motion for approval of the request with modification to proviso #2 for the sale of alcoholic beverages for consumption off-premises. Instead of requiring a six foot (6') deep landscape hedge, the landscape hedge can vary in depth from 3' to 6'. The motion was seconded by Commissioner Steeg and adopted.

**MOTION:**

**BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 103/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO EIGHTEEN (18) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.**

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<sup>4</sup> The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for ZD 91/14.

*Provisos for alcoholic beverage sales with meals at the standard restaurant*

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The developer shall install a six foot (6') high wood or masonry fence on the north and south boundary of the site.
3. The developer shall provide to the City Planning Commission a litter abatement program letter approved by the Department of Sanitation, inclusive of the stated location of refuse storage, the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street right-of-way. The name and phone number of the owner/operator of the restaurant shall be included in this letter to be kept on file in case of any violation. In no case shall refuse be stored so that it is visible from the public right-of-way.
4. The developer shall submit a final landscaping plan prepared by a licensed Louisiana landscape architect, indicating the size, quantity, and species of all plant materials, subject to the review and approval of City Planning Commission staff incorporating the following:
  - a. The installation of shrubs, trees and ground cover within the required twenty foot (20') setback along Lakeshore Drive.
  - b. The installation of trees and shrubs within landscaped islands within the parking area.
5. All signage shall conform to Article 5, Section 5.6.6 and Article 12 General Sign Regulations of the Comprehensive Zoning Ordinance.
6. No signage promoting alcoholic beverages or video poker shall be permitted on the exterior of the building or be visible from the exterior of the building.
7. The developer shall not operate the business between the hours of 10:00 p.m. and 6:00 a.m. from Monday through Thursday. The applicant shall not operate the business between the hours of 12:00 a.m. (midnight) and 6:00 a.m. from Friday through Sunday.
8. Alcoholic beverage service for consumption on premises shall be served only in combination with food service. Food service shall comprise at least fifty percent

(50%) of the revenue for the restaurant and a full food menu shall be available at all times that the restaurant is open.

9. The use of disposable or “go” cups shall be prohibited unless the “go” cup includes the name, logo, or other insignia of the business.
10. The developer shall locate the handicapped-accessible off-street parking spaces in close proximity to the guest elevator. The proposed off-street parking and off-street loading spaces shall meet the standards in Article 15, Section 15.2 *Off-street Parking Regulations* and Article 15, Section 15.3 *Off-street Loading Regulations* of the *Comprehensive Zoning Ordinance*

*Provisos for the sale of alcoholic beverages for consumption off-premises at the convenience store*

1. The applicant shall submit revised plans which include windows on the Lakeshore Drive side of the building and screening of the HVAC units with opaque material, subject to the review and approval of City Planning Commission staff and the Department of Safety and Permits.
2. The applicant shall submit revised plans which indicate a landscape hedge that is three feet (3’) to six feet (6’) in depth fronting Lakeshore Drive, planted with groundcover and shrubs that are a minimum thirty inches (30”) in height.
3. The developer shall provide to the City Planning Commission a litter abatement program letter approved by the Department of Sanitation, inclusive of the stated location of refuse storage, the type and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street right-of-way. The name and phone number of the owner/operator of the gas station and convenience store shall be included in this letter to be kept on file in case of any violation. In no case shall refuse be stored so that it is visible from the public right-of-way.
4. All signage shall conform to **Article 5, Section 5.6.6** and **Article 12 General Sign Regulations** of the *Comprehensive Zoning Ordinance*.
5. The wholesale cost of package liquor stocked and displayed shall not exceed fifteen (15) percent of the wholesale cost of other merchandise stocked and displayed and the display of packaged alcoholic beverages shall not constitute more than ten (10) percent of all display area.
6. The applicant shall submit revised floor plans to the City Planning Commission staff indicating that the area used for the display of packaged alcoholic beverages does not exceed ten (10) percent of all display area.
7. Signage advertising the sale of alcoholic beverages shall not be visible from the

public right-of-way.

8. The Department of Safety and Permits shall not authorize and/or issue any licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.

Yeas: Brown, Bryan, Marshall, Mora, Steeg, Wedberg

Nays: None

Recused: Mitchell

Absent: Duplessis, Hughes

#### **REASONS FOR RECOMMENDATION**

1. The recommended conditions address potential adverse impacts related to the sale of alcoholic beverages for consumption off-premises.
2. Inconsistencies between the approved plans and the as-built conditions are addressed in the provisos.
3. Minimal adverse impacts are anticipated given the site's location on a commercial corridor.

**ZONING DOCKET 104/14** – Request by ODDO OF MARIGNY, LLC for a Zoning Change from an HMR-3 Historic Marigny/Tremé Residential District to an HMC-2 Historic Marigny/Tremé Commercial District and a Conditional Use to permit a hotel occupying more than 10,000 square feet of floor area in the proposed HMC-2 District, on Square 273, Lots 1-5, 17-19, A, B, C, 15, 16, Front Pt. 14, and Rear Pt. 14, or Lots A, B, and C, and seven undesignated lots, in the Third Municipal District, bounded by Burgundy, Marigny, Mandeville, and North Rampart Streets. The municipal addresses are 2301-2329 BURGUNDY STREET. (PD 7)

**Applicant:** Oddo of Marigny, LLC

**Request:** This is a request for a zoning change from an HMR-3 Historic Marigny/Tremé Residential District to an HMC-2 Historic Marigny/Tremé Commercial District and a Conditional Use to permit a hotel occupying more than 10,000 square feet of floor area in the proposed HMC-2 District.

**Location:** The petitioned property is located on Square 273, Lots 1-5, 17-19, A, B, C, 15, 16, Front Pt. 14, and Rear Pt. 14, or Lots A, B, and C, and seven undesignated lots, in the Third Municipal District, bounded by Burgundy, Marigny, Mandeville, and North Rampart Streets. The municipal addresses are 2301-2329 Burgundy Street. The site is within the Faubourg Marigny Local Historic District. (PD 7)

**Description:** The subject property is the Saints Peter and Paul Catholic Church site in the Faubourg Marigny. The site is an approximately rectangular parcel which stretches the full block of Burgundy Street between Marigny and Mandeville Streets. It measures 310 feet along Burgundy Street, 159 feet, 10 inches along Marigny Street, and 155 feet, 2 inches along Mandeville Street. The parcel has an area of 48,375 square feet (1.11 acres).

The site is developed with four church buildings facing Burgundy Street, which were constructed gradually in the second half of the 19<sup>th</sup> century. The main church building, a soaring, 8,926 square foot masonry structure dating from the early 1860s and designed by architect Henry Howard, is located at the center of the site. To the Mandeville Street-side of the church building is a 3,644 square foot camelback, wooden residential structure which historically served as a convent. To the Marigny Street-side of the main church building is a two-story, masonry rectory building with a floor area of 4,546 square feet and its 760 square foot attached garage. The fourth building on the site is the church's three-story, 33,404 square foot masonry school structure, located at the corner of Burgundy and Marigny Streets. The remainder of the site is paved open space. This includes a large area at the corner of Burgundy and Mandeville Streets, which was historically used as outdoor play space, as indicated by the 1983 Sanborn map, and was also sometimes used as parking.

Saints Peter and Paul Catholic Church ceased school operations in 1992 and church operations in 2001 and the site has been vacant since. In 2012, the applicant acquired the property.

The applicant proposes the adaptive reuse of the site as a hotel containing 71 guest rooms. The school structure would be used to provide 62 guest rooms. The rectory structure would be used to provide bar and lounge space on the first floor and 5 guest rooms on the second floor. The convent structure would be used to provide dining and food preparation space on the first floor and 4 guest rooms on the second floor. The church structure would be used primarily as event space, with a small office area located in a small former choir loft area. While the buildings' interiors would necessarily be substantially renovated and modified for such use, modifications to the buildings' exteriors would be limited to cleaning and restoration, as well as the installation of signage. Additionally, the existing garage that is attached to the rectory building is to be demolished.

The site's exterior is to be used as an accessory parking lot providing 71 off-street parking spaces, as well as a taxi passenger zone, which will occupy the footprint

of the demolished garage building. This parking lot is to be entered via a one-way driveway on Burgundy Street near its intersection with Mandeville Street and exited from two one-way driveways, one located on Burgundy Street between the school and rectory buildings and the other located on Marigny Street to the rear of the school building. Other planned modifications to the site's exterior include the landscaping of the site and the adjacent rights-of-way, the installation of bicycle parking, and the location of transformer and trash storage equipment along the rear of the site.

As the hotel use is not permitted by the site's zoning in an HMR-3 Historic Marigny/Tremé Residential District, the applicant requests that it be rezoned to an HMC-2 Historic Marigny/Tremé Commercial District. The HMC-2 District allows hotels that are no greater than 10,000 square feet in floor area as permitted uses and hotels that are over 10,000 square feet in floor area as conditional uses. As the proposed hotel would have a total of 50,520 square feet of floor area, it is allowable in the HMC-2 District as a conditional use and so the applicant has requested a conditional use for that purpose.

#### **CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)**

The speakers at the public hearing are listed on the attached public hearing speaker sheet.

The Principal City Planner summarized the request, stating the staff's recommendation of denial.

Commissioner Steeg made a motion for approval of the request with the conditional use subject to the provisos contained within the staff report. Commissioner Wedberg seconded the motion, which was adopted.

#### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 104/14 IS HEREBY RECOMMENDED FOR APPROVAL, WITH THE CONDITIONAL USE TO PERMIT A HOTEL OCCUPYING MORE THAN 10,000 SQUARE FEET OF FLOOR AREA SUBJECT TO TEN (10) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

#### *Provisos*

1. The applicant shall secure the approval of the Historic District Landmarks Commission for all modifications to the site's exterior, including but not limited to the demolition and modification of the existing structures.
2. The site plan shall be modified to indicate compliance with parking space design standards in **Article 15, Section 15.2.5(1)** of the Comprehensive Zoning



Ordinance by showing the number and dimensions of standard, compact, and handicap-accessible off-street parking spaces.

3. The applicant shall secure the approval of the Department of Public Works for all modifications and repairs to the Burgundy, Marigny, and Mandeville rights-of-way adjacent to the site, including but not limited to the modification or installation of curbs, curb cuts, sidewalks, and tree pits.
4. The applicant shall submit a landscape plan prepared by a licensed Louisiana landscape architect. This landscape plan shall be subject to the review and approval of the City Planning Commission staff and the Department of Parks and Parkways for plantings within the public rights-of-way. It shall indicate the following:
  - a) The genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the site and the street rights-of-way adjacent to the site, with applicable remarks, size of planting areas, and details.
  - b) The installation of a minimum of one (1) street tree for every thirty (30) feet within the Marginy Street and Mandeville Street rights-of-way and the installation of a planting strip with ground cover and without trees in the Burgundy Street right-of-way.
  - c) The installation of a thirty (30) inch high continuous landscape hedge along the Burgundy Street and Mandeville Street property lines to screen vehicular use areas along those streets.
5. The site plan shall be revised to include the height and details of all light standards, subject to the approval of the staff of the City Planning Commission. Light standards shall be limited in height to twenty-five (25) feet and shall not be directed toward any residential use.
6. The applicant shall submit a signage plan which complies with standards of **Article 9. Section 9.5.6**, subject to the review and approval of the Historic District Landmarks Commission, prior to the issuance of a certificate of use and occupancy by the Department of Safety and Permits.
7. The transformer and dumpster areas shall be screened from view from the public rights-of-way with an opaque fence and/or masonry wall that is no less than six (6) feet tall, subject to the review and approval of the City Planning Commission staff.
8. The applicant shall provide to the City Planning Commission staff a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.

9. The applicant shall resubdivide all lots forming the site into a single lot of record. The resubdivision shall be finalized prior to the issuance of a Certificate of Use and Occupancy by the Department of Safety and Permits.
10. The applicant shall secure the appropriate rights to utilize City property in connection with any and all encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.

YEAS: Brown, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Bryan, Duplessis, Hughes

### **REASONS FOR RECOMMENDATION**

1. The adaptive reuse of this church site as a hotel would further the Master Plan's historic preservation goals as well as aspects of its land use goals that promote the adaptive reuse of institutions in a general sense.
2. If subjected to the provisos recommended by the staff, the hotel should be compatible with and not overly impactful on the residential properties in the immediate surrounding area.
3. Should the hotel cease operation, uses of the site other than as a hotel would require some level of City Council review through the rescission of the existing conditional use and possibly also the granting of a new conditional use to authorize another use of the site.

**ZONING DOCKET 105/14** – Request by SORAPARU ENTERPRISES, LLC for a Conditional Use to permit a school in an RD-3 Two-Family Residential District, on Square 63, Lot 1 or 20, in the Fourth Municipal District, bounded by Soraparu, Saint Thomas, First, and Chippewa Streets. The municipal address is 600 SORAPARU STREET. (PD 2)

**Applicant:** Soraparu Enterprises, LLC

**Request:** This is a request for a conditional use to permit a school in an RD-3 Two-Family Residential District.

**Location:** The petitioned property is located on Square 63, Lot 1 or 20, in the Fourth Municipal District, bounded by Soraparu, St. Thomas, First, and Chippewa Streets. The municipal address is 600 Soraparu Street. The property is within the Irish Channel Local Historic District. (PD 2)

**Description:** The subject property is a rectangular lot on the corner of Soraparu and St. Thomas Streets on a square bounded by Soraparu, St. Thomas, First, and Chippewa Streets in the Irish Channel neighborhood. The property measures approximately sixty-

four feet (64') in width along Soraparu Street, eighty-one feet (81') in depth along St. Thomas Street, and has a total site area of approximately five thousand one hundred eight-four square feet (5,184 sq. ft.). The former use of the site was a four-plex; however, the site is currently vacant.

The Waldorf School of New Orleans proposes to develop the site with a new early childhood education center. The proposed school will be located in an approximately four thousand nine hundred and eighty square foot (4,980 sq. ft.), two story structure that measures fifty-two feet (52') in width by forty-eight feet, seven inches (48' 7") in depth. At capacity, the proposed school will accommodate approximately 56 pre-kindergarten students and nine staff members. The structure will contain a total of four classrooms, two restrooms, a lobby, a reception area, and a break room. The school will have a small parking lot that measures forty-eight feet, seven inches (48' 7") by twelve feet (12') that will provide one parking space (although stacked parking could allow for additional parking).<sup>5</sup> The remainder of the school site's exterior is to be occupied by play area with a storage shed.

#### **CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)**

The City Planner summarized the request, stating the staff's recommendation of approval. The speakers at the public hearing are listed on the attached public hearing speaker sheet.

Commissioner Marshall made a motion to adopt the staff's recommendation, which was seconded by Commissioner Mora. The motion was adopted unanimously.

#### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 105/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO FIVE (5) WAIVERS AND FIFTEEN (15) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

#### *Waivers*

1. The applicant shall be granted a waiver of **Article 11, Section 11.37.1(a) - Schools, Public/Private Elementary Schools** of the Comprehensive Zoning Ordinance, which requires a minimum lot area of two (2) acres to allow a lot area of 5,184 square feet.

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<sup>5</sup> Stacked parking cannot be used for calculating the parking spaces provide by the applicant, because the parking space design standards in Article 15, Section 15.2.5.1 requires "an off-street parking space... (to) afford ingress and egress for an automobile without requiring another automobile to be moved."

2. The applicant shall be granted waivers of **Article 11, Section 11.37.1.(b) - Schools, Public/Private Elementary Schools** of the Comprehensive Zoning Ordinance, which requires a twenty-five (25) foot front yard and corner lot side yard setbacks to allow for front yard and corner lot side yard setbacks of zero (0) feet, and which requires a fifty (50) foot rear yard and interior side yards setbacks to allow a rear yard setback of thirty-two (32) feet, five (5) inches and an interior side yard setback of twelve (12) feet.
3. The applicant shall be granted a waiver of **Article 11, Section 11.37.2.(b) - Schools, Public/Private Elementary Schools** of the Comprehensive Zoning Ordinance, which requires access to three (3) streets with a single lane for traffic in each direction to allow for access to two (2) streets with a single lane for traffic.
4. The applicant shall be granted waivers of **Article 4, Section 4.6.7. Table 4.F – Minimum Lot Width and Minimum Lot Depth (Nonresidential)** of the Comprehensive Zoning Ordinance, which requires a minimum lot width and lot depth of 100 feet to allow for a lot width of 64 feet and a lot depth of 81 feet.
5. The applicant shall be granted a waiver of **Article 15, Section 15.2.1., Table 15.A** of the Comprehensive Zoning Ordinance, which requires seven (7) off-street parking spaces for the new school facility, to allow one (1) off-street parking space to be provided.

*Provisos*

1. The Department of Safety and Permits shall issue no building permits or licenses until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The adjacent residential properties shall be screened with an opaque fence a minimum of six (6) feet in height along the First Street side and Chippewa Street side property lines.
3. A minimum six (6) foot high fence shall be placed on the St. Thomas Street property line adjacent to the play area.
4. The applicant shall submit a revised site plan and a landscape plan prepared by a licensed Louisiana landscape architect to the staff of the City Planning Commission. The landscape plan shall indicate the genus, species, size, location, quantity, and irrigation of all existing and proposed plant materials within the site with applicable remarks and details.

5. The landscape plan shall indicate the presence of street trees spaced at an average of 30 feet in the Soraparu Street right-of-way. Landscaping in the public rights-of-way shall be subject to the review and approval of the Department of Parks and Parkways and the City Planning Commission staff.
6. The trash disposal/storage area shall be indicated on the site plan and enclosed with an opaque fence with a minimum height of six (6) feet.
7. The applicant shall provide to the City Planning Commission staff a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.
8. Any proposed exterior signage shall be subject to **Article 4, Section 4.6.6 Permitted Signs** of the Comprehensive Zoning Ordinance.
9. The applicant shall secure the approval of the Department of Public Works for the installation/restoration of all public sidewalks, curbs, and curb cuts adjacent to the site.
10. The applicant shall work with the Department of Public Works to establish a passenger zone at an appropriate location on St. Thomas Street adjacent to the early childhood center.
11. The applicant shall secure approval from the Department of Public Works of the traffic circulation plan during drop-off and pick-up times.
12. School staff shall direct vehicles accessing the site during morning drop-off and afternoon pick-up times.
13. The applicant shall indicate the installation of a minimum of four (4) bicycle parking spaces on the final plans submitted to the review of the City Planning Commission staff. Bicycle parking in the public right-of-way is subject to the approval of the Department of Public Works.
14. The applicant shall secure the appropriate rights to utilize City property in connection with any and all encroachments in accordance with the requirements of the Department of Property Management's Division of Real Estate and Records.
15. The applicant shall secure the approval of the Historic District Landmarks Commission for the exterior design of all structures on the site, prior to the final approval of the development plan by the staff of the City Planning Commission.

YEAS: Brown, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Bryan, Duplessis, Hughes

## REASONS FOR RECOMMENDATION

1. The use of the site as a school, subject to the recommended provisos, will have a minimal negative impact on the surrounding neighborhood.
2. The proposal is consistent with the *Plan for the 21<sup>st</sup> Century*.

**ZONING DOCKET 106/14** – Request by ANDREW J. CRAIG for a Conditional Use to permit a bed and breakfast historic home in an RD-3 Two-Family Residential District, on Square 17, Lot 6, in the Fifth Municipal District, bounded by Pelican Avenue, Bermuda, Alix, and Verret Streets. The municipal address is 421 PELICAN AVENUE. (PD 12)

**Applicant:** Andrew J. Craig

**Request:** This is a request for a conditional use to permit a bed and breakfast historic home in an RD-3 Two-Family Residential District.

**Location:** The petitioned property is located on Square 17, Lot 6, in the Fifth Municipal District, bounded by Pelican Avenue, Bermuda, Alix, and Verret Streets. The municipal addresses are 421-423 Pelican Avenue. The property is located in the Algiers Point Local Historic District. (PD 12)

**Description:** The subject site is a rectangular lot fronting on Pelican Avenue between Bermuda and Verret Streets in Algiers Point. The property measures 31 feet, 11 inches in width, 159 feet, 11 inches in depth, and 5,110 square feet in area. The lot is developed with a two-family residence which contains 2,293 square feet of floor area. The applicant proposes to use the structure as a bed and breakfast historic home, which would contain two sleeping rooms for guests' use. The structure's remaining two bedrooms would be reserved for the owner's use. In addition to these bedrooms, the structure is proposed to contain a kitchen, restrooms, and living and dining rooms. The applicant indicated that there are two off-street parking spaces provided behind the dwelling.

## CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)

The City Planner summarized the request, stating the staff's recommendation of approval. The speakers at the public hearing are listed on the attached public hearing speaker sheet.

Commissioner Mora made a motion to adopt the staff's recommendation, which was seconded by Commissioner Marshall. The motion was adopted unanimously.

**Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 106/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO TWELVE (12) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

*Provisos*

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall convert the existing two-family residence into a single-family residence by establishing an interior connection between the two units and by removing the means to power the stove of one of the units. The one stove shall be the only cooking facility present at the site.
3. The bed and breakfast home shall be owner-occupied for the life of the use. Proof of owner-occupancy shall be demonstrated by the submission of a homestead exemption for the review and approval of the City Planning Commission staff.
4. The operator shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
5. Food shall not be cooked for guests on site, but only purchased from a licensed food seller (caterer or bakery) and served "as is" or warmed at the facility.
6. Leasing of common areas for social events is prohibited.
7. Any proposed signage shall conform to **Article 4, Section 4.5.6 Permitted Signs** of the CZO, subject to the review of the Historic District Landmarks Commission and the City Planning Commission staff.
8. The applicant shall provide a litter abatement program letter, approved by the Department of Sanitation, describing of the location of trash storage, the frequency of trash pickup by the City, and the clearing of all litter from the sidewalks and street right-of-way. The program description, including name and

phone number of the owner/operator of the facility, shall be kept on file in case of any violation.

9. The applicant shall indicate on the site plan the location of secure trash storage. In no case shall trash be stored so that it is visible from the public right-of-way.
10. The applicant shall plant one (1) street tree in the public right-of-way adjacent to the site subject to the review and approval of the Department of Parks and Parkways. The site plan shall be revised to indicate the type and location of the tree.
11. The applicant shall indicate on the site plan the location of the driveway and off-street parking spaces.
12. The applicant shall secure the approval of the Historic District Landmarks Commission for the exterior design of all structures on the site, prior to the final approval of the development plan by the staff of the City Planning Commission.

YEAS: Brown, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Bryan, Duplessis, Hughes

## **REASONS FOR RECOMMENDATION**

1. The proposed bed and breakfast family home would be low in intensity and should not generate levels of noise, traffic, demand for parking, and other activities which would have a significant negative impact on surrounding properties.
2. The proposal is consistent with the *Plan for the 21st Century*.

**ZONING DOCKET 107/14** – Request by BROOKWOOD-BEHRMAN LLC for a Zoning Change from a B-2 Neighborhood Business District to a C-1 General Commercial District and a Conditional Use to permit a mini-warehouse over 10,000 square feet of floor area/one acre in site size in the proposed C-1 District and the UC Urban Corridor District overlay, on Square 185/186 or ES-1, Lot 5, bounded by Behrman Place, Behrman Highway, and Bender Boulevard. The municipal address is 10005 BEHRMAN HIGHWAY. (PD 12)

**Applicant:** Brookwood-Behrman, LLC

**Request:** This is a request for a Zoning Change from a B-2 Neighborhood Business District to a C-1 General Commercial District and a Conditional Use to permit a mini-warehouse over 10,000 square feet of floor area/one acre in site size in the proposed C-1 District and the UC Urban Corridor District overlay.



**Location:** The petitioned property is located on Square 185/186 or ES-1, Lot 5, bounded by Behrman Place, Behrman Highway, and Bender Boulevard. The municipal address is 10005 Behrman Highway. (PD 12)

**Description:** The subject site is located on Lot 5, Square 185/186 and immediately bounding Behrman Highway. Lot 5 is a triangular shaped and corner lot that measures approximately five hundred and one feet (501') in circular width along Behrman Highway, five hundred twelve feet (512') in depth along Bender Boulevard and approximately six hundred twenty seven feet (627') in depth along the shared servitude with an existing big box development for a total area of one hundred thirty three thousand three hundred eighty one square feet (133,381 sq. ft.) or 3.062 acres. The site is currently undeveloped, wooded land.

The applicant proposes to develop the wooded lot with a storage facility consisting of two (2) structures and additional site improvements. Building A1 is a two-story structure that measures one hundred thirty feet (130') in width and three hundred thirty feet (330') in depth for a gross floor area of seventy eight thousand three hundred square feet (78,300 sq. ft.). The first floor of Building A1 consists of a one thousand square feet (1,000 sq. ft.) sales office, two (2) stairwells, a manager's storage room, 20 exterior units, and two (2) lobbies each developed with an elevator, elevator equipment room, cart storage area and building entrance area. The remainder of the first floor consists of individual storage units and corridors providing access to those units. The second floor consists of two (2) stairwells and two (2) elevator areas with the remaining area utilized for individual storage units and corridors.

Building B is a one-story structure that measures one hundred thirty feet (130') in width and two hundred fifty feet (250') in depth for a gross floor area of twenty seven thousand seven hundred seventy five square feet (27,775 sq. ft.). This structure consists of 43 exterior storage units and numerous interior storage units that are accessed via open breezeways. The site's orientation fronts toward the shared servitude that is accessed from Behrman Highway. The site will be accessed from an ingress/egress driveway off the shared servitude followed by an off-street parking location and the property sales office area. Site customers will progress forward through a sliding gate to access the storage unit buildings and exit the development at a secondary egress area located on the side of Building B. This secondary egress area also exits onto the shared servitude roadway.

The proposed off-street parking area consists of six (6) spaces, including one (1) handicapped space. The interior drive is proposed with a thirty five feet (35') width to allow for vehicular parking and loading along both sides. The site will also include an enclosed trash dumpster area as well as extensive landscaping throughout the site.

The applicant is applying for a zoning change from a B-2 Neighborhood Business District to a C-1 General Commercial District to allow the mini-warehouse development. The applicant is also seeking a Conditional Use to permit a mini-warehouse over 10,000 square feet of floor area/one acre in site size in the proposed C-1 District and the UC Urban Corridor District overlay.

## **CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)<sup>6</sup>**

There was one (1) proponent and no opponents for the request.

The Senior City Planner summarized the request. The applicant stated support of the staff recommendation. Commissioner Marshall made a motion for approval of the request. The motion was seconded by Commissioner Mitchell and adopted.

### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 107/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO FOUR (4) WAIVERS AND TWELVE (12) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

### *Waivers*

1. The applicant shall be granted a waiver of **Article 5, Section 5.7.3(16)** which requires a setback of ten feet (10') from all property lines to permit the proposed Building B setback of less than ten feet (10') from the property line adjacent to the private servitude. All other site improvements shall conform to the ten feet (10') setback requirement.
2. The applicant shall be granted a waiver of **Article 10, Section 10.1A.11(1)(b)** which requires a twenty feet (20') setback area landscaped with grass, trees and shrubs (except for approved drives) from street rights-of-way to permit an eight feet (8') in depth landscaped (grass) setback adjacent to the Bender Boulevard public right-of-way. All other site improvements shall conform to the twenty feet (20') street rights-of-way landscaped setback requirement.
3. The applicant shall be granted a waiver of **Article 10, Section 10.1A.11(1)(c)** which requires that no paving or parking be allowed within twenty feet (20') of a street right-of-way to permit pavement and parking being located in an area no less than eight feet (8') from the adjacent Bender Boulevard public right-of-way. All other site improvements shall conform to the twenty feet (20') street rights-of-way pavement and parking setback requirement.

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<sup>6</sup> The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for ZD 107/14. An archived video of the public hearing, including ZD 107/14, is available through the CPC website located at: <http://www.nola.gov/city-planning/>

4. The applicant shall be granted a waiver **Article 10, Section 10.1A.11(2)** which requires that within four feet (4') from the street right-of-way, three and one-half (3½) inch caliper trees at least ten feet (10') in height shall be planted thirty (30) feet on center to permit zero (0) tree planting along the Bender Boulevard public right-of-way.

*Provisos*

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall provide a continuous landscaped screening hedge, a minimum of six feet (6') in height, along the entirety of the property line adjacent to the private servitude.
3. The applicant shall provide fencing at a height no greater than seven feet (7') to provide security for the site buildings and customer drive/loading areas. The use of chain link fencing is prohibited.
4. The applicant shall provide a total of seventeen (17) compliant trees along the Behrman Highway right-of-way and at least seventeen (17) compliant trees at other strategic locations within the site, most notably along the property line adjacent to the servitude.
5. The applicant shall submit a revised site plan depicting the location of eight (8) designated loading spaces which shall be screened by an opaque fence at least seven (7) feet in height.
6. The applicant shall submit an exterior lighting plans that conforms to the requirements of **Article 10, Section 10.1A.11(4)(f)** – *Lighting*.
7. A dumpster area shall be screened from view by an opaque wooden or masonry fence, with latched gate, that is at least six (6) feet tall.

8. The applicant shall provide to the City Planning Commission a litter abatement program letter approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type, and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street right-of-way. The name and phone number of the owner/operator of the mini-warehouse shall be included in this letter to be kept on file in case of any violation. In no case shall trash be stored so that it is visible from the public right-of-way.
9. The applicant shall submit proposed signage plans, which will include details of all proposed signage for the site, which shall conform to **Article 5 C-1 General Commercial District, Section 5.7.6 Permitted Signs, Article 10, Section 10.1A.8 - Permitted Attached Identification Signs** and **Article 10, Section 10.1A.9 - Permitted Detached Identification Signs** of the Comprehensive Zoning Ordinance.
10. Temporary banners or any other type of temporary signage shall be prohibited on the facades and in the windows of the establishment.
11. The applicant shall revise the site plan to show curbs, curb cuts and sidewalks, subject to the review and approval of the Department of Public Works.
12. The applicant shall provide a Drainage Plan for the site, subject to the review and approval of the Department of Public Works.

YEAS: Brown, Marshall, Mitchell, Mora, Steeg

NAYS: None

ABSENT: Bryan, Duplessis, Hughes, Wedberg

**REASONS FOR RECOMMENDATION**

1. The negative impacts associated with the proposed use can be mitigated through the use of staff recommended provisos.
2. The proposed use would have a positive impact to adjacent and surrounding uses.
3. The proposed zoning change is not a spot zone.
4. The proposed use is consistent with the Master Plan.

**ZONING DOCKET 108/14** – Request by NHAN T. DO for a Conditional Use to permit the sale of alcoholic beverages for off-premises consumption in a retail store in a C-1 General Commercial District and the Eastern New Orleans UC Urban Corridor District overlay, on an undesignated square, Lots 5-A Pt. 27 and 7-A Pt. 27, bounded by Chef Menteur Highway, Michoud Boulevard, and Alcee Fortier Boulevard. The municipal address is 13801 CHEF MENTEUR HIGHWAY. (PD 10)

**Applicant:** NHAN T. DO

**Request:** This is a request for a Conditional Use to permit the sale of alcoholic beverages for off-premises consumption in a retail store in a C-1 General Commercial District and the Eastern New Orleans UC Urban Corridor District overlay.

**Location:** The petitioned property is located on an undesignated square, Lots 5-A Pt. 27 and 7-A Pt. 27, bounded by Chef Menteur Highway, Michoud Boulevard, and Alcee Fortier Boulevard. The municipal address is 13801 Chef Menteur Highway. (PD 10)

**Description:** Image #1: 13801 Chef Menteur Highway



Source: Staff Photograph taken 10/9/14

The petitioned site is located on two (2) lots (5-A Pt. 27 and 7-A Pt. 27) fronting on Chef Menteur Highway (State Highway 90). Lot 5-A Pt. 27 measures one hundred feet (100') in width (Chef Menteur Hwy. side), four hundred six feet (406') in depth (Michoud Blvd. side), five hundred feet (500') in depth (Alcee Fortier Blvd. side), and approximately seventy five feet in rear width (Lagoon No. 2 side) for a total area of forty eight thousand eight hundred square feet (48,800 sq. ft.). Lot 7-A Pt. 27 measures one hundred feet (100') in width and five hundred feet (500') in depth for a total area of fifty thousand square feet (50,000

sq. ft.). In total, the approximate area of the petitioned site is 98,800 square feet or approximately 2.25 acres. The site is currently developed with a two-story structure and an impervious surface utilized for automotive parking for the area fronting on Chef Menteur Highway (see Image #1 above). The first floor of the structure is utilized as a convenience store containing one thousand two hundred and seventy three square feet (1,273 sq. ft.) in total floor area. The second floor of the structure is utilized as a three (3) bedroom residential apartment that measures one thousand forty square feet (1,040 sq. ft.). The main entrance to the convenience store is located at ground level adjacent to Chef Menteur Highway. The second floor residential apartment is accessed via a staircase located along the rear of the structure. The front of the site is setback ten feet five inches (10'5") from the approximate forty eight feet (48') state public right-of-way adjacent to Chef Menteur Highway. Five (5) existing parking spaces are striped and located within this ten feet five inch (10'5") setback in front of the structure.

Image #2: Gated and closed egress area for rear mobile home park.



Source: Staff Photograph taken 10/9/14

The request applies only to the entire two hundred feet (200') in width and forty one feet nine inches (41'9") in depth adjacent to Chef Menteur Highway. The remainder of the site is occupied by an existing mobile home park. The mobile home park is accessed via an existing driveway located on both the petitioned lot 7-A Pt. 27 and adjacent lot 9-A<sup>7</sup>. The mobile home park egress is located on the petitioned lot 5-A Pt. 27; however, this exit is currently gated and locked (see Image #2 above). The applicant will utilize the existing convenience store to sell alcoholic beverages for consumption off premises, if the conditional use request is approved.

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<sup>7</sup> The adjacent lot 9-A is also owned by the applicant.

## CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)<sup>8</sup>

There was one (1) proponent and no opponents for the request.

The Senior City Planner summarized the request. The applicant stated support of the staff recommendation. Commissioner Mora made a motion for approval of the request. The motion was seconded by Commissioner Marshall and adopted.

### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 108/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO FOUR (4) WAIVERS AND TWELVE (12) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

### *Waivers*

1. The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(1)** – *Special Site Design Conditions* requiring a landscape buffer (including all requirements therein) of a depth of not less than twenty feet (20') to permit a depth of zero feet (0') due to existing site conditions.
2. The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(2)** – *Special Site Design Conditions* requiring a building setback requirement of not less than twenty feet (20') from the property line facing the UC Urban Corridor District rights-of-way to permit a depth of ten feet six inches (10'6") due to existing site conditions.
3. The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(5)** – *Special Site Design Conditions* requiring interior landscaping of vehicular use area to permit no additional interior landscaping of vehicular use areas due to existing site conditions.
4. The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(6)** – *Special Site Design Conditions* requiring a perimeter landscape strip to permit no perimeter landscape strip(s) due to existing site conditions.

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<sup>8</sup> The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for ZD 107/14. An archived video of the public hearing, including ZD 107/14, is available through the CPC website located at: <http://www.nola.gov/city-planning/>

*Provisos*

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall consult with the Louisiana Department of Transportation (LDOT) on determination of public right-of-way encroachment and retaining the five (5) parking spaces located between the front façade of the structure and Chef Menteur Highway, subject to the following:
  - a) If the parking spaces are determined by LDOT to be permitted within the state right-of-way, then the site conditions shall be considered grandfathered, based on existing site conditions; or
  - a) If the existing parking spaces are not permissible, then the applicant shall be subject to requirements of **Article 10, Section 10.1A.11** –*Special Site Design Conditions*, subject to the review and approval of the staff of the City Planning Commission.
3. The applicant shall submit detailed site plans (including but not limited to additional landscaping, dumpster location and proposed off-street parking), floor plans and elevations (including all proposed signage and exterior lighting) of the site subject to final approval by City Planning Commission staff.
4. The wholesale cost of package liquor stocked and displayed shall not exceed fifteen (15) percent of the wholesale cost of other merchandise stocked and displayed and the display of packaged alcoholic beverages shall not constitute more than ten (10) percent of all display area. The applicant shall submit revised floor plans to the City Planning Commission staff indicating that the area used for the display of packaged alcoholic beverages does not exceed ten (10) percent of all display area.
5. Signage advertising the sale of alcoholic beverages shall not be visible from the public right-of-way.
6. The applicant shall retain the establishment’s existing hours of operation as Monday through Saturday 7:00 a.m. to 6:00 p.m. and closed on Sunday.
7. A dumpster area shall be located on Lot 7-A Pt. 27 and screened from view by an opaque wooden or masonry fence, with latched gate, that is at least six (6) feet tall.



8. The applicant shall provide to the City Planning Commission a litter abatement program letter approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type, and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street right-of-way. The name and phone number of the owner/operator of the business shall be included in this letter to be kept on file in case of any violation. In no case shall trash be stored so that it is visible from the public right-of-way.
9. The applicant shall submit a landscape plan detailing all existing vegetative cover at the site between the front façade of the existing structure and the front property line adjacent to the Chef Menteur Hwy. right-of-way, subject to the review and approval of the staff of the City Planning Commission.
10. Any proposed site lighting shall conform to **Article 10, Section 10.1B.12(7)- Exterior Lighting** of the Comprehensive Zoning Ordinance.
11. The applicant shall submit proposed signage plans, which will include details of all proposed signage for the site, to which show compliance with **Article 5 C-1 General Commercial District, Section 5.7.6 Permitted Signs, Article 10, Section 10.1B.12.8 - Permitted Attached Identification Signs** and **Article 10, Section 10.1B.12.8 - Permitted Detached Identification Signs** of the Comprehensive Zoning Ordinance.
12. Temporary banners, promotional alcoholic beverage signage, or any other type of temporary signage shall be prohibited on the facades and in the windows of the establishment.

YEAS: Brown, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Bryan, Duplessis, Hughes

#### **REASONS FOR RECOMMENDATION**

1. The negative impacts associated with the proposed use can be mitigated through the use of staff recommended provisos.
2. The proposed retail establishment should be similar in operational character to the other similar ABOs located within the corridor.
3. The site, located on a major street, is appropriate for the use as it is located within a C-1 General Commercial District.

**ZONING DOCKET 109/14** – Request by CARROLLTON COMMISSARY, LLC for a Zoning Change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business

District, on Square 174, Lot 10, in the Seventh Municipal District, bounded by Willow, General Ogden, Jeannette, and Eagle Streets. The municipal address is 8837 WILLOW STREET. (PD 3)

**Applicant:** Carrollton Commissary, LLC

**Request:** This is a request for a zoning change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business District.

**Location:** The property is located on Square 174, Lot 10, in the Seventh Municipal District, bounded by Willow, General Ogden, Jeannette, and Eagle Streets. The municipal address is 8837 Willow Street. (PD 3)

**Description:** The petitioned site is located on the corner of Willow and General Ogden Streets. It is comprised of a single rectangular shaped lot that has a width of thirty feet (30') and a depth of one hundred and twenty feet (120') comprising an area of three thousand, six hundred (3,600) square feet. A two thousand, two hundred and forty-seven (2,247) square foot single-story structure rests on the site. The applicant proposes to divide the structure into two uses, including one thousand, two hundred ninety three square feet (1,293 sq. ft.) to be used as a commissary kitchen and nine hundred fifty four square feet (954 sq. ft.) to be used as a three-bedroom residential unit. As explained by the applicant, the commissary kitchen will be rented to different restaurant and catering operators for on-site food preparation to be served at their chosen location. Food sales will not be available at the subject site. The applicant will not employ its own staff and regular operating hours will be established. Regular deliveries will not be made; instead each restaurant/caterer will bring in their own supplies as needed in their personal or company vehicles.

#### **CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)**

The speakers at the public hearing are listed on the attached public hearing speaker sheet.

The City Planner summarized the request, stating the staff's recommendation.

Commissioner Mitchell made a motion to defer to defer the request until the November 11, 2014 City Planning Commission meeting to allow the applicants and neighborhood residents time to gain a better understanding of the proposed commissary kitchen's operations and how the zoning change to a B-1A Neighborhood Business District will impact the neighborhood. Commissioner Marshall seconded the motion, which was adopted.

#### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 109/14 IS HEREBY DEFERRED UNTIL THE NOVEMBER 11, 2014 CITY PLANNING COMMISSION MEETING.

YEAS: Brown, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Bryan, Duplessis, Hughes

**PROPOSED 2015 BUDGET AND WORK PLAN FOR THE DOWNTOWN DEVELOPMENT DISTRICT OF THE CITY OF NEW ORLEANS** – To review and consider the plan in order to determine whether it is consistent with the comprehensive plan for the City of New Orleans.

**CITY PLANNING COMMISSION MEETING (OCTOBER 28, 2014)**

The City Planner summarized the DDD’s 2015 Budget and Work Plan, stating it is consistent with the Master Plan. The staff then recommended approval. The speakers at the public hearing are listed on the attached public hearing speaker sheet.

Commissioner Wedberg made a motion to adopt the staff’s recommendation, which was seconded by Commissioner Mitchell. The motion was adopted unanimously.

**Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT THE DOWNTOWN DEVELOPMENT DISTRICT 2015 BUDGET AND WORK PLAN IS HEREBY RECOMMENDED FOR **APPROVAL**. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

YEAS: Brown, Mitchell, Mora, Steeg, Wedberg

NAYS: None

RECUSED: Marshall

ABSENT: Bryan, Duplessis, Hughes

**REASONS FOR RECOMMENDATION**

1. The DDD’s 2015 Budget and Work Plan is consistent with the Master Plan.
2. The DDD’s 2015 Budget and Work Plan will promote economic development, enhance the urban environment, and improve public safety in the Central Business District.

**CONSIDERATION** - Ratification of Actions Relative to Certified Subdivisions.

There were none.

### **Committee Reports**

There were none.

### **Announcements**

There were none.