

# **CPC MINUTES**

**April 14, 2015  
Meeting**

**ZONING DOCKET 030-15** – Request by GEOCOR PROPERTIES, LLC for a Conditional Use to permit the sale of alcoholic beverages for on-premises consumption in a standard restaurant in a B-1A Neighborhood Business District and an ICUC Inner-City Urban Corridor District overlay, on Square 578, Lots 18 and 19, in the First Municipal District, bounded by Banks, South Dorgenois, South Rocheblave, and Palmyra Streets. The municipal address is 2549 BANKS STREET. (PD 4)

**Applicant:** GEOCOR PROPERTIES, LLC

**Request:** This is a request for a Conditional Use to permit the sale of alcoholic beverages for on-premises consumption at a standard restaurant in a B-1A Neighborhood Business District).

**Location:** The petitioned property is located on Square 578, Lots 18 and 19, in the First Municipal District, bounded by Banks, South Dorgenois, South Rocheblave and Palmyra Streets. The municipal address is 2549 Banks Street. (PD-4)

**Description:** The petitioned site is located on the downtown riverside of Banks Street at the intersection of South Dorgenois Street in lower Mid-City within two blocks of the Southeast Louisiana Veterans Health Care System Medical Center site. The site comprises a rectangular-shaped lot with a total area of approximately three thousand two hundred fifty-two (3,252) square feet. The restaurant would occupy approximately two thousand two hundred seventy (2,270) square feet of floor area. The site is developed with a two-story structure that currently contains office space, three (3) residential units and vacant space where the proposed restaurant will be on the first floor and office space on the second floor. There is no off-street parking provided on the site.

#### **CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)**

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

The Senior City Planner summarized the request, stating the staff's recommendation of approval, subject to nine (9) provisos.

The applicant's representative spoke in favor of the project.

One other speaker spoke questioning the applicant's plan for off-street parking and use of video poker machines. The applicant's representative replied that no off-street parking is required and the restaurant will have video poker which will operate during business hours.

Commissioner Marshall made a motion for approval as recommended by the staff. Commissioner Duplessis seconded the motion, which was adopted.

## **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 030/15 IS HEREBY RECOMMENDED FOR APPROVAL, SUBJECT TO NINE (9) 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. Alcoholic beverage service for consumption on premises shall only be in combination with food service. Food and non-alcoholic beverage 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.
3. The restaurant shall operate only between the hours of 7:00 a.m. and 11:00 p.m., Monday through Sunday.
4. Live music shall be prohibited. Music of any kind shall not be projected to the exterior of the restaurant or building.
5. 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.
6. The applicant shall provide for the installation of landscaping along the site's public rights-of-way, subject to the review and approval of the staff of the Department of Parks and Parkways and the staff of the City Planning Commission.
7. The applicant shall submit all proposed exterior signage in accordance with the requirements of **Article 5, Section 5.5.6 Permitted Signs** and **Article 10, Section 10.3A.6 Design Review Standards** of the Comprehensive Zoning Ordinance, subject to the review and approval of the staff of the City Planning Commission. No signage promoting alcoholic beverages or video poker shall be permitted on the exterior of the building or visible from the exterior of the building.
8. The applicant shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall include 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 street rights-of-way. The name and phone number of the owner/operator 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 indicate the location of dumpsters or trash storage containers on the site plan for final approval. At no time other than during trash pick-up shall trash be visible from the public right-of-way.

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

NAYS: None

ABSENT: Hughes

#### **REASONS FOR RECOMMENDATION**

1. Those negative impacts that are sometimes associated with the sale of alcoholic beverages for on-premises consumption can be sufficiently mitigated through the compliance with the recommended operational standards.
2. The proposed use is compatible with the mix of commercial uses in the B-1A Neighborhood Business District in which it is proposed.

**ZONING DOCKET 031-15** – Request by CITY COUNCIL MOTION NO. M-15-85 for a Text Amendment to Article 2, Section 2.2 *Definitions* of the Comprehensive Zoning Ordinance to create a new definition of “Cigar Bar” and to Article 8, Section 8.5.5 *Conditional Uses* of the Comprehensive Zoning Ordinance to classify “Cigar Bar” as a conditional use in the VCC-2 Vieux Carré Commercial District

**Applicant:** City Council Motion M-15-85

**Request:** Text Amendment to the Comprehensive Zoning Ordinance, No. 4,264 M.C.S., as amended, to:

- 1) Amend **Article 2, Section 2.2** *Definitions* of the Comprehensive Zoning Ordinance to define a new use, “Cigar Bar.”
- 2) Amend **Article 8, Section 8.5.5** *Conditional Uses* of the Comprehensive Zoning Ordinance to classify “Cigar Bar” as a conditional use in the VCC-2 Vieux Carré Commercial District.

## **CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)**

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 denial as recommended by the staff. Commissioner Bryan seconded the motion, which was adopted.

### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 031/15 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, Duplessis, Hughes, Marshall, Mora, Steeg, Wedberg

NAYS: Mitchell

ABSENT: None

### **REASONS FOR RECOMMENDATION**

1. There is no need to create in the zoning ordinance a cigar bar definition which distinguishes cigar bars from other types of cocktail lounges. Based on the definitions in the City Code and proposed for the zoning ordinance, cocktail lounges are permitted to derive 100% of their income from the sale of alcoholic beverages for on-premises consumption, while those cocktail lounges designated as cigar bars could potentially derive up to 90% of their income from the sale of alcoholic beverages for on-premises consumption, with as little as 10% of its income coming from the on-site sale of cigars and the rental of humidors. Given such similar characteristics, there would generally be no meaningful differences between cigar bars and other cocktail lounges in their operational characteristics or impacts on other properties, and so they should be defined and treated similarly for zoning purposes.
2. The proposed cigar bar definition would allow a new cigar bar to be established at 533 Toulouse Street but does not allow for new cigar bars to be established elsewhere in the VCC-2 District. There is no justification for granting 533 Toulouse Street such preferential treatment which is not granted to other, similar properties in the VCC-2 District.

**ZONING DOCKET 032-15** – Request by DONNA S. ALLEN for an Amendment to Ordinance No. 23,648 MCS (Zoning Docket 034/09, which amended a Conditional Use ordinance allowing a retail store of less than 5,000 square feet of floor area with the sale of alcoholic beverages for on-premises and off-premises consumption to modify the adopted provisos) to grant a Conditional Use to permit the sale of alcoholic beverages for on-premises consumption in a standard restaurant in a B-1 Neighborhood Business District, on Square 1554, Lot J or Pts. J and H, in the Third Municipal District, bounded by Esplanade Avenue, Mystery, Maurepas, North Lopez and Ponce de Leon Streets. The municipal address is 3141 PONCE DE LEON STREET. (PD 4)

**Applicant:** Donna S. Allen

**Request:** This is a request for an amendment to Ordinance No. 23,648 MCS (Zoning Docket 034/09, which amended a Conditional Use ordinance allowing a retail store of less than 5,000 square feet of floor area with the sale of alcoholic beverages for on-premises and off-premises consumption to modify the adopted provisos) to grant a Conditional Use to permit the sale of alcoholic beverages for on-premises consumption in a standard restaurant in a B-1 Neighborhood Business District.

**Location:** The petitioned site is located on Square 1554, Lot J or Pts. J and H, in the Third Municipal District, bounded by Esplanade Avenue, Mystery, Maurepas, North Lopez and Ponce de Leon Streets. The municipal address is 3141 PONCE DE LEON STREET. (PD 4)

**Description:** The subject site is a restaurant that is operating in a two-story mixed-use commercial/residential building on Ponce De Leon Street near the corner of Esplanade Avenue. The restaurant is one of three businesses on the first floor. The restaurant has seating for twenty patrons and an approximate floor area of 690 square feet. No off-street parking is available on the site. The applicant requests a conditional use in order to sell alcoholic beverages with meals at the restaurant. This is categorized as an amendment because it is in the same building with a wine shop that has an existing conditional use. Because they are separate, operating businesses, the current request will have separate requirements from the wine shop.

#### **CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)<sup>1</sup>**

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

The applicant requested a changed to the third proviso to accommodate a proposal to provide breakfast service. Commissioner Mora made a motion to approve the request as recommended by staff with a change to the third proviso for the restaurant to allow

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<sup>1</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 032/15.

operating hours to begin at 7:00am. Commissioner Steeg seconded the motion which passed unanimously.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 032/15 IS HEREBY RECOMMENDED FOR **APPROVAL** SUBJECT TO ONE (1) WAIVER AND TWENTY (20) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

*Waivers*

1. Developer shall be granted a waiver of Article 15, Section 15.2.1. Off-Street Parking Regulations for All Districts, Except the CBD Districts and Vieux Carre Districts of the Comprehensive Zoning Ordinance which requires the provision of two (2) parking spaces to allow the provision of zero (0) parking spaces.

*Provisos*

1. Any changes to the exterior of the property, including exterior signage, shall be subject to review by the Historic District Landmarks Commission.
2. An opaque fence no less than six (6) feet in height shall be constructed on the structure's right side to screen the trash storage area from public view. The site plan shall be revised to indicate the location of the trash storage area.
3. Use of the premises for any conventions/receptions/parties/events other than those directly associated with the promotion of the wine store shall be prohibited.
4. The property owner shall secure a lease of servitude from the City of New Orleans Department of Property Management, Division of Real Estate & Records for the overhang and gutter encroachments.
5. The developer shall obtain a café franchise agreement, secured through the Department of Public Works.
6. Hours of operation shall be limited to 10:30 a.m. to 9:00 p.m. Monday through Saturday and 12:00 Noon to 6:00 p.m. on Sundays.
7. No video poker or other wagering equipment shall be allowed on premises.
8. No live or disc jockey music shall be provided on site. Music of any kind shall be prohibited on the exterior of the building.
9. The operator shall discourage loitering on the site and the adjacent public right-of-way. If needed, signs to that effect shall be posted.

10. The developer shall establish a litter abatement plan that includes clearing the adjacent public right-of-way daily of litter and the use of a watering hose as necessary. The name, address, and phone number of the owner or operator shall be indicated on the plan in case any violations should occur.
11. Any proposed exterior signage shall be subject to Article 5, Section 5.4.6 Permitted Signs of the Comprehensive Zoning Ordinance. No signage promoting alcoholic beverages shall be permitted.
12. On premise tasting and/or consumption of only wine, beer, and sake by the glass shall be permitted during regular business hours.
13. The only alcoholic beverages that shall be sold for consumption on or off premises are wine, beer, and sake.

*Provisos for the sale of alcoholic beverages 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. Alcoholic beverage service for consumption on premises shall only be in combination with food service. Food and non-alcoholic beverages sales shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times during which the restaurant operates.
3. Hours of operation shall be limited to 7:00 a.m. and 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 12:00 midnight on Friday and Saturday.
4. Live music shall be prohibited. Music of any kind shall not be projected to the exterior of the restaurant or building.
5. Signage advertising the sale of alcoholic beverages shall not be visible from the public right-of-way.
6. 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 and the clearing of all litter from the sidewalks and periodic cleaning of the street rights-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.



7. 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, Duplessis, Hughes, Marshall, Mitchell, Mora, Steeg, Wedberg

Nays: none

Absent: none

## REASONS FOR RECOMMENDATION

1. The restaurant is currently operating and the addition of alcoholic beverage service with meals will not create significant adverse impacts on the area.
2. The design review has addressed operational standards for restaurants that serve alcoholic beverages with meals.

**ZONING DOCKET 033-15** – Request by PIE DAUPHINE, LLC for a Conditional Use to permit a four-family residence in an HMR-3 Historic Marigny/Tremé Residential District, on Square 258, Lots H1 and H2 (Proposed Lot H-1A), in the Third Municipal District, bounded by Dauphine, Mandeville, Burgundy, and Spain Streets. The municipal address is 2413-2417 DAUPHINE STREET. (PD 7)

**Applicant:** PIE DAUPHINE, LLC

**Request:** This is a request for a conditional use to permit a four-family residence in an HMR-3 Historic Marigny/Treme Residential District.

**Location:** The petitioned property is located on Square 258, Lot H1 and a portion of Lot H2 (proposed Lot H-1A), in the Third Municipal District, bounded by Dauphine, Mandeville, Burgundy and Spain Streets. The municipal address is 2413-2417 Dauphine Street. (PD-7) The property is within the Marigny Local Historic District.

**Description:** The property is located on Dauphine Street between Mandeville and Spain Streets in the Marigny Neighborhood. The proposed site (new Lot H-1A) represents one-half of the vacant site previously occupied by Hubig’s Pie bakery.<sup>2</sup> The other half of the site (new Lot H-2A) represents a mirror image of the petitioned proposal and is considered under ZD 034-15. The proposed four family residence will be developed on the future Lot H-1A measuring forty-two feet (42’) in width, one

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<sup>2</sup> Hubig’s Pie Bakery was developed on a site comprising of three (3) lots with a combined width of eighty-four feet (84’) and depth of one hundred eighty-one feet (181’). The bakery was completely destroyed in a fire in July of 2012.

hundred eighty-one (181') in depth for a total area of approximately 7,602 square feet. The development will consist of two structures, each containing two (2) dwelling units; the first structure will be placed along the Dauphine Street property line, while the other one will be setback twenty feet from the rear property line. A swimming pool, placed across the property line and shared with the adjacent lot (Lot H-2A) is proposed within the rear yard area. Four (4) off street parking spaces will be located at the center of the site; access to these spaces will be provided via an electronic gate and a fourteen (14) foot wide common driveway shared with the adjacent development.

## **CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)**

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 of approval subject to three (3) waivers and eleven (11) provisos.

Commissioner Duplessis made a motion for approval of the request as recommended by staff. Commissioner Hughes seconded the motion, which was adopted.

### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 033/15 IS HEREBY RECOMMENDED FOR APPROVAL, SUBJECT TO THREE (3) WAIVERS 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 **Article 15, Section 15.5.7 (3)** to allow two (2) main building to be located on a single lot of record.
2. The applicant shall be granted a waiver of **Article 15, Section 15.5.12 (7)** to allow the outdoor pool to have a zero (0) foot side yard setback in lieu of the required four (4) feet.
3. The applicant shall be granted a waiver of **Article 15, Section 15.3.2** of the Comprehensive Zoning Ordinance which requires one (1) off-street loading space for multi-family residential development containing 5,000-10,000 square feet to permit a development of four (4) residential units containing approximately 7,511.5 square feet without off-street loading.

*Provisos*

1. The applicant shall resubdivide lots H1, H2 and H3 into Lots H1A and H2A with a mutual access servitude shown on the survey. The resubdivision plan shall be recorded in the Office of Conveyances prior to the final approval and recordation of the development plans.
2. The swimming pool shall meet all design standards of Article 15.5.12(7) regarding setbacks and fencing.
3. A servitude agreement between the developers of the proposed Lot H1A and H2A referencing common access (driveway and walkway) and common use of pool, rear yard and trash storage area, shall be executed and recorded at the Offices of Conveyances. The servitude agreement shall be referenced and shown, with all relevant measurements, on the subdivision plan creating Lots H1A and H2A.
4. The applicant shall make any recommended improvements to the exterior of the structures and shall secure a Certificate of Appropriateness from the Historic District Landmarks Commission.
5. Any proposed signage shall comply with **Article 9, Section 9.3.6 Permitted Signs** of the Comprehensive Zoning Ordinance and shall be subject to review and approval of the Historic District Landmarks Commission.
6. The applicant shall revise the landscaping plan to include installation of a planting strip with ground cover and a minimum of one street tree in the Dauphine Street right-of-way subject to the review and approval by the Department of Parks and Parkways.
7. The size of the trash storage area shall be increased to reflect the number of dwelling units on the site. A latching gate shall be installed to screen the trash storage area from view from the Dauphine Street public right-of-way. At no time other than during trash pick-up shall trash be visible from the public right-of-way. The design of the gate shall be subject to the review and approval of the Historic District Landmarks Commission.
8. The applicant shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall include the stated location of trash storage, the type and quantity of trash receptacles, the frequency of trash pickup if contracted by a private trash removal company, and the clearing of all litter from sidewalks and street rights-of-way. The name and phone number of the property manager shall be included in this letter to be kept on file in case of any violations.
9. 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.

10. The applicant shall eliminate existing curb-cuts and restore the curb along Dauphine Street. The new curb-cut shall be subject to review and approval by the Department of Public Works.
11. The applicant shall submit plans for sidewalk improvements within the Dauphine Street public right-of-way for review and approval of the Department of Public Works. The improvements shall meet the design specifications of the respective department.

YEAS: Brown, Bryan, Duplessis, Hughes, Marshall, Mitchell, Steeg, Wedberg

NAYS: Mora

ABSENT: None

#### **REASONS FOR RECOMMENDATION**

1. The proposed use is less intense than the previous industrial use that occupied the site for a number of years.
2. The proposed residential development will have similar density as the adjacent residential neighborhood and its design, subject to the HDLC review and approval, will ensure consistency with the character of the adjacent residential areas.
3. The request is consistent with the *Plan for the 21<sup>st</sup> Century: New Orleans 2030 Land Use Plan*.

**ZONING DOCKET 034-15** - Request by PIE DAUPHINE, LLC for a Conditional Use to permit a four-family residence in an HMR-3 Historic Marigny/Tremé Residential District, on Square 258, Lots H2 and H3 (Proposed Lot H-2A), in the Third Municipal District, bounded by Dauphine, Mandeville, Burgundy, and Spain Streets. The municipal address is 2413-2417 DAUPHINE STREET. (PD 7)

**Applicant:** PIE DAUPHINE, LLC

**Request:** This is a request for a conditional use to permit a four-family residence in an HMR-3 Historic Marigny/Treme Residential District.

**Location:** The petitioned property is located on Square 258, Lot H3 and a portion of Lot H2 (proposed Lot H-2A), in the Third Municipal District, bounded by Dauphine, Mandeville, Burgundy and Spain Streets. The municipal address is 2413-2417

Dauphine Street. (PD-7) The property is within the Marigny Local Historic District.

**Description:** The property is located on Dauphine Street between Mandeville and Spain Streets in the Marigny Neighborhood. The proposed site (new Lot H-2A) represents one-half of the vacant site previously occupied by Hubig's Pie bakery.<sup>3</sup> The other half of the site (new Lot H-1A) represents a mirror image of the petitioned proposal and is considered under ZD 033-15. The proposed four family residence will be developed on the future Lot H-2A measuring forty-two feet (42') in width, one hundred eighty-one (181') in depth for a total area of approximately 7,602 square feet. The development will consist of two structures, each containing two (2) dwelling units; the first structure will be placed along the Dauphine Street property line, while the other one will be setback twenty feet from the rear property line. A swimming pool, placed across the property line and shared with the adjacent lot (Lot H-1A) is proposed within the rear yard area. Four (4) off street parking spaces will be located at the center of the site; access to these spaces will be provided via an electronic gate and a fourteen (14) foot wide common driveway shared with the adjacent development.

#### **CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)**

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 of approval subject to three (3) waivers and eleven (11) provisos.

Commissioner Duplessis made a motion for approval of the request as recommended by staff. Commissioner Mitchell seconded the motion, which was adopted.

#### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 033/15 IS HEREBY RECOMMENDED FOR APPROVAL, SUBJECT TO THREE (3) WAIVERS 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 **Article 15, Section 15.5.7 (3)** to allow two (2) main building to be located on a single lot of record.

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<sup>3</sup> Hubig's Pie Bakery was developed on a site comprising of three (3) lots with a combined width of eighty-four feet (84') and depth of one hundred eighty-one feet (181'). The bakery was completely destroyed in a fire in July of 2012.

2. The applicant shall be granted a waiver of **Article 15, Section 15.5.12 (7)** to allow the outdoor pool to have a zero (0) foot side yard setback in lieu of the required four (4) feet.
3. The applicant shall be granted a waiver of **Article 15, Section 15.3.2** of the Comprehensive Zoning Ordinance which requires one (1) off-street loading space for multi-family residential development containing 5,000-10,000 square feet to permit a development of four (4) residential units containing approximately 7,511.5 square feet without off-street loading.

*Provisos*

1. The applicant shall resubdivide lots H1, H2 and H3 into Lots H1A and H2A with a mutual access servitude shown on the survey. The resubdivision plan shall be recorded in the Office of Conveyances prior to the final approval and recordation of the development plans.
2. The swimming pool shall meet all design standards of Article 15.5.12(7) regarding setbacks and fencing.
3. A servitude agreement between the developers of the proposed Lot H1A and H2A referencing common access (driveway and walkway) and common use of pool, rear yard and trash storage area, shall be executed and recorded at the Offices of Conveyances. The servitude agreement shall be referenced and shown, with all relevant measurements, on the subdivision plan creating Lots H1A and H2A.
4. The applicant shall make any recommended improvements to the exterior of the structures and shall secure a Certificate of Appropriateness from the Historic District Landmarks Commission.
5. Any proposed signage shall comply with **Article 9, Section 9.3.6 Permitted Signs** of the Comprehensive Zoning Ordinance and shall be subject to review and approval of the Historic District Landmarks Commission.
6. The applicant shall revise the landscaping plan to include installation of a planting strip with ground cover and a minimum of one street tree in the Dauphine Street right-of-way subject to the review and approval by the Department of Parks and Parkways.
7. The size of the trash storage area shall be increased to reflect the number of dwelling units on the site. A latching gate shall be installed to screen the trash storage area from view from the Dauphine Street public right-of-way. At no time other than during trash pick-up shall trash be visible from the public right-of-way. The design of the gate shall be subject to the review and approval of the Historic District Landmarks Commission.

8. The applicant shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall include the stated location of trash storage, the type and quantity of trash receptacles, the frequency of trash pickup if contracted by a private trash removal company, and the clearing of all litter from sidewalks and street rights-of-way. The name and phone number of the property manager shall be included in this letter to be kept on file in case of any violations.
9. 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.
10. The applicant shall eliminate existing curb-cuts and restore the curb along Dauphine Street. The new curb-cut shall be subject to review and approval by the Department of Public Works.
11. The applicant shall submit plans for sidewalk improvements within the Dauphine Street public right-of-way for review and approval of the Department of Public Works. The improvements shall meet the design specifications of the respective department.

YEAS: Brown, Bryan, Duplessis, Hughes, Marshall, Mitchell, Steeg, Wedberg

NAYS: Mora

ABSENT: None

#### **REASONS FOR RECOMMENDATION**

1. The proposed use is less intense than the previous industrial use that occupied the site for a number of years.
2. The proposed residential development will have similar density as the adjacent residential neighborhood and its design, subject to the HDLC review and approval, will ensure consistency with the character of the adjacent residential areas.
3. The request is consistent with the *Plan for the 21<sup>st</sup> Century: New Orleans 2030 Land Use Plan*.

**SUBDIVISION DOCKET 017-15** – Request by DOKA INVESTMENTS, LLC to resubdivide Lot 21 into Lots 21A and 21B, Square 651, in the First Municipal District, bounded by Gravier, S. Salcedo, Perdido and S. Lopez Streets. The municipal addresses are 3100 GRAVIER STREET AND 713-715 SOUTH SALCEDO STREET. (PD 4)

- Proposal:** Resubdivision of Lot 21 into Lots 21A and 21B.
- Location:** Square 651, First Municipal District, bounded by Gravier Street, South Salcedo Street, Perdido Street, and South Lopez Street. The municipal addresses are 3100 Gravier Street and 713 – 715 South Salcedo Street. (PD 4)
- Zoning:** RD-3 Two-Family Residential District
- Current Land Use:** Multi-family residential
- Proposed Land Use:** Multi-family residential
- Required:** The subject property, Lot 21, is located at the corner of Gravier and South Salcedo Streets. This lot is developed with two two-story multiple-family residential structures divided by a narrow gated area which is occupied by staircases leading to the apartments' second-floor entrances. The structure closest to the corner of Gravier and South Salcedo Streets (3100 Gravier Street) has four residential units, and the building behind it (713-715 South Salcedo Street) has three residential units. The applicant is proposing to subdivide Lot 21 into two lots so each structure will be on its own lot of record.

Due to the age of the buildings on the site, this request is being considered under Policy E of the Subdivision Regulations. This Policy waives the requirement for a public hearing for Minor Subdivisions and authorizes the Executive Director to grant Administrative Approval to subdivision plans proposing new lot lines that will separate buildings constructed prior to 1929, provided that plans meet all the following conditions:

- a. *Satisfactory evidence is submitted indicating existence of structures prior to 1929. Such evidence is to be provided by the owner or subdivider and should consist of a letter from the appropriate Tax Assessor or other documents deemed acceptable by the Executive Director.*
- b. *The request to separate buildings involves only main/principal buildings.*
- c. *Proposed side lot lines comply as nearly as possible with the Subdivision Regulations and the Comprehensive Zoning Ordinance.*
- d. *The proposed lots shall contain a minimum of 1,800 square feet.*
- e. *The proposed lots will not be an excessive variation to the neighborhood norm.*

This proposal must be considered by the City Planning Commission because proposed Lot 21B does not meet criteria “d” and “e” under Policy E.



**Description:** The subject property is one lot of record, Lot 21. The site is developed with one four-unit residential structure at 3100 Gravier Street, and one three-unit residential structure at 713-715 South Salcedo Street. Both of the structures are two-story. The applicant proposes to create two lots in order to place each multiple-family structure on their own lot of record.

**CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)**

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

The applicant spoke in favor of the request, and gave examples of other lots in the surrounding neighborhood that are similar in size to the lots of the subdivision proposal. Commissioner Brown asked staff to address the examples provided by the applicant. Staff answered that there are similar examples within the neighborhood, but the average lot in the neighborhood is significantly larger than the two proposed lots.

No one spoke in opposition of the request.

Commissioner Marshall made a motion for denial which was seconded by Commissioner Steeg and adopted.

**Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 017-15 IS HEREBY DENIED.

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

NAYS: None

ABSENT: None

**SUBDIVISION DOCKET 018-15** – Request by BRIDGET KARMONA to resubdivide Lot 85-A into Lots 85-A-1 and 85-A-2, Square R, West End Park, in the Seventh Municipal District, bounded by New Orleans Hammond Highway, East Hazeur Line, Robert E. Lee Boulevard and Regent Street. The municipal address is 415 NEW ORLEANS HAMMOND HIGHWAY. (PD 5)

**Proposal:** This is a proposal to subdivide Lots 85-A into Lots 85-A-1 and 85-A-2.

**Location:** The site is located on Square R West End Park in the Seventh Municipal District, bounded by New Orleans Hammond Highway, East Hazeur Line, Robert E. Lee Boulevard, and Regent Street. The municipal address is 415 New Orleans Hammond Highway. (PD 5)

**Zoning:** The site is located within a LRS-1 Lakeview Single-Family Residential District.

**Current**

**Land Use:** Lot 85-A is currently vacant.

**Proposed**

**Use:** The site is proposed to be two, single-family residential lots.

**Reason for**

**CPC Action:** Lot 85-A was created as part of a previous subdivision and measures 100 feet wide by 91.174 feet deep for a total area of 9,116 square feet.<sup>5</sup> The applicant is proposing to subdivide the property into Lots 85-A-1 and 85-A-2 each measuring 50 feet wide by 91.17 feet deep for a total area of 4,558 square feet.

The Subdivision Regulations require that all subdivisions that do not meet the requirements of the Comprehensive Zoning Ordinance be considered by the City Planning Commission. The Comprehensive Zoning Ordinance requires a minimum lot area of 5,000 square feet in the LRS-1 Lakeview Single-Family Residential District.<sup>6</sup> The lots have a proposed area of 4,558 square feet; since the lot area is deficient, action by the City Planning Commission is required.

**CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)**

The City Planner summarized the request, stating the staff's recommendation for tentative approval. The applicant spoke in favor of the request.

Commissioner Steeg made a motion to adopt staff's recommendation, which was seconded by Commissioner Wedberg. The motion was adopted unanimously.

**Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 018/15 IS HEREBY GRANTED **TENTATIVE APPROVAL**, WITH FINAL APPROVAL SUBJECT TO EIGHT (8) PROVISOS:

*Provisos*

1. The applicant shall revise the survey because the old lots (formerly Lots 85, 86, 87, 88, & 89) should be dotted.
2. The applicant shall revise the subdivision letter of request to state the ownership as "The Succession of Alain Karmona by Brigitte Karmona – Independent Executrix to the Succession & Estate."

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<sup>4</sup> Measures are shown in feet.inches.lines, with 12 inches per foot and 8 lines per inch.

<sup>5</sup> This lot was created as part of Subdivision Docket 091/12 which was approved on August 8, 2012.

<sup>6</sup> Per **Article 9A, Section 9A.1.7 (Table 9A.A)** of the *Comprehensive Zoning Ordinance*

3. The applicant shall remove the punctuation marks from the proposed lot names and change Lots 85-A-1 and 85-A-2 to Lots 85A1 and 85A2.
4. Once assigned by the Department of Safety and Permits, the applicant shall add the municipal addresses for the proposed lots to the survey.
5. The applicant shall obtain a waiver from the Board of Zoning Adjustment for insufficient lot area as required by **Article 9A, Section 9A.1.7 (Table 9A.A)** for the proposed Lots 85-A-1 and 85-A-2 (required 5,000 square feet, provided 4,558 feet, waiver of 442 square feet per lot).
6. The applicant shall comply with any requirements deemed necessary by Department of Property Management's Division of Real Estate and Records, the Department of Public Works, the Department of Safety and Permits, the Sewerage and Water Board, and Entergy.
7. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable), and tax certificates for the site.
8. The applicant shall submit a reproducible copy and two prints and a digital copy of the final subdivision survey in dwg, dxf, or ESRI compatible file format.

YEAS: Brown, Bryan, Duplessis, Hughes, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Marshall

**SUBDIVISION DOCKET 026-15** – Request by BANCROFT PROPERTY INVESTMENTS, LLC to resubdivide an undesignated portion of Square 338 into Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A and 12A, Square 338, in the Second Municipal District, bounded by Milne Boulevard, Harney and Colbert Streets. The municipal address is 5951 MILNE BOULEVARD. (PD 5)

**Proposal:** Subdivision of an undesignated lot into Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A & 12A.

**Location:** Square 338, in the Second Municipal District, bounded by Harney, Colbert, Harney Street, and Milne Boulevard. The municipal address is 5951 Milne Boulevard. (PD 5)

**Zoning:** LRS-1 Lakeview Single-Family Residential District

**Current**

**Land Use:** vacant school, vacant caretaker residence

**Proposed**

**Use:** The applicant proposes to construct twelve, single-family residences.

**Reason for**

**CPC Action:** The request is classified as a major subdivision according to **Article 3, Section 3.1.2** of the Subdivision Regulations because it involves the creation of more than five lots. This will be reviewed under Policy C of the Subdivision Regulations because it is a major subdivision with no proposed changes in street patterns<sup>7</sup>.

**CITY PLANNING COMMISSION MEETING (ARIL 14 2015)<sup>8</sup>**

The applicant’s representative and neighbors spoke in support of the request.

The Senior City Planner read a summary of the report. Commissioner Marshall made a motion for **tentative approval** as recommended by the staff, which was seconded by Commissioner Wedberg and adopted.

**MOTION:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 026-15 IS HEREBY GRANTED TENTATIVE APPROVAL, WITH FINAL APPROVAL SUBJECT TO FOUR (4) PROVISOS.

*Provisos*

1. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, and the Departments of Public Works, Real Estate and Records (Property Management), and Safety and Permits.
2. The applicant shall submit a revised survey which includes the footprint of the existing building which a note that the building is to be demolished.
3. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable) and tax certificates for the petitioned site.
4. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final subdivision survey in dwg., dxf, or ESRI compatible file format.

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<sup>7</sup> **Article 3, Section 3.2.3**

<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 SD 026-15.

Yeas: Brown, Bryan, Duplessis, Hughes, Marshall, Mitchell, Mora, Steeg, Wedberg

Nays: None

Absent: None

## REASON FOR ACTION

1. The proposed lots meet the requirements of the *Subdivision Regulations* and the *Comprehensive Zoning Ordinance*.

**DESIGN REVIEW DOCKET 119-14** – Request by NEW ORLEANS BIBLE FELLOWSHIP, INC. to appeal the Eastern New Orleans urban Corridor District regulations, **Article 10, Section 10.1B.9.1 (c) Permitted Changeable Message Area** and **Article 15, Section 15.2.5 (16) Paving Surface** of the Comprehensive Zoning Ordinance, in an RM-2E Eastern New Orleans Multiple-Family Residential District, on a Portion of Evangeline Oaks Subdivision, Lot L, in the Third Municipal District, bounded by Bundy Road, Chef Menteur Highway, Cerise Avenue and Grant Street. The municipal address is 4430 BUNDY ROAD. (PD 9)

**Applicant:** New Orleans Bible Fellowship Inc.

**Request:** This request is an appeal of the Eastern New Orleans Urban Corridor (UC) District regulations, **Article 10, Section 10.1B.9.1(c) Permitted Changeable Message Area** and **Article 15, Section 15.2.5(16) Paving Surface** of the Comprehensive Zoning Ordinance, to allow for a sign with larger than allowed changeable message area and to permit a parking lot that is not paved with a durable, all-weather material.

**Zoning:** RM-2E Eastern New Orleans Multiple-Family Residential District and Eastern New Orleans Urban Corridor (UC) District

**Location:** The petitioned property is located in the Third Municipal District, on a Portion of Evangeline Oaks Subdivision, on Lot L,<sup>9</sup> bounded by Bundy Road, Chef Menteur Highway, Cerise Avenue, and Grant Street. The municipal address is 4430 Bundy Road. (PD 9)

**Proposal:** The petitioned site is a large corner lot with frontage on Bundy Road and Grant Street in the Read Boulevard West Neighborhood of New Orleans East. The lot is zoned RM-2E Eastern New Orleans Multiple-Family Residential District and is also located within the Eastern New Orleans Urban Corridor (UC) Overlay District. The property, Lot L, is slightly L-shaped and has a width of four hundred forty-nine feet (449') along Bundy Road and a depth of five hundred forty-seven feet (547') along Grant Street. The total area of Lot L is 281,303 square feet, or approximately 6.5 acres.<sup>10</sup> The lot is improved with the following four structures:

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<sup>9</sup> A pending subdivision being reviewed in Subdivision Docket 011/15 would result in a minor modification to the property line, decrease in the size of the subject property, and change the lot designation to Lot L1.

<sup>10</sup> Following the pending subdivision, the size of Lot L1 will be reduced to 274,953 square feet, or approximately 6.3

a two-story, metal-sheeted structure that was originally built as a gymnasium but now serves as a church, a prefabricated, one-story trailer used for storage, a wooden gazebo, and a small wooden shed. The applicant received approval to convert the existing gymnasium into a church in December 2013.<sup>11</sup>

A Design Review application is required for the proposed detached (monument) sign. The monument sign is not consistent with the Eastern New Orleans Urban Corridor (UC) District regulations. The 27 square foot sign has 15 square feet dedicated for changeable message area. Since the change message area is greater than 30% of the sign area, or 8.1 square feet, a waiver of 6.9 square feet in changeable message area is required. This is an after the fact request because the sign was built after the Department of Safety and Permits issued a sign permit on September 11, 2014.<sup>12</sup>

In addition, the applicant is requesting a waiver of the requirement that off-street parking spaces are paved. The proposed plans approved with Design Review 118/13 show the applicant providing the required 52 off-street parking space with 21 spaces in an existing paved lot and 31 spaces in a new parking area adjacent to the existing lot. When the Department of Safety and Permit did a final site inspection in August 2014, they noted that the applicant had not paved the new parking area. **Article 15, Section 15.2.5(16) – Paving Surface** requires that a surface parking lot shall be paved with a durable all-weather material. The applicant is requesting a waiver of this paving requirement.<sup>13</sup>

#### **CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)<sup>14</sup>**

The Senior City Planner summarized the information in the report and presented the staff's recommendation. The applicant spoke in favor of the project. There were no other speakers.

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

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acres.

<sup>11</sup> Design Review 118/13 was approved administratively by the City Planning Commission on December 24, 2013.

<sup>12</sup> The applicant applied for a sign permit with Safety and Permits on August 20, 2014. The applicant then submitted this Design Review application for the sign on August 25, 2014. On September 11, 2014, the Department of Safety and Permits issued the building permit for the sign even though the City Planning Commission has never approved any signs as part of this or the previous design review applications.

<sup>13</sup> The applicant initially applied for a waiver with the Board of Zoning Adjustment (BZA200-14), but the application was withdrawn after a determination was made that because the property is located in the Eastern New Orleans Urban Corridor (UC) District, per **Article 10, Section 10.1B.14 – Appeals** any variance of the Overlay District or the underlying zoning district requires City Council approval. This requires a Design Review application. Since the applicant already had an open Design Review application for the proposed sign, the requested waiver of the paving requirement was included as part of this review.

<sup>14</sup> Public Hearing speaker sheet is attached to this report.

**MOTION**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT DESIGN REVIEW DOCKET 119/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO ONE (1) WAIVER AND ONE (1) PROVISO. 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 10, Section 10.1B.9.1 (c) – Permitted Changeable Message Area** which limits the size of the Changeable Message Area to 30% of the total permitted sign face area to permit a Changeable Message Area of up to 15 square feet, or 56% of the total sign face area.

*Proviso*

1. The applicant shall revise the site plan to show an enclosed refuse storage area consistent with the requirements of **Article 10, Section 10.1B.12.4(c) – Required Screening**.

Yeas: Brown, Bryan, Duplessis, Hughes, Marshall, Mitchell, Mora, Steeg, Wedberg

Nays: None

Absent: None

**REASONS FOR RECOMMENDATION**

1. Granting the variance for changeable messaging area is the preferred outcome to achieve the goals of the Eastern New Orleans Urban Corridor (UC) District.
2. The Department of Safety and Permits has already issued a permit to build the detached sign.
3. Due to previously unaccounted for parking that is grandfathered to the site, no new off-street parking is required and a waiver of the paving requirements is no longer needed since the applicant does not have to provide additional parking at this time.

**DESIGN REVIEW DOCKET 024-15** – Request by PHILIP L. KITCHEN to appeal the Lake Area Design Corridor Overlay District, **Article 9A, Section 9A.13.6.3 (b), Signage**, of the Comprehensive Zoning Ordinance, in an LB-1 Lake Area Neighborhood Business District, on Square 34, Lots 24 through 33, in the Seventh Municipal District, bounded by West Harrison

Avenue, 26<sup>th</sup> Street, Fleur de Lis and Bellaire Drives. The municipal addresses are 331-339 WEST HARRISON AVENUE. (PD 5)

**Applicant:** Philip L. Kitchen

**Request:** This request is an appeal of the Lake Area Design Corridor (LADC) Overlay District regulations, **Article 9A, Section 9A.13.6.3(b) - Design Review Standards - Signage** of the *Comprehensive Zoning Ordinance* to permit a monument sign along a corridor with less than four (4) lanes and insufficient setback from the adjacent public right-of-way.

**Zoning:** LB-1 Lake Area Neighborhood Business District and LADC Lake Area Design Corridor Overlay District.

**Location:** The petitioned property is located in the Seventh Municipal District, on Square 34, on Lots 24 thru 33, bounded by W Harrison Avenue, Fleur De Lis Drive, 26<sup>th</sup> Street, and Bellaire Drive. The municipal addresses are 331-339 W Harrison Avenue. (PD 5)

**Proposal:** The petitioned site is a rectangular-shaped lot with 160 feet of frontage on W Harrison Avenue, a lot depth of 120 feet, and an area of approximately 19,200 square feet. On the property is a strip shopping center whose structure measures 107 feet wide, 45 feet deep, for a total area of approximately 4,815 square feet. The shopping center is occupied with four commercial uses including a physical therapy clinic, a clothing store, a pet cleaning and supply store, and a health club.

All of the existing businesses have attached (wall) signs on the structure, and the property owner proposes building a detached (monument) sign for the entire shopping center. The proposed monument sign is 9 feet 6 inches tall and 6 feet wide. The sign area measure 7 feet 6 inches tall by 6 feet wide and has a total area of 45 square feet. In the LADC Lake Area Design Corridor Overlay District monument signs are limited to corridors with at least 4 lanes of traffic and W Harrison Avenue is only two lanes; therefore a monument sign is not allowed. In addition, the sign is required to be set back from the public right-of-way a distance equal to the height of the sign. The sign measures 9 feet 6 inches in height, however it is only proposed to be set back 2 to 3 feet from the public right-of-way.

#### **CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)<sup>15</sup>**

The Senior City Planner summarized the information in the report and presented the staff's recommendation. The applicant and one other person spoke in favor of the project. No one spoke in opposition to the project.

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<sup>15</sup> Public Hearing speaker sheet is attached to this report.



The Commissioners had a number of questions about the presence of similar signs on W Harrison Avenue and how this case relates to a similar case on Harrison Avenue. Commissioner Steeg made a motion to adopt the staff's recommendation, which was seconded by Commissioner Bryan and adopted.

## **MOTION**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT DESIGN REVIEW DOCKET 024/15 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, Mitchell, Mora, Steeg, Wedberg

Nays: Duplessis, Hughes

Absent: Marshall

## **REASONS FOR RECOMMENDATION**

1. Some Commissioners felt that the intent of the Lake Area Design Corridor Overlay District regulations would be compromised by granting these variances.
2. Some Commissioners felt that they have to act consistently since they did not recommend approval of a recent similar request in the LADC Overlay District.
3. Other Commissioners felt that it would be unreasonable to deny the applicant's request since so many other businesses on W Harrison Avenue have similar detached signs.

**PROPERTY ACQUISITION 003-15** - Consideration of the acquisition of Elmwood Square 57, in the Fifth Municipal District, bounded by Seine Street, Idaho Street, Memorial Park Drive, and Indiana Street. (PD 12)

**Consideration:** Consideration of the acquisition of Elmwood Square 57, in the Fifth Municipal District, bounded by Seine Street, Idaho Street, Memorial Park Drive, and Indiana Street. (PD 12)

**Applicant:** City of New Orleans

**Purpose:** In accordance with Section 6-302 subsection 3 of the City Charter, “[n]o immovable property shall be acquired by the City without the approval of the City Planning Commission as to its use[.]”

## **General Property**

### **Description:**

The petitioned site is owned by the Orleans Parish School Board. The property is a vacant site, with vegetation of grass, shrubs, and trees. The total area of this site is approximately 165,000 square feet or 3.8 acres. This proposed property acquisition is part of a land swap with the Orleans Parish School Board where the City will acquire this site in exchange for Fox Playground adjacent to L.B. Landry High School.<sup>16</sup> The City proposes to use this property as a passive park.

## **CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)**

The Senior City Planner summarized the request, stating the staff's recommendation of approval. A representative of the Orleans Parish School Board spoke in favor of the request. There were five speakers present who general spoke in favor of the request, but had some questions regarding the ongoing use of the property as a passive park. All of the speaker's names are included on the attached sign-in sheet.

After some discussion, Commissioner Hughes made a motion to approve the request. The motion was seconded by Commissioner Mora and was adopted.

### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT PROPERTY ACQUISITION 003/15 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: Bryan, Duplessis, Hughes, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Brown, Marshall

RECUSAL: Mitchell

## **REASONS FOR RECOMMENDATION**

1. This request is consistent with the property acquisition criteria for evaluation.
2. The proposed use will provide residents with additional access to open space in this proposed passive park.
3. The proposed use of the petitioned site is consistent with the City's Master Plan and the Comprehensive Zoning Ordinance.

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<sup>16</sup> This request, Property Disposition 004/15, is under consideration by the City Planning Commission at this April 14, 2015 meeting.

**PROPERTY DISPOSITION 004-15** - Consideration of the sale of Squares 228 and 229 and a portion of the Wagner Street right-of-way, in the Fifth Municipal District, bounded by Socrates Street, LB Landry Street, Lamarque Street, and Hendee Street. This property is Fox Playground. (PD 12)

**Consideration:** Consideration of the sale of Squares 228 and 229 and a portion of the Wagner Street right-of-way, in the Fifth Municipal District, bounded by Socrates Street, L.B. Landry Avenue, Lamarque Street, and Hendee Street. The municipal address is 1300 L.B. Landry Avenue. This property is Fox Playground. (PD 12)

**Applicant:** City of New Orleans

**Purpose:** In accordance with Section 6-306 Subsection 2 of the City Charter, the City Planning Commission is required to consider the sale or exchange of immovable property no longer needed for public purposes.

**General Property Description:**

The petitioned site, which is known as Fox Playground, is owned by the City of New Orleans under the jurisdiction of the New Orleans Recreation Development Commission (NORDC) and maintained by the Department of Parks and Parkways. Fox Playground has a football/soccer field, a baseball diamond, a basketball court, and a restroom facility. This proposed property disposition is part of a land swap with the Orleans Parish School Board (OPSB) where the City will acquire a vacant OPSB property on Seine Street.<sup>17</sup> The total area of Fox Playground is approximately 167,500 square feet or 3.8 acres. The Orleans Parish School Board proposes using this playground as greenspace for L.B. Landry High School with continued access to the public.

**CITY PLANNING COMMISSION MEETING (APRIL 14, 2015)**

The Senior City Planner summarized the request, stating the staff’s recommendation of approval. A representative of the Orleans Parish School Board and a representative of the Algiers Charter School Association both spoke in favor of the request. There were no other speakers present. All of the speaker’s names are included on the attached sign-in sheet.

Commissioner Duplessis made a motion to approve the request. The motion was seconded by Commissioner Hughes and was adopted.

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<sup>17</sup> This property acquisition request, PA 003/15, would create a passive park on a Seine Street property and is being considered by the City Planning Commission at this meeting.

**Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT PROPERTY DISPOSITION 004/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO TWO (2) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

*Provisos*

1. Disposition of this property is subject to a restrictive covenant in the deed that this property shall remain as a park and be available for community use.
2. The property shall only be disposed of subject to the relocation of or a servitude for access to any utilities in the Wagner Street right-of-way, if applicable.

YEAS: Bryan, Duplessis, Hughes, Steeg, Wedberg

NAYS: None

ABSENT: Brown, Marshall, Mora

RECUSAL: Mitchell

**REASONS FOR RECOMMENDATION**

1. No agency of the City has indicated a need for any of the properties.
2. The proposed use of the petitioned site is consistent with the City’s Master Plan and the Comprehensive Zoning Ordinance.
3. With the provisos, the property disposition is consistent with the criteria for approval as provided in the Administrative Rules, Policies, and Procedures of the City Planning Commission.

**CONSIDERATION** – Fee schedule for proposed amendments to the *Plan for the 21<sup>st</sup> Century: New Orleans 2030*.

The City Planning Commission recommended a fee schedule proposal for requested amendments to the Master Plan. The fee schedule must be adopted by the City Council.

Master Plan Text and Future Land Use Map (FLUM) Amendments shall follow the below fee schedule:

	<b>Future Land Use Map</b>	<b>Text</b>
0 – 4,999 square feet of lot area	\$1,000	\$1,500 per topical area*
5,000 – 24,999 square feet of lot area	\$2,000	
25,000 – 74,999 square feet of lot area	\$3,000	
75,000 + square feet of lot area	\$4,000	

\*If it is unclear, the CPC Executive Director shall have the discretion to determine the number of topics contained in one applicant’s text change request.

**CITY PLANNING COMMISSION APRIL 14, 2015 MEETING**

There were no speakers for or against the proposal.

The Planning Administrator gave a summary of the proposal. A motion to recommend approval of the proposal was made by Commissioner Mitchell, seconded by Commissioner Hughes, and unanimously adopted.

YEAS: Bryan, Duplessis, Hughes, Mitchell, Wedberg

NAYS: None

ABSENT: Brown, Marshall, Mora, Steeg

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

There were no subdivision actions to be certified.

**Adoption of minutes of the March 24, 2015 meeting.**

Commissioner Hughes made a motion to accept the minutes as written. The motion was seconded by Commissioner Mitchell and adopted.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT THE MINUTES OF THE MARCH 24, 2015 CITY PLANNING COMMISSION MEETING ARE HEREBY ACCEPTED AS WRITTEN.

YEAS: Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

NAYS: None

ABSENT: Brown, Marshall, Mora

**Committee Reports.**

There were none.

**Announcements.**

There were none.