

**City Planning Commission Meeting  
Tuesday, August 11, 2015**

**CPC Deadline: 09/25/15  
CC Deadline: 10/27/15  
City Council District: E – Gray**

**PRELIMINARY STAFF REPORT**

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**To:** City Planning Commission  
**Zoning Docket:** 067/15

**Prepared by:** Sabine Lebailleur  
**Date:** July 30, 2015

**I. GENERAL INFORMATION:**

**Applicant:** Family Resources of New Orleans, Inc.

**Request:** This is a request for an amendment to Calendar Ordinance No. 30,637 for a zoning change from an SR-S Suburban Single-Family Residential District to a C-2 Auto-Oriented Commercial District.

**Location:** The site is located on Section 24, Lots 2C-1 and 2C-2, in the Third Municipal District, bounded by Plainfield Drive, Read Boulevard and Interstate 10. The municipal address is 10112-10200 Plainfield Drive. The site is within the CT Corridor Transformation Design Overlay District. Parts of the lots are located in the ENORC Eastern New Orleans Renaissance Corridor Use Restriction Overlay District. (PD 9)

**Description:** The site is an irregular-shaped parcel located between Plainfield Drive and Interstate 10 Service Road, east of Read Boulevard, in the Little Woods Neighborhood. The site, which includes two adjacent lots, has an area of approximately 10.5 acres. The site measures approximately 600 feet in width along Plainfield Drive, and 605 feet along Interstate 10 Service Road. It measures approximately 722 feet in depth on the Read Boulevard side of the property, and 814 feet in depth on the east side of the property.

The site was developed with the Bern-Mas Apartments. The apartments have been demolished and the site is now vacant. Concrete slabs, former parking lots and over grown vegetation cover the site. The applicant now proposes to rezone the site in order to use it as a professional sport training and medical rehabilitation complex, which would also include a business conference center, restaurant and hotel for athletes' accommodation.

Under the current Comprehensive Zoning Ordinance, the site is entirely zoned RM-2E Eastern New Orleans Multi-Family Residential District. The adopted zoning ordinance, effective August 12, 2015, designates the majority of the site, nearest Plainfield Drive as S-RS Suburban Single-Family Residential District, and designates the portion of the site nearest Interstate 10 as C-2 Auto-Oriented Commercial District. This commercially-zoned portion is a strip of land covering the width of both lots and measuring approximately 70 feet on the Read Boulevard side of the property and 197 feet on the east side of the property. This

section zoned C-2 Auto-Oriented Commercial District is designated for General Commercial development in the Master Plan, while the part zoned S-RS Suburban Single-Family Residential District is designated for single-family residential development by the Master Plan.

As the proposed hotel, restaurant, medical and health facility, and any commercial uses are not permitted by the adopted zoning for most of the site, the applicant requests that the site be rezoned so it is entirely within a C-2 Auto-Oriented Commercial District.

### **Why is City Planning Commission action required?**

The City Planning Commission is required to make a recommendation on all requests for zoning map amendments prior to City Council action, in accordance with **Article 16, Section 16.2.3.2 Planning Commission Recommendation** of the Comprehensive Zoning Ordinance.

## **II. ANALYSIS**

### **A. What is the zoning of the surrounding areas? What is the existing land use and how are the surrounding areas used?**

#### *Current zoning and generalized land use pattern for the area*

The subject site is located within the Little Woods neighborhood close to the Interstate 10 and the Read Boulevard exit. The portion of the property located along Interstate 10 Service Road is within the Eastern New Orleans Renaissance Corridor District, which extends along Interstate 10 and Read Boulevard. The adopted CT Corridor Transformation Design Overlay District covers the entire site. It also extends along Interstate 10 and Read Boulevard.

The four corners around the intersection of Read Boulevard and Interstate 10 are currently zoned C-2 General Commercial and are developed with high density car oriented commercial structures, including fast food restaurants, car service and gas stations, a furniture store, a pharmacy, a home improvement store. The adopted Comprehensive Zoning Ordinance, effective August 12, 2015, designates the northeast corner of the intersection between Interstate 10 and Read Boulevard as C-2 Auto-Oriented Commercial District and the three other corners as C-3 Heavy Commercial District. The commercial zoning along Read Boulevard extends for approximately 1,000 feet north, away from the Interstate and towards the lakeside. Beyond this point, the current zoning on each side of Read Boulevard is RS-2 Single Family Residential District, and the adopted zoning is S-RS Suburban Single-Family Residential District. Development in this district is made of post war single-family dwellings.

*Immediately surrounding land uses*

In contrast to the heavily commercial stretch of Read Boulevard, the site is immediately neighbored to the Plainfield Drive side by single-story single-family residences. Plainfield Drive is one of the three access roads to a subdivision of approximately 200 single-family residences. On the west side of the site, along Read Lane, a small strip of office uses separates the subject property from the commercial uses on Read Boulevard. This stretch includes an adult day health care office, a child development center, a dentist office, a vacant office building, and a vacant car wash. The abutting property to the east is an approximately 8.7 acre vacant lot that is zoned similarly to the petitioned site. There is no development on the Interstate 10 side of the site, as it is only separated from Interstate 10 by Interstate 10 Service Road.

*Differences between current, adopted zoning and proposed zoning*

While the site is now zoned RM-2E Eastern New Orleans Multi-Family Residential, the Master Plan and the adopted Comprehensive Zoning Ordinance call for a reduction in this multi-family residential zoning on most of the site's area. The Master Plan designates approximately 8.5 acres out of the site's total 10.5 acres for Residential Single-Family Post War development. The remaining 2 acres, located in the rear of the property, along Interstate 10 Service Road, are designated for General Commercial Development. This is to be implemented by the adopted Comprehensive Zoning Ordinance, which calls for the front 8.5 acres portion of the site nearest Plainfield Drive to be zoned S-RS Suburban Single-Family Residential District, and the remaining 2 acres portion nearest to Interstate 10 Service Road to be zoned C-2 Auto-Oriented Commercial District.

The effect of the Master Plan and the adopted Comprehensive Ordinance is to make the zoning of the 8.5 acre portion of the site nearest Plainfield Drive more closely reflect the current land use pattern of the adjacent single-family residences subdivision, and to make the zoning of the smaller portion of the site along Interstate 10 Service Road more adapted to heavy commercial use, as it is typically found along highways.

**B. What is the zoning and land use history of the site?**

*Zoning*

1929 – 'L' Unrestricted

1953 – 'A' Single-Family District

1970 – RM-4 Multiple-Family Residential District

Current – RM-2E Eastern New Orleans Multi-Family Residential District

Effective 8/12/15 – S-RS Suburban Single-Family Residential District and C-2 Auto-Oriented Commercial District

*Land use*

1929 – Vacant Property

1949 – Vacant Land

1999 – Commercial

**C. Have there been any recent zoning changes or conditional uses in the area? If so, do these changes indicate any particular pattern or trend?**

In the past five years, there have been the following requests for zoning actions (including zoning changes, conditional use permits, and planned development districts) for properties located within 1,800 feet (approximately five blocks) of the site:

**Zoning Docket 072/14** was a request for a conditional use to permit the sale of alcoholic beverages for on-premises consumption at an existing reception hall in a C-2 General Commercial District and an HUC Highway Urban Corridor District overlay. The municipal address is 10040 I-10 Service Road. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council.

**Zoning Docket 035/14** was a request for a conditional use to permit the sale of alcoholic beverages for consumption off premises at a gasoline service station in a B-2 Neighborhood Business District and the Eastern New Orleans Renaissance Corridor District overlay. The municipal address is 7358 Read Boulevard. The City Planning Commission recommended denial of the request. The City Council subsequently overruled the recommendation and granted the request.

**Zoning Docket 028/13** was a request for a conditional use to permit the sale of alcoholic beverages for off-premises consumption at a proposed gas station/convenience store in a C-2 General Commercial District within the Eastern New Orleans Renaissance Corridor District and the Eastern New Orleans Renaissance Corridor Interim Zoning District. The municipal address is 5700 Read Boulevard. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council.

**Zoning Docket 105/12** was a request for a conditional use to permit a retail development greater than 7,500 square feet in floor area in a C-2 General Commercial District and within the Eastern New Orleans Renaissance Corridor Interim Zoning District. The municipal address is 5902 Read Boulevard. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council.

**Zoning Docket 111/10** was a request for a conditional use to permit the sale of alcoholic beverages for consumption off premises at a retail store in a C-2 General Commercial District and within the Highway Urban Corridor, the Eastern New Orleans Renaissance Corridor District, and the Eastern New Orleans Renaissance Corridor Interim Zoning District. The Municipal address is 7020 Read Boulevard. The City Planning Commission recommended denial of the request, which was subsequently denied by the City Council.

**Zoning Docket 037/10** was a request for a conditional use to permit the sale of alcoholic beverages for consumption off-premises in the Eastern New Orleans Renaissance Corridor District, in a B-2 Neighborhood Business District. The municipal address is

7358 Read Boulevard. The City Planning Commission recommended denial of the request, which was subsequently denied by the City Council.

These recent requests are not indicative of any pattern or trend that is relevant to the current application.

**D. Are any major streets involved? What impact will the proposed zoning change have on the transportation system, if any?**

*Description of street system*

The site is located between Plainfield Drive and Interstate 10 Service Road, off of Read Boulevard. Plainfield Drive is residential street providing one lane of traffic in each direction and on-street parking on both sides. It is one of the three access roads to a residential subdivision that contains approximately 200 single-family dwellings. The two other access to the subdivision are provided four blocks north off of Read Boulevard (Flossmoor Drive), and five blocks north on Morrison Road (Restgate Road). These roads serve exclusively this residential subdivision, as such vehicular traffic is mostly associated with residents.

Interstate 10 Service Road runs along Interstate 10 connecting Read Boulevard to Wrights Road and further east to Bullard Avenue. It provides one lane of traffic in each direction and neither on-street parking or sidewalk. There is limited development along the stretch of Service Road between Read Boulevard and Wright Road, including a fast food restaurant at the corner of Service Road and Read Lane. The Service Road carries relatively moderate levels of traffic.

Higher volumes of traffic are carried on Read Boulevard, which is a major street and provides three lanes of traffic in each direction, and connects the lakefront to Chef Mentour Highway.

*Traffic impact*

Considering the size of the property, the variety of uses proposed, and the variety of uses permitted under C-2 Auto-Oriented Commercial District, the traffic associated with this site could be relatively high if the zoning change was granted. The specific commercial development intended by the applicant, a professional sport training and medical rehabilitation complex, business conference center and hotel for athletes' accommodation, would be visited by customers and employees traveling to the site either by their own automobile or by taxi.

During the community meeting held with the neighboring property owners, the community members expressed concerns about access to the proposed development. It was requested that the project does not provide access on Plainfield Drive, but only on Interstate 10 Service Road to keep all traffic out of the neighborhood. The applicant agreed to make the necessary accommodation to satisfy the community's concerns.

**E. What is the purpose of the proposed rezoning and what effect would it have on the adjacent land uses?**

*Purpose of the proposed rezoning*

The subject site was originally developed with an apartment complex. This multiple-family residential use conformed to the multiple-family residential zoning applied to the site from 1970 until to the present. As part of the new Comprehensive Zoning Ordinance that was adopted by the City Council in May 2015 to implement the new Master Plan, part of the site has been re-zoned to an S-RS Suburban Single-Family Residential District and the other part has been re-zoned to a C-2 Auto-Oriented Commercial District, effective August 12, 2015.

The requested C-2 Auto-Oriented Commercial District is intended for a wide variety of commercial activities, generally serving a wide area and located along major arterials. The C-2 District is intended for large-scale, auto-oriented commercial uses and strip commercial developments, which require significant parking. The applicant requests to re-zone the part of the site zoned S-RS Suburban Single-Family Residential to C-2 Auto-Oriented Commercial District because the proposed development necessitates that the whole site be zoned C-2.

*Potential effects on surrounding land uses*

The site is currently zoned RM-2E Eastern New Orleans Multi-Family Residential District, and will be zoned mostly S-RS Suburban Single-Family Residential District in the adopted Comprehensive Zoning Ordinance. Neither of these zoning districts allows hotels, medical rehabilitation complex or business conference centers. The S-RS Suburban Single-Family Residential District allows a restricted range of residential uses and institutional uses and no commercial uses. The rezoning of the site would allow it to be occupied by intense commercial uses that are not currently allowed. The staff believes that type of development is appropriate near Interstate 10 and Interstate 10 Service Road. If allowed on the part of the site now in an S-RS District, which is close to single-family residences, it could prove significantly impactful on those surrounding residences. Uses allowed under the C-2 District generally produce moderate-to-high levels of noise, traffic, parking demand, and overall activity which have the potential to impact surrounding properties, which is why they are normally applied along wide arterial streets.

However, a small portion of the site is already zoned C-2 Auto-Oriented Commercial District and designated as General Commercial in the Master Plan. This portion is located along Interstate 10 Service Road and measures approximately 2 acres. Rezoning the 8.5 acres portion of the site fronting Plainfield Drive to match the rear portion fronting Interstate 10 Service Road would allow the development of the site in a manner that would be similar to other developments along the Interstate. The site could entirely be occupied by more intense uses than are currently allowed. These more intense uses generally have a greater potential to be significantly negatively impactful on the

properties that surround the site, which include many residential uses which would be particularly sensitive to such negative impacts. Of course, the particular level of impacts on the surrounding properties would vary with the particular commercial use occupying the site.

Despite the fact that the proximity of the Interstate could justify dense commercial development on a larger portion of the site than currently allowed, the rezoning of the part of the site to allow such commercial development is not appropriate, as the Master Plan designates this area for single-family residential development.

**F. Can the request be considered a spot zone? Does it fall within the Historic Non-Conforming Use Policy?**

The terms “spot zone” and “spot zoning” refer to zoning changes which have the effect of singling out a lot or other relatively small tracts of land for treatment different from similar surrounding parcels. These zoning changes have the effect of granting preferential treatment to those spot zoned parcels which is not also granted to similarly-situated surrounding properties.

Spot zoning can occur in two ways. First, it can be done by creating a new zoning district that is applied only to a limited number of properties which are similar to surrounding properties. The creation of the new zoning district has the effect of granting preferential treatment to those properties which is not also granted to surrounding similarly-situated properties. Second, spot zoning can occur through the expansion of existing zoning districts when the expansion has the effect of unjustifiably treating certain properties differently from similarly situated properties.<sup>1</sup>

A small portion of the site is already zoned C-2 Auto-Oriented Commercial District and designated as General Commercial in the Master Plan. This is the only portion of the site that would allow commercial development. Rezoning the remaining part of the site to match the part that is already zoned C-2 would not be a spot zoned considering its proximity to the Interstate and the fact that all the properties adjacent to the Interstate on both sides of Read Boulevard are zoned C-2 Auto-Oriented Commercial District or C-3 Heavy Commercial District and designated for General Commercial uses in the Master Plan. Additionally, the size of the subject lots is distinctly larger than the surrounding residential lots. Consequently the staff believes the request cannot be considered a spot zone.

**III. Is the proposed action supported by or in conflict with the policies and strategies of the *Plan for the 21st Century*?**

The Home Rule Charter of the City of New Orleans requires all land use actions (including zoning changes) to be consistent with the Master Plan, A land use action is consistent with the Master Plan if it furthers, or at least does not interfere with, the goals,

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<sup>1</sup> For further discussion of the Commission’s Spot Zoning Policy and Historic Non-Conforming Use Policy, see pages 52-54 of the Commission’s Administrative Rules, Policies, & Procedures, adopted March 11, 2014.

policies, and guidelines in the Land Use Element of the Master Plan and is compatible with the uses, densities, and intensities of the designation of its site on the future land use map.

The proposed Zoning Change is **not consistent** with the Master Plan, which is entitled *Plan for the 21<sup>st</sup> Century*. “Chapter 14: Land Use Plan” of the Master Plan designates the future land use of the portion of the site zoned S-RS as **Suburban Single-Family Post-War**. The goal, range of uses and development character for these designations are copied below:

#### **RESIDENTIAL POST-WAR SINGLE-FAMILY**

**Goal:** Preserve the existing character and scale of low density single-family residential in post-war (WWII) areas of the city and allow for compatible infill development.

**Range of Uses:** Single-family dwellings and supporting public recreational and community facilities allowed (e.g., schools and places of worship).

**Development Character:** New development will fit with the character and scale of surrounding neighborhoods where single- and two-family residential structures are typically set back away from the street on larger lots than in older, pre-war neighborhoods. Maximum density of 10 units /acre.

The proposed expansion of the C-2 zoning district into the S-RS designated area does not fit within the goal, range of uses and development character of the Post-War Single-Family category, which allows only residential and institutional uses, not commercial uses.

#### **IV. SUMMARY**

Zoning Docket 067/15 considers a request for a zoning change from an SR-S Suburban Single-Family Residential District to a C-2 Auto-Oriented Commercial District for two lots located between Plainfield Drive and Interstate 10 Service Road, east of Read Boulevard, in the Little Woods Neighborhood. The lots are undeveloped but used to function as a multiple-family apartment complex. This multiple-family use was allowed by the site’s zoning from 1970 to today, but the new Comprehensive Zoning Ordinance adopted in May 2015, and effective August 12, 2015 designates approximately 80 per cent of the site for single-family residential development (SR-S Suburban Single-Family Residential District) and 20 per cent for commercial development (C-2 Auto-Oriented Commercial District). The applicant now requests the rezoning of the entire site to the C-2 District to allow the development of a professional sport training and medical rehabilitation complex, which would also include a business conference center, restaurant and hotel for athletes’ accommodation.



In evaluating this application, the staff is guided by the City's Master Plan, which dictates whether the proposed use of the site is allowable. This application is not supported by the Master Plan. The Master Plan's future land use designation for the residentially-zoned portion of the site is Post-War Single-Family Residential, which allows for single-family residences and supporting public recreational and community facilities. As such, the staff cannot consider the request to be consistent with the Master Plan and cannot support it.

**V. PRELIMINARY STAFF RECOMMENDATION<sup>2</sup>**

The staff recommends **denial** of Zoning Docket 067/15, a request for a zoning change from an SR-S Single-Family Residential District to a C-2 Auto-Oriented Commercial District.

**VI. REASON FOR RECOMMENDATION**

1. The rezoning of the site is in conflict with the Master's Plan future land use designation, which allows for single-family residences and supporting public recreational and community facilities.

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<sup>2</sup> The recommendation is subject to change by the City Planning Commission



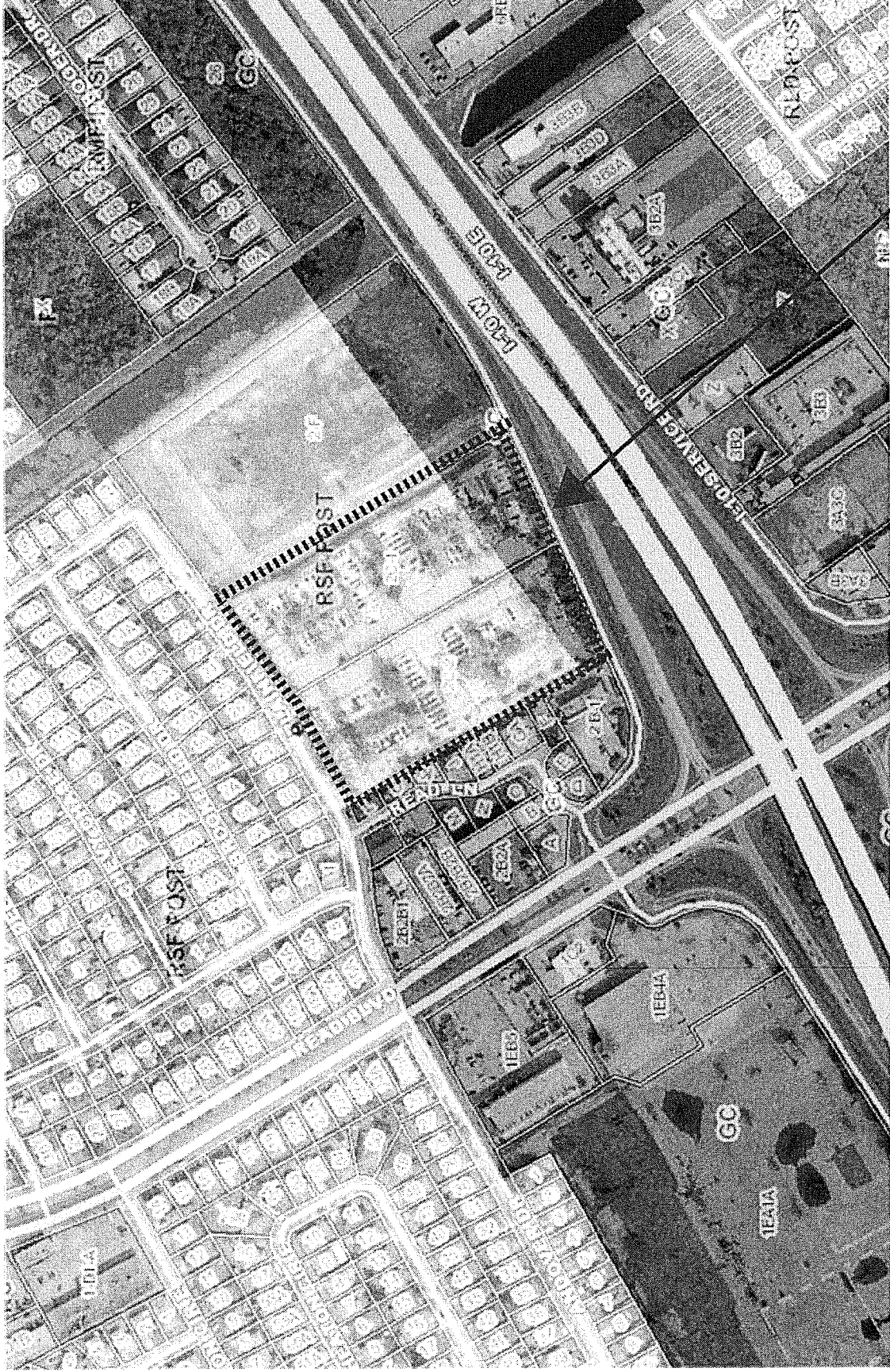
ADOPTED ZONING MAP



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FUTURE LAND USE MAP

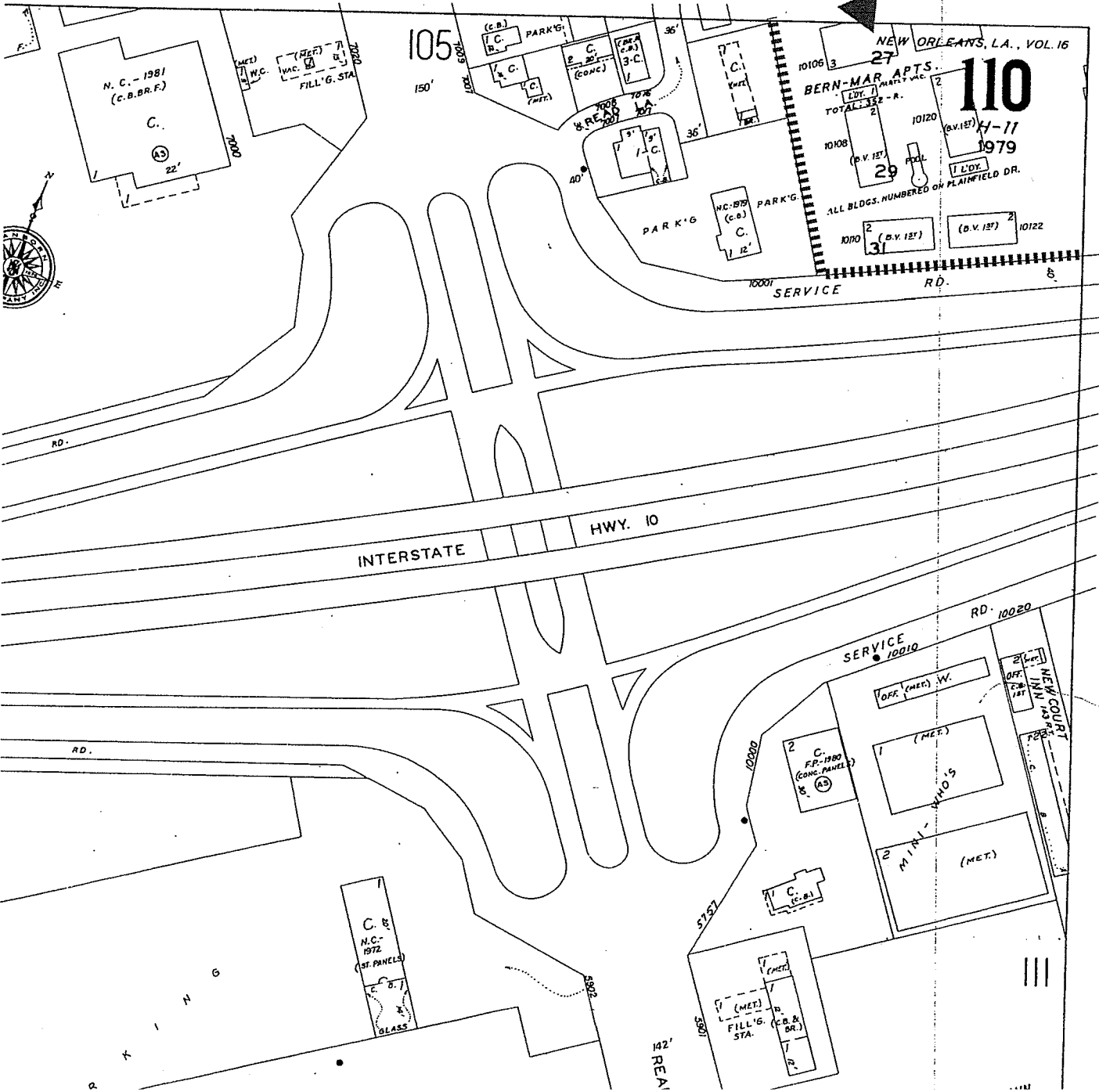


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**AN APPLICATION HAS  
BEEN FILED FOR A  
CHANGE AFFECTING  
THIS PROPERTY'S  
ZONING.**



**FOR MORE INFORMATION,  
CONTACT THE NEW ORLEANS CITY  
PLANNING COMMISSION AT 658-7033  
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