

CPC MINUTES

**December 9, 2014
Meeting**

ZONING DOCKET 110/14 – Request by CITY COUNCIL MOTION NO. M-14-381 for a Text Amendment to Article 2, Section 2.2 *Definitions* of the Comprehensive Zoning Ordinance to create a new definition of “Tobacco Retail Business” and to define said use as an establishment whose principal business is the sale of tobacco products and accessories, where the sales of tobacco products and accessories (for on or off-premises) produces seventy (70) percent or more of the gross revenue for said establishment, where alcoholic beverages and/or food products are sold or served for consumption on premises, but where neither live entertainment nor gambling are provided, where package liquor products are not advertised outside or off the premises or in any place visible from the exterior of the premises, and to Article 8, Section 8.5.5 *Conditional Uses* of the Comprehensive Zoning Ordinance to classify “Tobacco Retail Business” as a conditional use in the VCC-2 Vieux Carré Commercial District. (PD 1B)

Applicant: City Council Motion M-14-381

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, “Tobacco Retail Business,” as an establishment whose principal business is the sale of tobacco products and accessories, where the sales of tobacco products and accessories (for on or off-premises) produces seventy (70) percent or more of the gross revenue for said establishment, where alcoholic beverages and/or food products are sold or served for consumption on premises, but where neither live entertainment nor gambling are provided, where package liquor products are not advertised outside or off the premises or in any place visible from the exterior of the premises.
- 2) Amend **Article 8, Section 8.5.5** *Conditional Uses* of the Comprehensive Zoning Ordinance to classify “Tobacco Retail Business” as a conditional use in the VCC-2 Vieux Carré Commercial District.

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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 Mitchell seconded the motion, which was adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 110/14 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, Mitchell, Steeg, Wedberg

NAYS: Duplessis, Marshall

ABSENT: Hughes, Mora

REASONS FOR RECOMMENDATION

1. The distinction between tobacco retail businesses and cocktail lounges and other sorts of retail businesses is sensible in concept but difficult to apply in practice. The City's licensing does not make the same distinction between tobacco retailers and cocktail lounges and other sorts of retail stores as the zoning ordinance would. Despite their zoning classification, tobacco retail businesses for on-premises consumption would be licensed as cocktail lounges and tobacco retail businesses for off-premises consumption would be licensed as retail stores. This is problematic because cocktail lounges are prohibited in the VCC-2 District. The tobacco retail business use classification would potentially allow businesses to circumvent this prohibition if they are identified as tobacco retail establishments for zoning purposes because they would be licensed as cocktail lounges and may ultimately operate as de facto cocktail lounges.
2. Despite the differences between tobacco retailers for on-premises consumption and cocktail lounges in the nature of their use, they can be similar in operational intensity and the amounts and types of activity which they can generate. As such, they should be restricted to the same zoning districts. Since cocktail lounges are prohibited in the VCC-2 District, on-premises consumption tobacco retailers should also be prohibited. Meanwhile, tobacco retailers for off-premises consumption are similar in operational intensity to other retail stores and should be allowed by right in the VCC-2 District, just as other sorts of retail stores are. Given this analysis, no changes to the Comprehensive Zoning Ordinance are recommended. Tobacco retailers for on-premises consumption should still be classified as cocktail lounges and prohibited in the VCC-2 District while tobacco retailers for off-premises consumption should still be classified as retail stores and allowed in the VCC-2 District.

ZONING DOCKET 111/14 – Request by CITY COUNCIL MOTION NO. M-14-401 for a Text Amendment to Article 18 of the Comprehensive Zoning Ordinance to establish the Earhart Corridor Spur Track Interim Zoning District to prohibit the issuance of any permits within the Interim Zoning District prior to design review and approval by the City Planning Commission staff, with the advice of the Department of Safety and Permits, subject to appeal to the City Council, to erect any barrier or other obstruction within fifteen feet on either side of the spur track in the area generally bounded by Earhart Boulevard, South Lopez Street, Euphrosine Street, and South Broad Street. (PD 4)

Applicant: City Council Motion M-14-401

Request: Request for a Text Amendment to Article 18 of the Comprehensive Zoning Ordinance to establish the Earhart Corridor Spur Track Interim Zoning District (IZD) to prohibit the issuance of any permits within the Interim Zoning District prior to design review and approval by the City Planning Commission staff, with the advice of the Department of Safety and Permits, subject to appeal to the City Council, to erect any barrier or other obstruction within fifteen feet on either side of the spur track in the area generally bounded by Earhart Boulevard, South Lopez Street, Euphrosine Street, and South Broad Street.

Location: The proposed IZD would apply to the area generally bounded by Earhart Boulevard, South Lopez Street, Euphrosine Street, and South Broad Street. (PD 4)

Description: The proposed IZD was initiated in response to concerns from neighborhood stakeholders that a large chain-link fence topped with razor-wire may be erected along the Earhart Corridor Spur Track railroad. Public and private investments in the Earhart corridor and commercial design standards are seen as having improved the area's commercial vitality and livability. The concern is that a "prison-like" fence along the rail corridor would stifle investment and restrict passage to and from the growing business community and neighborhood.

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Commissioner Marshall made a motion to defer the request indefinitely. Commissioner Bryan seconded the motion.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 111/14 IS HEREBY DEFERRRED INDEFINATELY.

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

NAYS: None

ABSENT: Hughes, Mora

SUBDIVISION DOCKET 124/14 – Request by ALGIERS DEVELOPMENT DISTRICT AND THE STATE OF LOUISIANA FOR THE USE AND BENEFIT OF THE LOUISIANA COMMUNITY AND TECHNICAL COLLEGE SYSTEM, DELGADO COMMUNITY COLLEGE, ALGIERS CAMPUS to resubdivide portions of the former Algiers Naval Air Station and Lots F and G of Prosper Marigny plantation into Square 1, Lots 1 and 2; Square 2, Lot 1a; Square 3, Lots 1 and 2; Square 4, Lot 1; Square 5, Lot 1; Square 6, Lot 1; Square 7, Lot 1; Square 8, Lot 1; Square 9, Lot 1; Square 10, Lot 1; Square 11, Lot 1; Square 12, Lots 1 and 2;

Square 13, Lots 1, 2 and 3; Square 14, Lot 1; Square 15, Lots 1 and 2; Square 16, Lot 1; Square 17, Lot 1; and the dedication of Hebert Street, Heerman Street, Hunley Lane, O'Bannon Street, Savage Street, Shirley Drive, Carmick Street, Constellation Street, Constitution Street, Coral Sea Street, Guadal Canal Street, Opelousas Street, Sanctuary Drive and Patterson Street as public rights-of-way, in the Fifth Municipal District, generally bounded by the Mississippi River, Hendee Street, Opelousas Avenue, Behrman Avenue, General Meyer Avenue and Merrill Street. There are multiple municipal addresses. (PD 12)

Proposal: Re-subdivision of portions of the former Algiers Naval Air Station and Lots F and G of Prosper Marigny plantation into Square 1, Lots 1 and 2; Square 2, Lot 1; Square 3, Lots 1 and 2; Square 4, Lot 1; Square 5, Lot 1; Square 6, Lot 1; Square 7, Lot 1; Square 8, Lot 1; Square 9, Lot 1; Square 10, Lot 1; Square 11, Lot 1; Square 12, Lots 1 and 2; Square 13, Lots 1, 2, and 3; Square 14, Lot 1; Square 15, Lots 1 and 2; Square 16, Lot 1; Square 17, Lot 1; and the dedication of Hebert Street, Heerman Street, Hunley Lane, O'Bannon Street, Savage Street, Shirley Drive, Carmick Street, Constellation Street, Constitution Street, Coral Sea Street, Guadal Canal Street, Opelousas Street, Sanctuary Drive, and Patterson Street as public rights-of-way.

Location: Federal City, in the Fifth Municipal District, generally bounded by the Mississippi River, Hendee Street, Opelousas Avenue, Behrman Avenue, General Meyer Avenue, and Merrill Street. There are multiple municipal addresses. (PD 12)

Zoning: RD-2 Two-Family Residential District/LI Light Industrial District

Land Use: The site historically served as a Naval Support Activity (NSA) site of the United States Navy. As a former naval site, the site is formed by several large parcels that have historically been developed with large military facilities, including administrative buildings, dormitories, and recreation facilities. The site is traversed by a network of undedicated private streets that were historically restricted to authorized personnel and closed to the public at large.

The site was transferred from the Department of the Navy to the Algiers Development District, which became effective in May, 2013. Currently, the site remains a series of large parcels. The streets extending through the site remain undedicated private streets, although they are now available for use by the public at large and an easement has been granted to the City to allow it to maintain the streets.

The Algiers Development District now proposes to re-subdivide the site into squares and street rights-of-way, as shown on the attached re-subdivision survey. The proposed street rights-of-way are to be dedicated to the City. The Algiers Development District intends for the site to be eventually redeveloped with a mix of commercial, residential, and institutional buildings. When fully developed, it is intended to include over 100,000 square feet of office space, 375,000 square feet

of institutional space, 150 hotel rooms, and 1,400 residential units, according to the Algiers Development District's website for Federal City (nolafederalcity.com)

Required: As the re-subdivision proposal calls for the creation of more than five lots and a public street, it is classified as a major subdivision pursuant to **Article 3, Section 3.1.2** of the Subdivision Regulations. It is to be reviewed as a Policy D subdivision in accordance with **Article 3, 3.2.4** of the Subdivision Regulations, which requires it to be considered by the City Planning Commission following a public hearing. This report reviews the proposal's compliance with the applicable requirements contained within the Subdivision Regulations, the Comprehensive Zoning Ordinance, as well as the comments of other departments and agencies

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The Principal City Planner summarized the information in the foregoing report. He noted that the staff recommended the further deferral of the request until the January 13, 2015 City Planning Commission meeting to allow the Department of Public Works the opportunity to complete its review of the street dedication proposal. He noted that it was expected that this review would be completed prior to the January 13, 2015 meeting, allowing the Commission to act on the application at that meeting.

Commissioner Steeg made a motion to defer the request until the January 13, 2015 City Planning Commission meeting. The motion was seconded by Commissioner Bryan and adopted.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 124/14 IS HEREBY DEFERRED UNTIL THE JANUARY 13, 2015 CITY PLANNING COMMISSION MEETING.

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

NAYS: None

ABSENT: Hughes, Mora

ZONING DOCKET 115/14 – Request by BADINE LAND LTD. for a Conditional Use to permit a hotel in a VCS-1 Vieux Carré Service District on Square 3A, Lots X, 3, and 4, and the adjacent portion of the Clay Street right-of-way, in the Second Municipal District, bounded by Iberville, North Peters, and Bienville Streets. The municipal address is 111 IBERVILLE STREET. (PD 1B)

Applicant: Badine Land Ltd.

Request: This is a request for a conditional use to permit a hotel in a VCS-1 Vieux Carré Service District.

Location: The petitioned property is located on Square 3A, Lots X, 3, and 4, and the adjacent portion of the Clay Street right-of-way, in the Second Municipal District, bounded by Iberville, Clay, and Bienville Streets. The municipal address is 111 Iberville Street. (PD 1B)

Description: The subject property is Lot X, which is a parallelogram-shaped lot located on Iberville Street between North Peters Street and the Mississippi River on the edge of the Vieux Carré. Lot X has 120.18 feet of frontage on Iberville Street and measures 53.12 feet in depth along a side property line abutting the former Clay Street, 52.98 feet in depth along a side property line abutting the former North Front Street, and 120.22 feet in width along its rear, Bienville Street-side property line. The lot has an area of 6,126.80 square feet.

Lot X is developed with 111 Iberville Street, a seven-story, 43,842 square foot masonry structure which covers virtually the entire lot. Built in 1885 for Louisiana Sugar Refining Co., the structure was originally used for sugar warehousing and processing activities. It was renovated in 1971 by noted architectural firm Curtis and Davis and was subsequently occupied as office space by Curtis and Davis and by a restaurant. The site was used by several miscellaneous other uses, including office tenants, in the 1970s and 1980s, according to the City's occupational license records. It was last used as an office, according to the applicant.

The applicant proposes the adaptive reuse of the structure as a 80 room hotel. The hotel will have a total floor area of 47,362 square feet, divided between the 43,842 square foot existing structure, a new 1,855 square foot first floor addition, and a 1,665 square foot penthouse addition. While the existing structure occupies only Lot X, the first floor addition, which is to be built on the structure's North Peters Street- and Bienville Street-sides, will cause the structure to encroach over the adjacent Lot 3 (and possibly Lot 4) and the adjacent former Clay Street right-of-way, which are also owned by the applicant. The exact extent of the encroachment of this first floor addition onto Lots 3 and 4 and the former Clay Street right-of-way are dependent on the building footprint that might ultimately be approved by the Vieux Carré Commission and the City Council.

The proposed hotel is to contain 80 guest rooms. The second through seventh floors will contain 78 rooms and the penthouse will contain an additional 2 rooms. The hotel's first floor is to contain the lobby, a restaurant, kitchen, and back of house operations within the existing structure and additional restaurant seating area, a fitness area, an office, a swimming pool, and a loading/trash storage area within the proposed first floor addition.

No accessory off-street parking spaces are proposed for the site, although off-street parking will be available on the existing non-accessory parking lot which neighbors the site and is owned by the applicant.

It should be noted that the applicant is in the process of making revisions to the submitted plans in response to comments made by the Vieux Carré Commission and the development's exact layout and square footage figures may change as a result of those modifications.

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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 approval subject to fourteen provisos.

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

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 115/14 IS HEREBY RECOMMENDED FOR APPROVAL SUBJECT TO FOURTEEN (14) 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. In accordance with **Article 8 Section 8.6A.7** and **Table 8.E** of the Comprehensive Zoning Ordinance, all new floor area for the hotel shall have a minimum open space ratio of 30%.
3. The applicant shall secure the approval of the Vieux Carré Commission for all modifications to the site's exterior.

4. 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.
5. 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 of frontage along the Iberville Street right-of-way.
6. The applicant shall secure the approval of the Department of Public Works for all modifications and repairs to the Iberville Street right-of-way adjacent to the site.
7. The applicant shall submit a signage plan which complies with standards of **Article 8. Section 8.6A.6.**, subject to the review and approval of the Vieux Carré Commission, prior to the issuance of a certificate of use and occupancy by the Department of Safety and Permits.
8. The 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 Vieux Carré Commission and the City Planning Commission staff.
9. 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.
10. 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.
11. The submitted traffic impact analysis shall be approved by the Department of Public Works and the staff of the City Planning Commission.
12. The applicant shall provide an off-street passenger for the use of vehicles accessing the hotel. The site plan shall be revised to indicate the location and size of this off-street passenger zone. The location, size, and other details of the off-

street passenger zone shall be subject to the review and approval of the City Planning Commission staff.

13. The applicant shall record a restrictive covenant in a form acceptable to the Law Department which shall provide that the property identified as that certain four story red brick building within a portion of Lots 11 and 12, Square 3A, Second District, and bearing municipal address 110 Bienville Street or 208 Bienville Street be used for residential purposes for all portions of the building above the ground floor.
14. The applicant shall record an access servitude with the Office of Conveyances allowing the use of the adjacent properties for driveway access to the loading/trash storage area for the life of the hotel use. The site plan shall be revised to indicate the location of the driveway leading to the loading/trash storage area.

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

NAYS: None

RECUSED: Steeg

ABSENT: Hughes, Mora

REASON FOR RECOMMENDATION

1. The adaptive reuse of the structure as a hotel is consistent with the purpose of the VCS-1 Vieux Carré Service District and with the Master Plan's future land use and historic preservation objectives. It will have no significant negative impacts on the immediately surrounding properties. Rather, it would benefit the area by encouraging increased activity in a portion of the Vieux Carré that is characterized primarily by surface parking lots.

ZONING DOCKET 116/14 – Request by THEONE M. HALPERN, ALVIN K. HALPERN, JENIFER HALPERN, DORIANE H. SCHULMAN, AND EDWARD M. HALPERN for a Conditional Use to permit a micro-distillery in a C-1A General Commercial District and the Lower Saint Charles Design Review District, on Square 194, Lots 3 or 20, 21, 22, X, A or 18, and Y or 19, in the First Municipal District, bounded by Saint Charles Avenue and Terpsichore, Melpomene, and Prytania Streets. The municipal address is 1530 SAINT CHARLES AVENUE. (PD 2)

Applicant: Theone M. Halpern, Alvin K. Halpern, Jenifer Halpern, Doriane H. Schulman, and Edward M. Halpern

Request: This is a request for a Conditional Use to permit a micro-distillery in a C-1A General Commercial District and the Lower Saint Charles Design Review District.

Location: The petitioned property is located on Square 194, Lots 3 or 20, 21, 22, X, A or 18, and Y or 19, in the First Municipal District, bounded by Saint Charles Avenue and Terpsichore, Melpomene, and Prytania Streets. The municipal address is 1530 Saint Charles Avenue. (PD-2)

Description: The petitioned site is located on an L-shaped lot at the corner of St. Charles Avenue and Terpsichore Street. The property has approximately sixty-four feet, two inches (64' 2") in width along St. Charles Avenue, approximately one hundred ninety feet, four inches (190' 4") in depth along Terpsichore Street, and a total area of approximately fifteen thousand seven hundred eighty-four square feet (15,784 sq. ft.).¹ The site is developed with a single-story brick structure that is located on the St. Charles Avenue and Terpsichore Street property lines. The structure is L-shaped as well and has a width of approximately sixty-four feet, two inches (64' 2"), a depth of approximately one hundred thirty-two feet (132'), and a floor area of approximately nine thousand nine hundred fourteen square feet (9,914 sq. ft.). The structure has historically been used for commercial purposes, including its current use as a furniture store. There is off-street parking located behind the subject property in a parking lot that is shared with the nearby Prytania Park Hotel. This off-street parking lot contains forty (40) spaces that are located on multiple adjacent lots, including the subject property, owned by various Limited Liability Companies (LLC) that have many of the same officers who are the owners of the subject property.²

The applicant is proposing to renovate the existing structure to create a standard restaurant with a micro-distillery called Lula Restaurant – Distillery. The proposed standard restaurant is a permitted use in the C-1A General Commercial District and the Lower Saint Charles Avenue Design Review District and the proposed one thousand five hundred square foot (1,500 sq. ft.) micro-distillery is a conditional use in these districts.

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The City Planner summarized the request, stating the staff's recommendation of approval. Two proponents and one opponent spoke on the request. 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 Wedberg. The motion was adopted unanimously.

¹ The site plan shows the building encroaching on two adjacent parcels that appear to be common alleyways and a parcel owned by D J E, LLC.

² Per the Louisiana Secretary of State business filings for D J E, LLC, The Prytania Park Hotel, Ltd., and 1519 Terpsichore LLC.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 116/14 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.

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 facility shall produce no more than twelve thousand (12,000) gallons of alcoholic beverages per year.
3. Retail sales of spirits for consumption off-premises shall be limited to those spirits manufactured on site.
4. The applicant shall indicate on the site plan that the dumpster area will be screened from the public right-of-way by a six (6) foot tall opaque fence with latching gates.
5. 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 all litter from the sidewalks and street rights-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.
6. The applicant shall install trees in the public right-of-way adjacent to the site, subject to the review and approval of the Department of Parks and Parkways.
7. 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 following:
 - a) The genus, species, size, location, quantity, and irrigation of all existing and proposed plant materials within the site with applicable remarks and details; and
 - b) How the parking area along the Terpsichore Street right-of-way adjacent to the subject property shall be landscaped and screened from the street by

an opaque wall, fence, or continuous opaque evergreen vegetation screen a minimum of four (4) feet in height.

8. All planted areas shall be maintained in perpetuity.
9. The applicant shall submit a lighting plan for review and approval by the City Planning Commission staff. The lighting plan shall show adequate lighting of the parking lot on the subject property that is arranged to eliminate glare on residential properties.
10. The applicant shall submit signs compliant with **Article 5, Section 5.8.6 Permitted Signs** and **Article 10, Section 10.11.6.2 Design Review Standards** of the Comprehensive Zoning Ordinance subject to the review and approval of the City Planning Commission staff. No signage promoting alcoholic beverages shall be visible from the public right-of-way.
11. The applicant shall remove all structures from the parade ground area in front of the building.
12. The applicant shall provide revised building elevations to the City Planning Commission staff that address the input received by the Historic District Landmarks Commission.
13. The applicant shall submit a joint use parking agreement with the adjacent property owners that provides for twenty-one (21) dedicated off-street parking spaces, one of which shall be a handicapped parking space and not more than eight (8) of which shall be compact spaces on the subject and adjacent properties.
14. The applicant shall submit a revised site plan that shows the location of the required parking spaces that meets the standards of **Article 5, Section 5.8.8.1.e.(1), Minimum Area**.
15. The applicant shall restripe the parking lot as shown in the approved plans prior to the Department of Safety and Permits issuing a Certificate of Occupancy.
16. The applicant shall secure a franchise from the Department of Public Works for any sidewalk seating located in a public right-of-way adjacent to the site.
17. 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.
18. 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.

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

NAYS: None

ABSENT: Hughes, Mora

RECUSED: Steeg

REASONS FOR RECOMMENDATION

1. The proposal is consistent with the Master Plan.
2. The recommended provisos would minimize any potential adverse impacts of the proposal on other uses nearby.

ZONING DOCKET 117/14 – Request by ACV VII, LLC for an Amendment to Ordinance No. 19,400 MCS (Zoning Docket 061/99, which established a Conditional Use to permit the residential\commercial redevelopment of an existing industrial/warehouse complex [former American Can Company]) to allow modifications to the site and structure, including the addition of a raised pedestrian walkway, new signage, the modification of storefront windows for the development’s retail units, and the elimination of off-street parking spaces, in an LI Light Industrial District, on Parcel 1B or Squares 484, 485, 498, 499, and Pt. 511, all lots, in the Second Municipal District, bounded by Orleans Avenue, North Jefferson Davis Parkway, Toulouse Street, and North Cortez Street. The municipal address is 3700 ORLEANS AVENUE. (PD 4)

Applicant: ACV VII, LLC

Request: Request for an Amendment to Ordinance No. 19,400 MCS (Zoning Docket 061/99, which established a Conditional Use to permit the residential\commercial redevelopment of an existing industrial/warehouse complex -former American Can Company) to allow modifications to the site and structure, including the addition of a raised pedestrian walkway, new signage, the modification of storefront windows for the development’s retail units, and the elimination of off-street parking spaces, in an LI Light Industrial District.

Location: The petitioned property is located on Parcel 1B or Squares 484, 485, 498, 499, and Pt. 511, all lots, in the Second Municipal District, bounded by Orleans Avenue, North Jefferson Davis Parkway, Toulouse Street, and North Cortez Street. The municipal address is 3700 ORLEANS AVENUE. (PD4)

Description: The proposal involves improvements to the Orleans Avenue side of the American Can mixed-use development. The modifications are intended to improve the appearance, visibility and accessibility of the retail spaces along Orleans Avenue. The improvements involve the addition of a raised pedestrian walkway along the retail part of the building, framed with an open air, industrial style aluminum mesh paneling that outlines and unifies the commercial corridor.

The frame holds new signage that identifies the commercial corridor as “*The Docks At American Can Company.*” The proposal also calls for some modifications to the storefront windows to improve access and visibility. The addition of the raised walkway will result in the elimination of nine (9) parallel parking spaces. No other changes to the development are being proposed. The American Can structure is a designated landmark and all modifications to the building exterior are subject to review and approval by the Historic District Landmarks Commission.

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The Planning Administrator summarized the request, stating the staff’s recommendation of approval. The project architect, representing the developer stated that provisos of the original conditional use have been satisfied and that they should not be a part of the amendment approval.³ The staff explained that in order to provide project history and ensure the consistency of standards, provisos of the original approval are restated as the provisos of the amended approval, with the understanding that the “old provisos” have been satisfied once the Use and Occupancy Certificate is issued. The staff further stated that Proviso #12 should be modified to eliminate reference to “*Opaque fencing*” as the metal picket fence has been approved for the original project. Therefore, Proviso #12 should read as follow:

12. Details of any proposed fencing and on-site lighting shall be submitted for review and should continue the industrial theme. **Opaque** Fencing a minimum of six feet in height shall be provided along the Bayou St. John side of the property and along the N. Cortez Street property line adjacent to residential uses.

Commissioner Bryan made a motion to adopt the staff’s recommendation with modification to Proviso #12 to eliminate word “Opaque” from the fencing requirement. The motion was seconded by Commissioner Duplessis and adopted unanimously.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 117/14 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.

³ The speakers at the public hearing are listed on the attached public hearing speaker sheet.

Waivers

1. A waiver of one (1) required off-street loading space shall be granted if the proposed location of the two off-street loading spaces on Orleans Avenue is not subsequently approved by the Department of Fire. Otherwise, if the location of the two off-street loading spaces are approved by the Department of Fire, then a waiver of one required off-street loading space is not necessary and this waiver shall not be granted and/or is null and void.
2. A waiver of Article 15, Section 15.2 *Off-Street Parking Regulations* shall be granted to allow a total of sixty-seven (67) off-street parking spaces to serve commercial uses along the Orleans Avenue street frontage.

Provisos

1. No City department shall issue 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 submit a resubdivision application to the City Planning Commission. The resubdivision shall be recorded in the Office of Conveyances prior to the issuance of a Certificate of Occupancy by the Department of Safety and Permits.
3. Any modifications to the exterior lighting will require the submittal of a site lighting plan that indicates the location, type, height, and photometrics of all lighting standards, for review and approval by the staffs of the City Planning Commission and the HDLC.
4. A minimum of ten (10) bicycle parking spaces shall be provided within the parking area along Orleans Avenue.
5. The current Residential Planned Community (RPC) designation for this site shall be removed from the Zoning Base Maps.
6. Modifications to the exterior of the building and all signage shall require the approval of the Historic District Landmarks Commission and the National Park Service.
7. The developers shall submit a traffic circulation on curb side usage plan to the Department of Public Works for its review and approval. The plan shall include but not be limited to directional signage, curbing, speed bumps, and loading area access control. The curb cut proposed along Toulouse Street, adjacent to the rental office, shall be reduced to twenty-four feet (24') in width. All sidewalk restorations and curb cuts shall require the review and approval of the Department of Public Works.

8. The developer shall obtain the remaining required residential parking spaces on industrially or commercial zoned properties within 300 feet of the main use, excluding those properties located within Square 472/473 adjacent to Bayou St. John, prior to the issuance of a Use and Occupancy Certificate for this site. This provisos shall not restrict the joint use of off-site facilities in compliance with Article 15, Section 15.2.4 of the Comprehensive Zoning Ordinance.
9. The developer shall submit a drainage plan to the Sewerage and Water Board for review and approval.
10. Uses permitted within the portion of the site designated for commercial use shall be limited to uses permitted in the B-2 Neighborhood Business Districts. Alcoholic beverage service in conjunction with a standard restaurant and/or packaged liquor sales in conjunction with a use more than 2,000 square feet in floor area shall be permitted.
11. The developers shall submit a landscaping plan indicating the plant material, size and quantity. The landscaping plan shall incorporate the following elements and shall be submitted to the City Planning Commission staff for review and approval.
 - a) All parking areas abutting a public right-of-way shall be screened to a minimum height of 30" with either opaque fencing, landscaping or an earthen berm;
 - b) Landscape islands shall be provided at the end of each parking aisle and shade trees shall be provided at a rate of one (1) for every fifteen (15) parking spaces;
 - c) All plantings in the public right-of-way shall be subject to the review and approval of the Department of Parks and Parkways.
12. Details of any proposed fencing and on-site lighting shall be submitted for review and should continue the industrial theme. Fencing, a minimum of six feet in height shall be provided along the Bayou St. John side of the property and along the N. Cortez Street property line adjacent to residential uses.
13. The proposed dumpster location shall be relocated within the sites property line, and the area shall be screened with a six-foot opaque wall or fencing, and
14. Fast-food restaurants shall be prohibited at this site.

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

NAYS: None

ABSENT: Hughes, Mora

RECUSE: Steeg

REASONS FOR RECOMMENDATION

1. The proposed modifications to the site and the building façade will improve the appearance, visibility and accessibility of the commercial spaces along Orleans Avenue.
2. The proposal is consistent with the goals of the Master Plan.

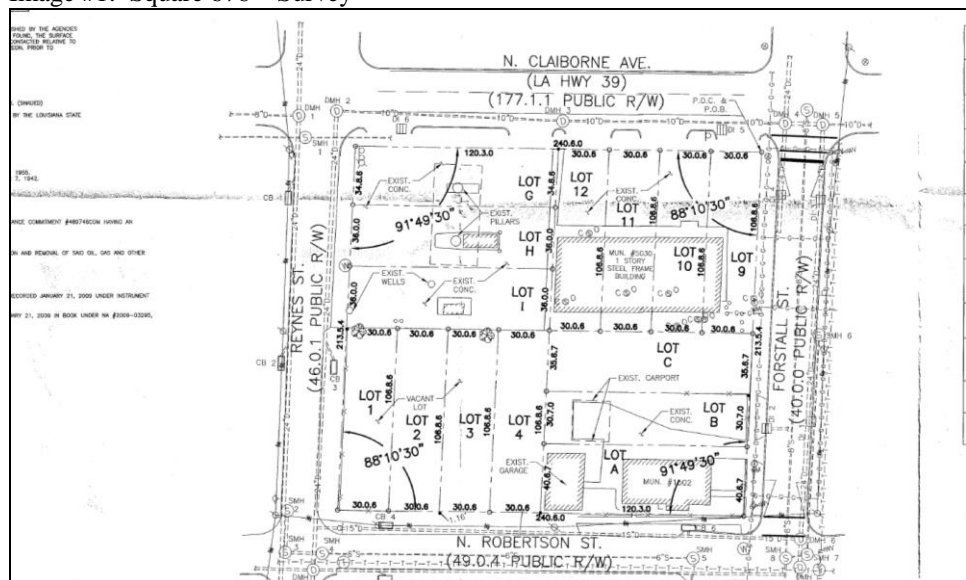
ZONING DOCKET 118/14 - Request by PATRICIA B. TOMBAR, AUGUST J. ROQUES, JR., DORIS H. KIMBLE, SCOTT WOLFE, JANE L. WOLFE, AND 5000 N. CLAIBORNE, LLC for a Zoning Change from an RD-3 Two-Family Residential District and a B-1 Neighborhood Business District to a B-2 Neighborhood Business District, on Square 676, Lots 1, 2, 3, 4, 9 through 12, A, B, C, G, H, I in the Third Municipal District, bounded by North Claiborne Avenue and Reynes, Forstall, and North Robertson Streets. The municipal addresses are 5000-5030 NORTH CLAIBORNE AVENUE, 1502-1510 FORSTALL STREET, AND 5011 NORTH ROBERTSON STREET. (PD 8)

Applicant: Patricia B. Tombar, August J. Roques, Jr., Doris H. Kimble, Scott Wolfe, Jane L. Wolfe, and 5000 N. CLAIBORNE, LLC

Request: This is a request for a zoning change from an RD-3 Two-Family Residential District and a B-1 Neighborhood Business District to a B-2 Neighborhood Business District.

Location: The property is located on Square 676, Lots 1, 2, 3, 4, 9 through 12, A, B, C, G, H and I, in the Third Municipal District, bounded by North Claiborne Avenue and Reynes, Forstall, and North Robertson Streets. The municipal addresses are 5000-5030 North Claiborne Avenue, 1502-1510 Forstall Street, and 5011 North Robertson Street. (PD 8)

Description: Image #1: Square 676 – Survey



The subject site is the entirety of Square 676, which contains a total of fourteen (14) lots. Square 676 is immediately bounded by North Claiborne Avenue and Reynes, Forstall, and North Robertson Streets. The applicants propose a zoning change of the entirety of Square 676 to B-2 Neighborhood Business District for the future development of a general retail establishment (CVS Pharmacy) less than 25,000 sq. ft. in total floor area.

Lots 1, 2, 3 and 4 have frontage on N. Robertson Street and are currently located within the RD-3 Two-Family Residential District. Each lot measures thirty feet (30') in width and one hundred six feet eight inches (106'8") in depth for a total area of three thousand two hundred square feet (3,200 sq. ft.). Currently, each lot is vacant land and void of structures.

Image #2: Square 676 – Lots 1, 2, 3 and 4



Lots 9, 10, 11 and 12 have frontage on N. Claiborne Avenue and are currently located within the B-1 Neighborhood Business District. Each lot measures thirty feet (30') in width and one hundred six feet eight inches (106'8") in depth for a total area of approximately three thousand two hundred square feet (3,200 sq. ft.). All lots combine to create a parcel that is currently surfaced with an impervious concrete cap and the structural shell of a vacant building.

Image #3: Square 676 – Lots 9, 10, 11 and 12



Lots A, B and C have frontage on Forstall Street and currently are located within the RD-3 Two-Family Residential District. Lot A measures forty feet six inches (40'6") in width and one hundred twenty feet three inches (120'3") in depth for a total area of approximately four thousand eight hundred seventy square feet (4,870 sq. ft.). Lot B measures thirty feet seven inches (30'7") in width and one hundred twenty feet three inches (120'3") in depth for a total area of approximately three thousand six hundred seventy seven square feet (3,677 sq. ft.). Lot C measures thirty five feet six inches (35'6") in width and one hundred twenty feet three inches (120'3") in depth for a total area of approximately four thousand two hundred sixty nine square feet (4,269 sq. ft.). Lots A and B combine for an occupied single-family residential development. Lot C is vacant land and void of structures.

Image #4: Square 676 – Lots A, B and C



Lots G, H and I have frontage on Reynes Street and are currently located within the B-1 Neighborhood Business District. Lot G measures thirty four feet eight inches (34'8") in width and one hundred twenty feet three inches (120'3") in depth for a total area of approximately four thousand one hundred sixty eight square feet (4,168 sq. ft.). Independently, Lots H

and I each measure thirty six feet (36') in width and one hundred twenty feet three inches (120'3") in depth for a total area of four thousand three hundred twenty nine square feet (4,329 sq. ft.). All lots combine to create a parcel that is currently surfaced with an impervious concrete cap and the structural remains of a vacant gasoline service station.

Image #4: Square 676 – Lots G, H and I



CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)

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

Commissioners Brown, Wedberg, Duplessis, and Steeg expressed their support for this request. They stated that this is an important project for the Lower Ninth Ward that would have significant benefit for the neighborhood. The project is consistent with many of the goals of the Master Plan and there is no neighborhood opposition. Commissioner Wedberg made a motion to approve the zoning change as requested by the applicant, which was seconded by Commissioner Steeg. The motion was adopted unanimously.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 118/14 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, Bryan, Duplessis, Marshall, Mitchell, Steeg, Wedberg

NAYS: None

ABSENT: Hughes, Mora

REASONS FOR RECOMMENDATION

1. The proposal would have a significant benefit for the neighborhood and supports many of the goals of the Master Plan.
2. There was no neighborhood opposition to this request.

ZONING DOCKET 119/14 - Request by CITY OF NEW ORLEANS for an Amendment to Ordinance No. 24,006 MCS (Zoning Docket 039/10, which granted a zoning change from an LP Lake Area Neighborhood Park District to an LRM-1 Lake Area Low-Rise Multiple-Family Residential District and a Conditional Use to permit the renovation and expansion of an existing television station and associated accessory equipment) to permit the further expansion of a television station and associated accessory equipment, in an LRM-1 Lake Area Low-Rise Multiple-Family Residential District, in the Second Municipal District and being a portion of that certain tract known as the Delgado Tract, bounded by Navarre Avenue, General Diaz Street, Orleans Avenue, and City Park Avenue. The municipal address is 916 NAVARRE AVENUE. (PD 5)

Applicant: CITY OF NEW ORLEANS

Request: This is a request for an Amendment to Ordinance No. 24,006 MCS (Zoning Docket 039/10, which granted a zoning change from an LP Lake Area Neighborhood Park District to an LRM-1 Lake Area Low-Rise Multiple-Family Residential District and a Conditional Use to permit the renovation and expansion of an existing television station and associated accessory equipment) to permit the further expansion of a television station and associated accessory equipment, in an LRM-1 Lake Area Low-Rise Multiple-Family Residential District.

Location: The location is in the Second Municipal District and being a portion of that certain tract known as the Delgado Tract, bounded by Navarre Avenue, General Diaz Street, Orleans Avenue, and City Park Avenue. The municipal address is 916 Navarre Avenue. (PD 5)

Description: The petitioned site is on the Delgado Tract next to City Park. The site is owned by the City of New Orleans and leased to WYES public television in a long-term lease. The property is 400 feet from the intersection of Navarre Street and General Diaz Streets and fronts Navarre Street for 200 feet. The leased property extends 400 feet into the Delgado Tract on both the Orleans Avenue and General Diaz Street sides of the property for a total area of approximately 80,000 square feet (1.84 acres). The site houses the studio, offices, communication towers and satellite equipment for WYES public television broadcast station.

As authorized in Zoning Docket 39-10, a three-story brick and steel structure was constructed next to the original one-story brick building. This 27,354 square foot building includes two studios, offices, a server room, storage space, and production control facilities. The proposal included thirty-four (34) parking

spaces and a loading area for production trucks. This was Phase I of the overall project.

This request concerns the proposal for Phase II. The applicant proposes to demolish the original one-story building and construct a four-story addition adjacent to the existing three-story structure that was built in Phase I. The addition will have a floor area of 37,932 square feet and will include a large studio, offices, meeting rooms, and a tenant space for a proposed educational program. The applicant proposes to expand the parking area into the green space in front of the site and add fifty-five (55) parking spaces, for a total of eighty-nine (89) spaces. The proposal includes a new driveway on Navarre Avenue to create separate access to the WYES site.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014) ⁴

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 Wedberg made a motion for approval of the request. The motion was seconded by Commissioner Duplessis. There was a discussion about the applicant's request for revisions to the staff recommendation. The motion passed with revisions to Waivers 1 and 2 and Provisos 4 and 5.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 119/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO FOUR (4) WAIVERS AND FOURTEEN (14) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Waivers

1. The developer shall be granted a waiver of Article 9A, Section 9A.6.7 of the Comprehensive Zoning Ordinance, which states that the maximum height of a building in a LRM-1 district shall not exceed forty (40) feet, permitting construction of buildings on this site up to a maximum height of sixty-nine feet ten inches (69' 10").
2. The applicant shall be granted a waiver of Article 15, Section 15.2.3 *Parking in Front Yards* of the Comprehensive Zoning Ordinance, which prohibits off-street parking from being located between a street line and the nearest point of the front façade of a building, to allow a loading space and the proposed thirty-eight (38) off-street parking spaces in front of the proposed structure on the Marconi Drive side of the building.

⁴ 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 114/14.

3. The developer shall be granted a waiver of Article 9A.6.6.2 of the Comprehensive Zoning Ordinance, requiring any sign in LRM-1 districts be less than (50) square feet in area, allowing the developer to install an attached sign less than one hundred and twenty (120) square feet in area.
4. The developer shall be granted a waiver of Article 15, Section 15.3.1. *Table of Requirements* and Table 15.G. *Loading Requirements* of the Comprehensive Zoning Ordinance, which require the provision of two (2) off-street loading spaces, to permit the provision of one (1) off-street loading 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 secure approval from the Neighborhood Conservation District Advisory Committee for demolition of the existing one-story, brick building.
3. The applicant shall secure approval from the Department of Public Works for all proposed curb cuts.
4. The applicant shall submit revised plans which show a loading space in front of the loading area on the Orleans Avenue side of the building.
5. A two foot six inch (2'6") landscape strip with shrubs shall be installed along the edge of the WYES parking lot bordering the Delgado access road.
6. The developer shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect, subject to final approval by City Planning Commission and the Department of Parks and Parkways indicating the following:
 - a. A tree preservation and protection plan for the existing oak trees.
 - b. The species, size, location, and irrigation of all proposed plant materials within the common areas, with the applicable remarks.
 - c. All residual areas in the parking area, which are not used for parking or vehicular access, shall be landscaped with trees, shrubs or groundcover.
 - d. A landscaped island shall be required every ten (10) continuous parking spaces, to include the planting of a minimum of one (1) shade tree, shrubs and/or ground cover.

- e. Fence installation along the Orleans Avenue side of the property as indicated on the provided site plan, creating a unified enclosure for cellular transmission buildings and television transmission equipment.
 - f. Fence material detail – it shall occlude visibility to the public and shall not consist of open chain link fence or barbed/concertina wire.
7. The applicant shall submit revised site plans which indicate pedestrian walkways to the front entrance from Navarre Avenue and crosswalks in the parking lot.
 8. The refuse dumpster shall be stored within the designated trash storage area at all times screened by a minimum six (6) ft. wood or masonry fence with latching gates.
 9. 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, and the clearing of litter from the adjacent sidewalks and the street right-of-way, as necessary. The name and phone number of the owner/manager shall be included in this letter to be kept on file in case of any violation.
 10. The developer shall submit a revised West elevation drawing that integrates a vertical attached sign into the blank brick exterior of the stairwell wall. The sign text shall be composed of detached letters, and shall be illuminated at night.
 11. The developer shall install a maximum thirty-six (36) high monument sign at each entrance to the WYES parking lot, including Navarre Avenue and Delgado access road, indicating that parking is for WYES staff and visitors only.
 12. The applicant shall submit specifications for the lights and revise the lighting plan or the elevations to indicate the height of the proposed light standards, subject to the approval of the staff of the City Planning Commission. Light standards shall be limited in height to twenty-five feet (25') and shall be directed away from nearby residential areas.
 13. The applicant shall submit revised site plans which indicate the number of spaces provided in the proposed bicycle racks, to provide sufficient bicycle parking for a minimum of 1/10 of the proposed parking spaces.
 14. The applicant shall submit revised site plans which indicate an off-street loading space that complies with the requirements in Article 15, Section 15.3.4 *Design Standards* of the Comprehensive Zoning Ordinance.

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

Nays: None

Absent: Hughes, Mora

REASONS FOR RECOMMENDATION

1. The proposal will expand the facility for an existing institutional use.
2. The Commissioners believed that the proposed front yard parking would be consistent with the adjacent buildings.
3. The recommended conditions address potential adverse impacts on the surrounding neighborhood.
4. The provisos from the previous conditional use have been updated to reflect the proposal and include current standards for conditional use requests.
5. The request is consistent with the *Plan for the 21st Century: New Orleans 2030 Plan* for the portion of the site designated Institutional.

ZONING DOCKET 120/14 – Request by CITY COUNCIL MOTION NO. M-14-430 for a Text Amendment to Article 18 of the Comprehensive Zoning Ordinance to establish the Central Business District Height and Floor Area Ratio Interim Zoning District to prohibit the issuance of any permits within the Interim Zoning District prior to design review and approval by the City Planning Commission staff, with the advice of the Historic District Landmarks Commission when a project is within its jurisdiction, subject to appeal to the City Council, that are in conflict with the Interim Zoning District’s standards and all figures attached to the City Council Motion, for the area generally bounded by South Claiborne Avenue, the Pontchartrain Expressway, the Mississippi River, and Iberville Street. (PD 1A)

Applicant: City Council Motion M-14-430

Request: This is a request for an amendment to the text of Article 18 of the Comprehensive Zoning Ordinance, No. 4,264 M.C.S., as amended, and the designation of such on the corresponding zoning base maps of the City of New Orleans, to consider the establishment of the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD) to prohibit the issuance of any permits within the Interim Zoning District prior to design review and approval by the City Planning Commission staff, with the advice of the Historic District Landmarks Commission when a project is within its jurisdiction, subject to appeal to the City Council, that are in conflict with the Interim Zoning District’s standards and all figures attached to the City Council Motion.

Location: The Interim Zoning District would apply to all property located within the area generally bounded by South Claiborne Avenue, the Pontchartrain Expressway, the Mississippi River, and Iberville Street. (PD 1A)

Description: The purpose of the proposal is to provide predictable height requirements for new buildings in the Central Business District that are consistent with the proposed

Draft Comprehensive Zoning Ordinance (Draft CZO).⁵ The proposed requirements are based on a height study done for the Downtown Development District (DDD) for the portion of the Central Business District between Poydras Avenue and the Pontchartrain Expressway and Loyola Avenue and Convention Center Boulevard. This study led to the previous Lafayette Square/Warehouse District Refined Height Plan Interim Zoning District that was adopted by the City Council on November 1, 2012.⁶ The Lafayette Square/Warehouse District IZD was renewed once, and it expired on May 9, 2014. The proposed Central Business District Height and Floor Area Ratio Interim Zoning District (CBD IZD) includes most of the CBD, a much larger area than the previous Lafayette Square/Warehouse District IZD. In addition, the proposed IZD goes well beyond the height study area commissioned by the DDD⁷ and includes the proposed height and Floor Area Ratio (FAR) recommendations included in the Draft CZO.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)

The City Planner summarized the request, stating the staff's recommendation of modified approval. One proponent and one person for information only spoke on the request. The speakers at the public hearing are listed on the attached public hearing speaker sheet.

Commissioners Brown and Wedberg asked about the impact for the Warehouse District and the area between Canal and Iberville Street and if this proposal is consistent with the Draft Comprehensive Zoning Ordinance. Commissioner Marshall made a motion to adopt the staff's recommendation, which was seconded by Commissioner Steeg. The motion was adopted with a five (5) to one (1) vote.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 120/14 IS HEREBY RECOMMENDED FOR **MODIFIED APPROVAL**. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Section 18.XX. Central Business District Height and Floor Area Ratio Interim Zoning District.

18.XX.1. Purpose of the District.

The purpose of the Central Business District Height and Floor Area Interim Zoning District (IZD) is to institute a clear set of building height and floor area ratio (FAR) requirements that respect the character and scale of historic

⁵ The Draft CZO was adopted by motion by the City Council on October 24, 2104, and approval of the final ordinance is pending. For this report, the new adopted CZO is referred to as the Draft CZO.

⁶ Ordinance Number 250168 adopted the IZD reviewed in Zoning Docket 086/12.

⁷ Downtown Development District of New Orleans. *Refined Height Plan*. 3 August 2010 and Downtown Development District of New Orleans. *Lafayette Square/Upper CBD Height Study*. 30 June 2008.

downtown neighborhoods and encourage taller development where appropriate within the Central Business District.

18.XX.2. Area of Applicability.

This IZD applies to all property located within the area generally bounded by South Claiborne Avenue, the Pontchartrain Expressway, the Mississippi River, and Iberville Street (see Attachments A and B).

18.XX.3. Building Height.

1. The maximum height on a lot is indicated in Attachment A: Maximum Building Height.
2. Those lots that are not subject to building height limits are subject to maximum floor area ratio (FAR) limits and are indicated in Attachment B: Maximum FAR.
3. The height designation of “75/125 ft & 6/10 Stories” in Attachment A is interpreted as follows: a height limit of six (6) stories and seventy-five (75) feet applies within twenty (20) feet of all property lines adjacent to any public right-of-way, and a height limit of ten (10) stories and one hundred twenty-five (125) feet applies to all other portions of the lot.

18.XX.4. Appeals.

1. An applicant for development subject to the regulations of this IZD may appeal these regulations to the City Council in the manner set forth in Section 16.4.5.(3) of the Comprehensive Zoning Ordinance.
2. Site Plan Requirements. The applicant shall submit a design review site plan to the Executive Director of the City Planning Commission, both on paper and in digital form, which shall contain either an original or a reproduced drawing with a scale of not less than one inch equal to twenty feet (1 inch: 20 feet) and which shall depict the following items:
 - a. existing and proposed improvements within the public right-of-way, including but not limited to light posts, street furniture, bus stops, and landscaping;
 - b. the locations of all property lines forming the boundaries of the site and of all existing and proposed structures with respect thereto;
 - c. elevations indicating the height of each façade of all existing and proposed structures on the site;
 - d. any areas to be used for vehicular access and off-street parking;

- e. any landscaping to be provided on the site and within any public right-of-way adjacent to the site;
 - f. any exterior lighting to be provided on the site;
 - g. the location, size, and contents of any signage to be provided on the site; and
 - h. any other information deemed necessary by the City Planning Commission staff.
3. Advice of the Director of the Historic District Landmarks Commission. Upon the submission of the application in proper form, the Executive Director shall request the advice of the Director of the Historic District Landmarks Commission with respect to the site plan and elevations for the proposed development. The City Planning Commission may proceed with its consideration of the application without such advice if necessary in order to provide a recommendation to the City Council within forty-five (45) calendar days of its receipt of the application in proper form.

18.XX.5. Duration of Designation.

The Central Business District Height and Floor Area Ratio Interim Zoning District is designated for a period of one (1) year and is subject to extension as provided by Section 3-126 of the Home Rule Charter of the City of New Orleans.

YEAS: Brown, Duplessis, Marshall, Steeg, Wedberg

NAYS: Bryan

ABSENT: Hughes, Mora

RECUSE: Mitchell

REASONS FOR RECOMMENDATION

1. The proposed action would provide clear and predictable building height limits that would protect the character of the historic neighborhoods while also encouraging taller development where appropriate in the Central Business District.
2. The proposed IZD is consistent with the Draft Comprehensive Zoning Ordinance.
3. Subject to the recommended modifications, the proposed IZD is consistent with the Master Plan.

ZONING DOCKET 121/14 – Request by SIBLING RIVALRY ASSET MANAGEMENT GROUP, LLC for a Conditional Use to permit a child care center over 5,000 square feet in floor area in a B-1A Neighborhood Business District, on Square 583, Lots 11 or 28, 18 or 19, 38, 39, 2 or 10, 9 or 26, A or 8 or 25 or Pt. 37, 9 or 26 and 27, in the First Municipal District, bounded by South Dorgenois, Palmyra, South Broad, and Banks Streets. The municipal addresses are 321-329 SOUTH DORGENOIS STREET. (PD 4)

Applicant: SIBLING RIVALRY ASSET MANAGEMENT GROUP, LLC

Request: This is a request for a conditional use to permit a child care center over 5,000 square feet in floor area in a B-1A Neighborhood Business District.

Location: The petitioned property is located on Square 583, Lots 11 or 28, 18 or 19, 38, 39, 2 or 10, 9 or 26, A or 8 or 25 or Pt. 37, 9 or 26 and 27, in the First Municipal District, bounded by South Dorgenois, Palmyra, South Broad, and Banks Streets. The municipal addresses are 321-329 SOUTH DORGENOIS STREET. (PD 4)

Description: The subject site is located in lower Mid-City within two blocks of the Southeast Louisiana Veterans Health Care System Medical Center site. The site is composed of multiple lots which the applicant proposes to subdivide into a single lot of record. The site has a total lot area of 25,612.65 square feet. The daycare center is currently operating within a two-story masonry structure that was previously used by the New Orleans Fire Department. The daycare currently uses 6,258 square feet of the first floor and the second is largely unused except for a space for a teachers' lounge. The site includes a parking lot for twenty-two (22) vehicles. A conditional use is necessary because the applicant proposes to expand the daycare center into 2,327.5 square feet which is currently vacant on the first floor.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)⁸

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

Commissioner Duplessis made a motion for approval of the request. The motion was seconded by Commissioner Bryan. Commissioner Duplessis' motion included removing Proviso 4, as requested by the applicant, and adding the requisite waiver.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 121/14 IS HEREBY RECOMMENDED FOR **APPROVAL, SUBJECT TO TWO (2) WAIVERS AND FOUR (4) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.**

⁸ 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 121/14.

Waivers

1. The applicant shall be granted a waiver of **Article 5, Section 5.5.8.2.c** which requires one (1) off-street loading space to provide no off-street loading zone.
2. The applicant shall be granted a waiver of **Article 10, Section 10.3A.6 (2b)** of the Comprehensive Zoning Ordinance, which requires a masonry wall, earth berm, metal fence and a hedge, or any combination thereof along the perimeter of any vehicular use area, to permit a chain link fence along portion of the vehicular use area.

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 childcare center shall be limited to one hundred fifty-seven (157) children.
3. The applicant shall submit a landscape plan prepared by a licensed Louisiana landscape architect, subject to final approval by City Planning Commission staff and by the Department of Parks and Parkways, which shall include:
 - a. Landscaping for the play areas which shall include large shade trees or other appropriate shade devices;
 - b. The genus, species, size, location, quantity, and irrigation of all proposed plant materials within the site and the right-of-way on South Dorgenois Street, with applicable remarks and details;
4. 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, and the clearing of litter from the adjacent sidewalks and the street right-of-way, as necessary. The name and phone number of the owner/manager shall be included in this letter to be kept on file in case of any violation.

Yeas: Brown, Bryan, Duplessis, Mitchell, Steeg, Wedberg

Nays: None

Absent: Hughes, Marshall, Mora

REASONS FOR RECOMMENDATION

1. The daycare center is currently operating and no exterior changes are proposed.
2. The recommended conditions should mitigate the adverse impacts of the proposed use on the surrounding neighborhood.
3. The request is consistent with the *Plan for the 21st Century: New Orleans 2030 Plan*.

ZONING DOCKET 122/14 – Request by DAO CHENG WEI AND XIU H. LI for a Conditional Use to permit a wholesale seafood business in an NU Non-Urban District, on Prairie Lands Pt. Parcel 2, Lot 10, in the Third Municipal District, bounded by Chef Menteur Highway, Victory Road, and Highway 11. The municipal address is 57023 OR 19841 CHEF MENTEUR HIGHWAY. (PD 11)

Applicant: DAO CHENG WEI AND XIU H. LI

Request: This is a request for a Conditional Use to permit a wholesale seafood business in an NU Non-Urban District.

Location: The petitioned property is located on an undesignated square, on Prairie Lands Pt. Parcel 2, Lot 10, in the Third Municipal District, bounded by Chef Menteur Highway, Victory Road, and Highway 11. The municipal address is 57023 OR 19841 Chef Menteur Highway. (PD 11)

Description: Image #1: 19801 Chef Menteur Highway



Source: Google Maps (Street View): Image Date Oct. 2013

The petitioned site is located on two (2) lots (Prairie Lands Pt. Parcel 2 and Lot 10) fronting on Chef Menteur Highway (State Highway 90). When combined, the parcel measures sixty five feet (65') in width (Chef Menteur Hwy. side), one hundred eighty six feet (186') in depth (northwest side), approximately one hundred seventy one feet (171') in depth (southeast side), and sixty five feet in rear width (Venetian Waterway side) for a total area of seventeen thousand nine hundred square feet (17,900 sq. ft.) or approximately 0.41 acres. The site is currently vacant land with an approximate four feet (4') in height chain link fence along the length of the front and side property lines.

The applicant proposes to develop the site with a seafood warehouse business. The main structure is a proposed one-story warehouse that measures forty feet (40') in width by eighty feet (80') in depth for a total floor area of three thousand two hundred (3,200 sq. ft.). The main structure also measures twenty feet (20') in height. A covered porch is attached along the southeast side of the main structure measuring twenty five feet (25') in width by twenty five feet (25') in depth. The proposed warehouse and covered porch are setback approximately eighty four feet (84') from the front property line, eight feet (8') from the northwest side property line, twenty seven feet (27') from the southeast property line and fifteen feet (15') from the rear property line.

The interior of the main structure is primarily open space with two (2) freezers, one (1) ice machine, a restroom and a sink area. There are two (2) entrance points to the warehouse. The first is the main structure's entrance, located toward the Chef Menteur side of the building and accessed by a staircase. The second entrance is located along the southeast side of the building. This entrance is developed with a ramp and a dock that accesses the covered porch area. The main structure is accessed via an entrance door and a bay door at this location. One (1) additional bay door is also located along the southeast side of the building and near the main structure's front entrance.

The site will be accessed by a twelve feet (12') in width driveway (via curb cut) adjacent to Chef Menteur Highway. One (1) designated handicapped parking space is located at the end of the driveway and adjacent to the southeast side ramp. A large non-paved area is located in the area between the front façade of the main structure and the front property line. The entirety of the site is sloped toward the Venetian Waterway with one (1) swale located along the entirety of the side property lines for stormwater collection and run-off.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)

Staff summarized the request, stating the staff's recommendation of approval. There was one proponent present, including the applicant, and one opponent of this request was also present. Each is listed on the attached public hearing speaker sheet and speaker cards. Commissioner Steeg made a motion to approve the request. This motion was seconded by Commissioner Bryan and adopted.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 122/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO SEVENTEEN (17) 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 resubdivide all lots within the petitioned site into one lot of record prior to the issuance of the Certificate of Use and Occupancy.
3. The applicant shall keep all storage or shipping containers within a completely enclosed area with regard to all normal business operations.
4. The applicant shall occupy dock space (land) or bulkhead space (water) for only a reasonable length of time for loading or unloading of vessels (land or water).
5. The applicant shall provide written approval from the United States Army Corp of Engineers (USACE) for permission (Wetlands Determination) for all land development activities, as needed.
6. The applicant shall provide written approval from the United States Army Corp of Engineers (USACE) for permission (Clean Water Act (CWA) Section 404 permitting) for all development activities over open waters of the United States, as needed.
7. The applicant shall design an impervious off-street parking and loading area along the entirety of the eastern most side of the structure extending to the established eastern most driveway line.
8. The applicant shall relocate the proposed grease trap to an area of the site not located between the front façade of the structure and the front property line.
9. The applicant shall submit alternative building designs for the proposed main structure, subject to the review and approval of the staff of the City Planning Commission.

10. The applicant shall establish hours of operation as Monday through Friday 9:00 a.m. to 5:00 p.m., closed on Saturday and Sunday.
11. A dumpster area shall be located on the site, screened from view by an opaque wooden or masonry fence, with latched gate, that is at least six (6) feet tall.
12. 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.
13. The applicant shall submit signage plans, if proposed, which will include details of all proposed signage for the site, to which show compliance with **Article 10, Section 10.5.6 – Permitted Signs** of the Comprehensive Zoning Ordinance.
14. The applicant shall provide for one (1) off-street loading space.
15. The applicant shall provide a total of two (2) off-street parking spaces (including one (1) handicapped space) at the proposed site.
16. The applicant shall consult with and secure the approval of the State of Louisiana Department of Health with regard to sanitary sewer regulations for the proposed self-supporting sewer treatment plant (leach field).
17. The applicant shall revise the site plans to depict the location of all proposed above ground sewer system structures, if applicable.

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

NAYS: None

ABSENT: Hughes, Mora

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 is consistent with the Master Plan.

3. The site, located on a major street, is appropriate for the use as it is located within a NU Non-Urban District.

ZONING DOCKET 123/14 – Request by GET THE GORILLA, LLC for a Conditional Use to permit an amusement place (movie theater) in an LI Light Industrial District and the Lafitte Greenway Revitalization Corridor Interim Zoning District, on Square 337, Lots 3 through 9, in the Second Municipal District, bounded by North Broad, Toulouse, Saint Peter, and North Dorgenois Streets. The municipal address is 636-646 NORTH BROAD STREET. (PD 4)

Applicant: GET THE GORILLA, LLC

Request: This is a request for a conditional use to permit an amusement place (movie theater) in an LI Light Industrial District and the Lafitte Greenway Revitalization Corridor Interim Zoning District.

Location: The petitioned property is located on Square 337, Lots 3 through 9, in the Second Municipal District, bounded by North Broad, Toulouse, Saint Peter, and North Dorgenois Streets. The municipal address is 636-646 North Broad Street. (PD 4)

Description: The site is located in the Broad Street Corridor on the river side of Broad Street across from the Auto Zone, one and one half blocks northeast of the Lafitte Greenway and one block southwest of Orleans Avenue. On the same block face is a vacant lot that is under separate ownership. A lean-to structure abuts the rear of the property. The property is approximately two hundred ten feet (210') in width, ninety eight feet (98') in depth, for an approximate lot area of 20,580 square feet. The site is developed with a vacant one-story building that is ten thousand four hundred two (10,402 sq.ft.) square feet, which also contains a two thousand four (2,004 sq. ft.) square foot mezzanine for a total floor area of twelve thousand four hundred six (12,406 sq.ft.) square feet. An unimproved parking lot is adjacent to the building on the Toulous Street side of the property with frontage on Broad Street.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 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 Wedberg made a motion for approval as recommended by staff. The motion was seconded by Commissioner Marshall and adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 123/14 IS HEREBY RECOMMENDED FOR APPROVAL, SUBJECT TO ELEVEN (11) 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 developer shall resubdivide all lots into one lot of record prior to obtaining a certificate of use and occupancy.
3. The developer shall screen all refuse areas from view with an opaque fence measuring six (6) feet in height. Additionally, the developer shall provide a litter abatement program letter, 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 trash from the sidewalks and 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. In no case shall trash be stored so that it is visible from the public right-of-way.
4. The developer shall submit a landscape plan by a licensed Louisiana landscape architect for the review and approval of the City Planning Commission staff to include landscaping on the site and within the parking area.
5. The applicant shall remove the chain link fence along the North Broad Street property line and install a minimum (3) foot high wall, metal picket fence or landscape hedge, subject to review and approval of the staff of the City Planning Commission.
6. The developer shall repair the sidewalk along the North Broad Street side of the site, subject to review and approval from the Department of Public Works and the Department of Transportation and Development.
7. Signage shall be limited to that which show compliance with Article 7, Section 7.3.6 Permitted Signs of the Comprehensive Zoning Ordinance. Any proposed signage shall be subject to the review and approval of the staff of the City Planning Commission. No signage indicating any alcoholic beverage shall be placed so that it is visible from the public right-of-way.
8. The hours of operation shall be restricted to between 10:00 a.m. and 2:00 a.m.

9. The operator of the movie theater shall not distribute or cause to be distributed for purposes of commerce, any menus, flyers or promotional materials from any public right-of-way.
10. The operator of the movie theater shall not affix or cause to be affixed to any public property or to any private property in a manner prohibited by law, any menus, flyers or promotional materials.
11. The applicant shall provide bicycle racks for a minimum of eight bicycles for theater patrons.

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

NAYS: None

ABSENT: Hughes, Mora

REASONS FOR RECOMMENDATION

1. The recommended conditions address the operational impacts of the theater on the adjacent properties.
2. The proposed movie theater is a use that is compatible with the greenway and the historical structure, maintaining its original features, should enhance both the Lafitte Greenway and North Broad Street Corridors.
3. The request is consistent with the *Plan for the 21st Century:New Orleans 2030 Land Use Plan*

ZONING DOCKET 124/14 – Request by JUGS SOCIAL CLUB, INC./KREWE OF NOMTOC for a Conditional Use to permit a private club in a B-1 Neighborhood Business District on Square 168, Lot N1, in the Fifth Municipal District, bounded by Homer, Newton, and Sumner Streets and Behrman Avenue. The municipal address is 1906-08 NEWTON STREET. (PD 12)

Applicant: Jugs Social Club, Inc/Krewe of NOMTOC

Request: This is a request for a Conditional Use to permit a private club in a B-1 Neighborhood Business District.

Location: The property is located on Square 168, Lot N1, in the Fifth Municipal District, bounded by Behrman Avenue, Homer, Newton and Sumner Streets. The municipal address is 1906-08 Newton Street. (PD 12)

Description: The subject site is a rectangular lot with approximately ninety-three (93) feet of frontage on Newton Street. The lot measures approximately 135

feet in depth and contains an area of approximately 12,610 square feet (0.29 acre). The site is currently vacant and secured by a perimeter fence. The applicant is proposing to develop the site with a single-story 5,504 square foot wood frame structure that would serve as a private club. A similar proposal, with different development plans, was considered under ZD 55/11. The applicant has reduced the size of the building and is re-applying.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)

The City Planner summarized the request, stating the staff's recommendation of approval. Two proponents, representatives of the club spoke on the request.⁹ They expressed concerns regarding the three provisos of the staff report including Proviso #3 which restricts the use of the club to members only, Proviso #6 which requires relocation of the trash storage and a grease trap to the rear of the site, and Proviso #11 which limits hours of operations to midnight. The representatives of the club argued that restrictions imposed on the use of the club (members only) and the hours of operations (10am-12 midnight) are not feasible as they would affect the revenue generating ability needed for club operations as a nonprofit entity. They also stated that the staff recommended relocation of the trash storage and grease trap to the rear of the site is impractical because of functional considerations.

Following the discussion, the Commission members agreed to eliminate Proviso #3 and replace it with a Waiver #2; to modify Provisos # 6 and 11, as indicated below. Eliminated text is shown as ~~strikeouts~~ and a new language is shown as **bold and underlined**.

New Waiver

2. **The applicant shall be granted a waiver of Article 11, Section 11.12.2.a. of the Comprehensive Zoning Ordinance, which prohibits activities that are customarily carried on as a business to permit leasing and use of the meeting hall for commercial purposes by the general public.**

Modified Provisos:

3. ~~The meeting hall shall only be available to members and cannot be leased for commercial purposes or used by the general public.~~
6. ~~The trash storage and grease trap shall be relocated to the rear of the site and enclosed with an opaque fence a minimum of six (6) feet in height. Except for pick-up times, the dumpster must remain in the designated trash area.~~

⁹ The speakers at the public hearing are listed on the attached public hearing speaker sheet.

11. Club meetings and events shall take place only between the hours of 10:00 am and ~~12:00 midnight.~~ **2:00 a.m., Monday to Sunday.**

Commissioner Duplessis made a motion to adopt the staff's recommendation subject to modifications listed above. The motion was seconded by Commissioner Marshall and adopted unanimously.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 124/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO TWO (2) WAIVERS AND FORTEEN (14) 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 11.12.2.b.** of the Comprehensive Zoning Ordinance, which requires a development to have a front yard of 7.5 feet (average of the block face), to permit a front yard of zero (0) feet.
2. The applicant shall be granted a waiver of **Article 11, Section 11.12.2.a.** of the Comprehensive Zoning Ordinance, which prohibits activities that is customarily carried on as a business to permit leasing and use of the meeting hall for commercial purposes by the general public.

Provisos

1. No City department shall issue 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 secure the approval of the Department of Public Works for any curb cuts along Newton Street. Any unused existing curb cuts shall be restored with curbs and the extension of a landscape strip along the sidewalk.
3. The applicant shall submit revised site plan indicating fencing on the property. Chain link fencing shall not be permitted.
4. The applicant shall submit a landscape plan prepared by a licensed Louisiana landscape architect indicating the following:

- a. The landscaping of a front yard and installation of landscaping strips along the rear and Behrman Avenue side of the site, with a combination of trees, shrubs, and/or groundcover. Street trees shall be planted within the Newton Street right-of-way in sections not used for vehicular access. The landscaping plan shall be submitted for review and approval by the staff of the City Planning Commission and the Department of Parks and Parkways for trees proposed within the public right-of-way of Newton Street.
 - b. 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.
5. Except for pick-up times, the dumpster must remain in the designated trash area.
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, 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.
7. The lighting of the parking lot and outdoor entry areas shall be directed in such a way as to reduce glare on nearby properties. In addition, all light poles and wall-mounted fixtures should be designed with fully shielded luminaries and should not exceed twenty-five (25) feet in height.
8. All signage shall comply with **Article 5, Section 5.4.6** *Permitted Signs* of the Comprehensive Zoning Ordinance.
9. The applicant shall make arrangements to provide seventeen (17) additional parking spaces for the use of its members and visitors at an off-site location within 300 feet of the private club in compliance with **Article 15, Section 15.2.4** *Joint Use of Off-Site Facilities*.
10. Club meetings and events shall take place only between the hours of 10:00 am and 2:00 a.m. Monday to Sunday.
11. Any events using the public right-of-way shall require a Special Event Permit.
12. No alcoholic beverages shall be consumed in the public right-of-way adjacent to the site.
13. Live or recorded music shall be played within the building and not in the exterior areas of the site. Music of any kind shall be prohibited on the exterior of the building. Doors and windows shall remain closed when music is being played.

14. The applicant shall comply with the City of New Orleans Noise Ordinance.

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

NAYS: None

ABSENT: Hughes, Mora

RECUSE: None

REASONS FOR RECOMMENDATION

1. The recommended provisos will mitigate the potential harmful impacts that the operation of the private club might have on nearby properties.
2. The private club supports the operation of an organization that plays an important traditional, cultural, and charitable role in New Orleans.

ZONING DOCKET 125/14 – Request by 511 MARIGNY, LLC for an Amendment to Ordinance No. 25,607 MCS (Zoning Docket 097/13, which amended Ordinance No. 24,562 MCS to allow the development to contain those uses that are permitted by right in the HMC-1 District) to permit a wine shop with on-premises tasting and the sale of alcoholic beverages for off-premises consumption, in an HMLI Historic Marigny/Treme Light Industrial District, on Square 10, Lot K-6, in in the Third Municipal District, bounded by Chartres, Decatur, Mandeville and Marigny Streets. The municipal address is 511 MARIGNY STREET. (PD 7)

Applicant: 511 Marigny LLC

Request: This is a request for an amendment to Ordinance No. 25,607 MCS (Zoning Docket 097/13, which amended Ordinance No. 24,562 MCS to allow the development to contain those uses that are permitted by right in the HMC-1 District) to permit a wine shop with on-premises tasting and the sale of alcoholic beverages for off-premises consumption, in an HMLI Historic Marigny/Tremé Light Industrial District.

Location: The petitioned property is located on Square 10, Lot K-6, in the Third Municipal District, bounded by Chartres, Decatur, Mandeville and Marigny Streets. The municipal address is 511 Marigny Street. The petitioned site is located within the Faubourg Marigny Local Historic District. (PD 7)

Description: The petitioned site is a 44,195 square feet (1.01 acres) parcel which has frontage on Marigny, Chartres, and Decatur Streets and comprises approximately half of the subject square. It is developed with a historic warehouse structure which was recently redeveloped for residential and commercial mixed use, as well as an adjoining surface parking lot. The structure is a three-story brick building with a footprint of 27,287 square feet and a total floor area of 76,184 square feet. Its

height varies from approximately forty-six and a half feet to approximately forty-eight feet. The building contains 2 ground floor commercial units measuring 2,139 square feet and 1,342 square feet in floor area, respectively. There are 47 residential units, including 2 studio units, 22 one-bedroom units, 19 two-bedroom units, and 4 three-bedroom units. The accessory parking lot provides 47 off-street parking spaces. This development was authorized Ordinance No. 24,562 MCS (Zoning Docket 019/11).

Due to the site's location in an HMLI Historic Marigny/Tremé Light Industrial District, which allows commercial uses only as conditional uses, the building's ground floor commercial units are allowed to be occupied only by uses that are authorized under a conditional use ordinance. The original approval under Ordinance No. 24,562 MCS was amended by Ordinance No. 25,607 MCS (Zoning Docket 097/13) to allow the ground floor commercial units to be occupied by right only by those commercial uses that are permitted by right in the HMC-1 Historic Marigny/Tremé Commercial District, which include restaurants and low-intensity retail and service establishments.

The applicant proposes for the 1,342 square foot commercial unit (designated as Commercial Space B on approved floor plans for the development), which faces Decatur Street on the building's ground floor, to be used as a wine shop. The wine shop, called Grande Krewe, would sell packaged alcoholic beverages for off-premises consumption and would also have on-premises tastings. The preliminary floor plan for the establishment calls for much of its floor area to be occupied by display areas, but for it to also feature a tasting room at the rear of the space, which would contain seating areas. An office and a restroom would constitute the remainder of the space.

Because wine shops are not permitted uses in the HMC-1 District, this use of the commercial unit is not allowed under the existing conditional use ordinance. The applicant requests the amendment of the conditional use to authorize the use of the commercial unit by the proposed wine shop.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 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 approval subject to three (3) waivers and fifteen (15) provisos.

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

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 125/14 IS HEREBY RECOMMENDED FOR APPROVAL SUBJECT TO THREE (3) 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 developer shall be granted a waiver of Article 15, Section 15.2 Table 15.A Off-Street Parking Regulations of the Comprehensive Zoning Ordinance, which requires ninety-eight (98) off-street parking spaces, to permit forty-seven (47) off-street parking spaces.
2. The developer shall be granted a waiver of Article 15, Section 15.3 Table 15.G Loading Requirements of the Comprehensive Zoning Ordinance, which requires three (3) off-street loading spaces, to permit zero (0) off-street loading spaces.
3. The developer shall be granted a waiver of Article 9, Section 9.4.3 of the Comprehensive Zoning Ordinance to waive the limitations on floor area included within that section.

Provisos

1. The developer shall submit an application to resubdivide the site into one lot of record prior to the finalization of the conditional use. Additionally, the subdivision shall be finalized prior to the issuance of the Certificate of Use and Occupancy by the Department of Safety and Permits.
2. The developer shall secure a lease of servitude for any encroachments into the public rights-of-way from the Department of Property Management's Real Estate and Records Division. The issuance of the lease of servitude shall be completed prior to the finalization of the conditional use.
3. The developer shall place planters adjacent to any exterior opening doors to prevent pedestrians from being struck by the swinging doors.
4. The developer shall secure the approval of the HDLC for the proposed development prior to the finalization of the conditional use, including signage for the proposed commercial uses.

5. The developer shall replace the sidewalks adjacent to the site along Chartres Street, Marigny Street and Decatur Street, subject to approval by the Department of Public Works. Additionally, tree pits shall be installed at a minimum of every twenty-five (25) feet to accommodate trees to the specification of the Department of Parks and Parkways.
6. The developer shall install a seven (7) foot high masonry fence along the interior lot lines, except the interior lot line adjacent to 2320 Chartres Street (the Mandeville Street side) where a seven (7) foot high double-sided wooden fence shall be installed, subject to the review and approval of the Historic District Landmarks Commission and the City Planning Commission prior to finalization of the conditional use.
7. The developer shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect indicating the following: the genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the common areas and the street rights-of-way within the site, with applicable remarks and details. Replacement of trees along the Mandeville Street side shall be of same or similar height as the existing trees. The landscape plan shall be subject to the final approval of the staff of the City Planning Commission for all plantings within the site and of the Department of Parks and Parkways for any proposed planting within the public rights-of-way adjacent to the site.
8. The developer shall move the proposed fence off the Marigny Street frontages by four (4) feet and provide landscaping in the form of large shrubs or small trees on the right-of-way side of the fence.
9. The developer shall submit complete fence details to the City Planning Commission and Historic District Landmarks Commission prior to final approval.
10. The developer shall pave the parking lot with a durable, all-weather permeable surface such as an open paving system or a pervious paving system, subject to the review and approval of the City Planning Commission.
11. The developer shall provide to the City Planning Commission a litter abatement program letter, inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by the Department of Sanitation or a contracted trash removal company, and the clearing of all litter from the sidewalks and periodic hosing of the street right-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. In no case shall litter be stored so that it is visible from the public right-of-way.
12. The developer shall submit a signage plan prior to the finalization of the conditional use, subject to the review and approval of the Historic District Landmarks Commission and the City Planning Commission.

13. The developer shall work with the Department of Public Works to establish a daytime, on-street loading zone adjacent to the petitioned site in the Marigny Street right-of-way.
14. Commercial uses shall be limited to those uses that are permitted by right in the HMC-1 District for Commercial Space A.
15. A wine shop with on-premises tasting and the sale of alcoholic beverages for off-premises consumption shall be authorized in Commercial Space B subject to the following requirements:
 - a. The Department of Safety and Permits shall issue no building permits or licenses for this use 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.
 - b. 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.
 - c. The applicant shall secure the review and approval of the Historic District Landmarks Commission for all modifications to the exterior of the structure.
 - d. All trash shall be stored so that it is not visible from the public right-of-way. At no time other than during trash pick-up shall trash be visible from the public right-of-way.
 - e. 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 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 violations. In no case shall trash be stored so that it is visible from the public right-of-way.
 - f. All signage shall comply with Article 9, Section 9.6.6 of the Comprehensive Zoning Ordinance. The applicant shall modify the proposed signage to demonstrate compliance with that section. The signage shall be subject to the review and approval of the Historic District Landmarks Commission and the City Planning Commission staff.

- g. Except for the business identification sign, no signage promoting sale of alcoholic beverages, such as neon brand signage, shall be visible from the public right-of-way.
- h. No consumption other than tasting or sampling of alcoholic beverages shall take place on the premises.
- i. No loitering shall be allowed on the site and the adjacent public right-of-way.
- j. No live music shall be provided on site. No music shall be audible outside of the interior of the building.

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

NAYS: None

ABSENT: Hughes, Mora

REASONS FOR RECOMMENDATION

- 1. If responsibly managed subject to the recommended provisos, the use of one of the structure’s ground floor commercial units by a retail store will be no more impactful on surrounding properties than the other sorts of general retail stores already allowed in that commercial unit under the existing ordinance.
- 2. The proposal is consistent with the Master Plan.

ZONING DOCKET 126/14 – Request by BCH NOLA MAGAZINE COMMONS, LLC for a Conditional Use to permit the sale of alcoholic beverages for on-premises consumption in a standard restaurant in a B-2 Neighborhood Business District and the rescission of Ordinance No. 23,755 MCS (Zoning Docket 075/09, which granted a Conditional Use to permit the sale of alcoholic beverages for consumption off-premises at a retail store occupying less than 5,000 square feet of floor area), on Square 28 or 28HV, Lot B-1, in the Sixth Municipal District, bounded by Nashville Avenue, Magazine, Arabella and Camp Streets. The municipal address is 801 NASHVILLE AVENUE AND 5721-23 MAGAZINE STREET. (PD 3)

Applicant: BCH Nola Magazine Commons

Request: This is a request for a conditional use to permit the sale of alcoholic beverages for on-premises consumption in a standard restaurant in a B-2 Neighborhood Business District and the rescission of Ordinance No. 23,755 MCS (Zoning Docket 075/09), which granted a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a retail store occupying less than 5,000 square feet of floor area.

Location: The petitioned property is located on Square 28 or 28HV, Lot B-1, in the Sixth Municipal District, bounded by Nashville Avenue, Magazine, Arabella and Camp Streets. The municipal addresses are 801 Nashville Avenue and 5721-23 Magazine Street. (PD 2)

Description: The site is located within a rectangular lot with frontage on Magazine Street. The lot measures one hundred twenty feet (120') in width by one hundred twenty feet (120') in depth and has an area of fourteen thousand, four hundred square feet (14,440 sq. ft.)

The petitioned site is currently under construction and is part of a multi-tenant strip of mixed commercial uses. Sanborn maps indicate the site has a history of commercial use. The petitioned unit will have an interior floor area of three thousand, two hundred sixty-five square feet (3,265 sq. ft.), and will also provide approximately three hundred two square feet of outside seating (302 sq. ft.), thus providing a total floor area of three thousand five hundred sixty-seven square feet (3,567 sq. ft.) The applicant's site plan indicates that there will be eleven (11) off-street parking spaces which will be accessed from Nashville Avenue. The applicant also states that a possible six (6) additional parking spaces will be available through a shared agreement with other tenants of the site. Based on the staff's site visit, it appears that approximately three diagonal parking spaces currently exist at the site, which appears to encroach on the public right-of-way. The applicant's proposal does not include these spaces.

The applicant requests a conditional use in order to allow the sale of alcoholic beverages for on-premises consumption at the site, which is being developed as a standard restaurant.¹⁰

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)

Staff summarized the request, stating the staff's recommendation of approval. There were four proponents present, including the applicant, and one opponent of this request was also present. Each is listed on the attached public hearing speaker sheet. There was discussion as to whether the applicant's Good Neighbor Agreement (GNA) should be adopted as part of the Conditional Use (CU) request. The Executive Director stated that generally, the CPC does not adopt GNA's as part of CU requests, and that GNA's are regulated between the applicant and the corresponding neighborhood, and that the staff adequately addressed neighborhood concerns and potential negative impacts through the imposition of standard provisos.

Commissioner Steeg made a motion to approve the request. This motion was seconded by Commissioner Marshall and adopted.

¹⁰ The applicant's application stated that the request was to allow the sale of alcoholic beverages for on and off-site consumption. The staff verified with the applicant that the intent is not to sell any packaged liquor, and that the request is only to serve alcoholic beverages for on-site consumption.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 126/14 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO THIRTEEN (13) 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 revise the site plan to indicate that the trash receptacle is screened by a six (6') foot opaque fence with latching gates.
2. The applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, approved by 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 restaurant shall be kept on file in case of any violation.
3. The applicant shall submit a revised site plan and landscape plan to include additional landscaping along the frontage of the site, subject to the review and approval of City Planning Commission staff.
4. The restaurant shall operate only between the hours of 8:00 a.m. and 10:00 p.m., Sunday through Thursday and 8:00 a.m. and Midnight Friday and Saturday.
5. Alcoholic beverage service for consumption on premises shall be only 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.
6. Signage for the advertisement of alcoholic beverages and shall not be visible from the public rights-of-way.
7. The applicant shall submit an updated lighting plan to allow for additional exterior lighting on site, subject to the review and approval of CPC staff. These lights shall be directed towards the interior of the site, away from neighboring properties.
8. Prior to the issuance of any licenses by the Department of Safety and Permits, the applicant shall prove that the holding bar does not exceed fifteen percent (15%) of the seating area of the restaurant, not to exceed three hundred square feet (300 sq. ft.).
9. Any signage shall require the applicant to submit a signage plan that is compliant with **Article 12, Section 12.2 and Article 5, Section 5.5.6** of the Comprehensive

Zoning Ordinance. Additionally, temporary signs, banners and promotional material for alcoholic beverages, including window signs shall be prohibited.

10. 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.
11. The applicant shall update the parking plan to indicate the proposed spaces meet the guidelines of **Article 15, Section 15.2.13** (Design Standards).
12. The applicant's off-street parking spaces shall not encroach into the public right-of-way.
13. The applicant shall update the site plan to indicate that the outdoor seating does not encroach onto the public right-of-way.

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

NAYS: None

ABSENT: Hughes, Mora

REASONS FOR RECOMMENDATION

1. The proposed use is compatible with the mix of commercial uses in the B-2 Neighborhood Business District in which it is proposed.
2. 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.

SUBDIVISION DOCKET 140/14 – Request by NORTH PETERS RIVERFRONT PLACE, LLC to resubdivide Lots 2 and 3 into Lot 2-A, Square 6, in the Second Municipal District, bounded by N. Peters, Iberville, Bienville and Clinton Streets. The municipal addresses are 207-209 N. PETERS STREET AND 202-205 CLINTON STREET. (PD 1B)

Proposal: This is a proposal to subdivide Lots 2 & 3 into Lot 2-A.

Location: The site is located on Square 6, in the Second Municipal District, bounded by N. Peters, Iberville, Bienville, and Clinton Streets. The municipal addresses are 207-

209 N. Peters Street and 202-205 Clinton Street. All lots are located within the Vieux Carré Historic District. (Planning District 1B)

Zoning: The site is located within a VCE-1, Vieux Carré Entertainment District.

Current

Land Use: The site is developed with two, four-story mixed-use commercial/residential structures.

Reason for

CPC Action: The Subdivision Regulations do not include policies which permit the proposed subdivision to be approved administratively. Therefore, the subdivision must be considered by the City Planning Commission.

LOT SIZE

Existing Lot: Lot 2 is an irregular-shaped lot with twenty-five feet two inches (25'2") of frontage on N. Peters Street and twenty-four feet five inches (24'5") of frontage on Clinton Street. The lot has a depth of one hundred eight feet eight inches (108'8") on the Iberville Street side and one hundred five feet (105') on the Bienville Street side. The lot has an approximate area of 2,582.75 square feet.

Lot 3 is an irregular-shaped lot with twenty-five feet two inches (25'2") of frontage on N. Peters Street and twenty-four feet five inches (24'5") of frontage on Clinton Street. The lot has a depth of one hundred five feet (105') on the Iberville Street side and one hundred one feet seven inches (101'7") on the Bienville Street side. The lot has an approximate area of 2,500.10 square feet.

Proposed

Lots: Proposed Lot 2-A will be an irregular-shaped lot with fifty feet eight inches (50'8") of frontage on N. Peters Street and forty-nine feet two inches (49'2") of frontage on Clinton Street. The lot will have a depth of one hundred eight feet eight inches (108'8") on the Iberville Street side and one hundred one feet seven inches (101'7") on the Bienville Street side. Proposed Lot 2-A will have a lot area of 5,121.54 square feet.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)¹¹

The applicants spoke in support of the request.

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

¹¹ 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 140/14.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 140/14 IS HEREBY GRANTED TENTATIVE APPROVAL, WITH FINAL APPROVAL SUBJECT TO THREE (3) PROVISOS.

1. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, Property Management Division of Real Estate and Records, the Department of Safety and Permits, and the Vieux Carré Commission.
2. 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.
3. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final resubdivision survey in dwg., dxf, or ESRI compatible file format.

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

Nays: None

Absent: Hughes, Mora

REASONS FOR RECOMMENDATION

1. The request is consistent with existing conditions on the site.
2. The proposal meets the requirements of the *Comprehensive Zoning Ordinance* and the *New Orleans Subdivision Regulations*.

SUBDIVISION DOCKET 142/14 – Request by COME INTO THE LIGHT MISSIONARY CHURCH to resubdivide Lots B, C and U into Lot B-1, Square 1282, in the Third Municipal District, bounded by Caffin Avenue, N. Dorgenois, Lamanche and N. Rocheblave Streets. The municipal addresses are 5617-19 NORTH ROCHEBLAVE STREET AND 2407-13 CAFFIN AVENUE. (PD 8)

Proposal: Re-Subdivision of Lots B, C & U, Sq. 1282 into Lot B-1

Location: Third Municipal District, bounded by N. Rocheblave, N. Dorgenois, and Lamanche Streets and Caffin Avenue. The municipal addresses are 5617-5619 N. Rocheblave Street and 2407-2413 Caffin Avenue. (PD 8)

Zoning: RD-3 Two-Family Residential District

Current

Land Use: The subject lots (see Table 1) form an L-shaped parcel located at the intersection of Caffin Avenue and N. Rocheblave Street. Existing Lot U measures 37' in width along N. Rocheblave Street and 133.9' in depth along the Lamanche Street side and has an area of 4,954.3 sq. ft. Existing Lot B measures 44.6' in width along Caffin Avenue and 112.1' in depth and has an area of 4,999.7 sq. ft. Existing Lot C measures 44.6' in width along Caffin Avenue and 112.1' along the N. Dorgenois Street side and also has an area of 4,999.7 sq. ft. The proposed Lot B-1 (see Table 2) measures 89.3' in width along Caffin Avenue, 37' in width along N. Rocheblave Street, 149.1' in depth along the N. Dorgenois St. side, 133.1' in depth along the Lamanche Street side and has an area of 14,952.6 sq. ft. square feet. The site consists of vacant, undeveloped land.

Required: This is a request to subdivide three lots into a single lot of record. Existing Lots B and C front on Caffin Avenue. Existing Lot U fronts on N. Rocheblave Street. All three of the lots are currently located in an RD-3 Two-Family Residential District.

The property was recently purchased by the applicant, who intends to construct a religious facility. The site however, proposes frontage on two different streets, which requires review by the City Planning Commission.

The proposed lot would be a double frontage lot. **Article 5, Section 5.5.5 Double Frontage Lots** of the *New Orleans Subdivision Regulations* states that double frontage lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography or adjacent non-compatible land uses. It also allows for the creation of a double frontage lot in an established urban environment where a similar development pattern already exists in the surrounding blocks and where a second frontage would provide for off-street parking and fire access to the building that would otherwise not be present.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)

Staff summarized the request, stating the staff's recommendation of denial. There were two proponents present, including the applicant.

Commissioner Duplessis made a motion to approve the request, stating that he understands the position of the staff, but that the approval of the subdivision request will prove more of a benefit for the redevelopment of the Lower Ninth Ward, than as a hindrance based on the Subdivision Regulations. This motion was seconded by Commissioner Bryan and was approved.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 142-14 IS HEREBY GRANTED TENTATIVE APPROVAL, WITH FINAL APPROVAL SUBJECT TO ONE (1) WAIVER AND THREE (3) PROVISOS:

Waiver

- 1. The applicant shall be granted a waiver from the standards under **Article 5, Section 5.5.5 Double Frontage Lots**, of the New Orleans Subdivision Regulations.

Provisos

- 1. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records, and the Department of Safety and Permits.
- 2. 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.
- 3. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final resubdivision survey in dwg., dxf, or ESRI compatible file format.

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

NAYS: None

ABSENT: Hughes, Mora

REASONS FOR RECOMMENDATION

- 1. The request will encourage the redevelopment of the Lower Ninth Ward.

SUBDIVISION DOCKET 148/14 – Request by CARONDELET PARTNERS LLC to resubdivide Lots 1, 2, 3, 4, 5, 6, 7, 20 and A into Lot A1, Square 219, in the First Municipal District, bounded by Carondelet, Lafayette, St. Charles and Girod Streets. The municipal addresses are 600 THROUGH 628 CARONDELET STREET. (PD 1A)

Proposal: Resubdivision of Lots 1, 2, 3, 4, 5, 6, 7, 20, and A into Lot A1.

Location: The site is located on Square 219, in the First Municipal District, bounded by Carondelet Street, Lafayette Street, St. Charles Street, and Girod Street. The municipal addresses are 600-628 Carondelet Street. (PD 1A)

Zoning: CBD-7 Central Business District

Current

Land Use: The site was previously an office building and surface parking lot, and it is currently undergoing renovation to be redeveloped as a hotel.

Proposed

Use: The site is proposed to be a hotel.

Required:

The subject site consists of nine (9) lots that form an irregularly shaped development site that has frontages on Carondelet and Lafayette Streets. The site has two hundred twenty-eight feet, nine inches (228' 9") of frontage on Carondelet Street and one hundred fifty feet, six inches (150' 6") of frontage on Lafayette Street. The total area for the site is approximately thirty-three thousand eight hundred fifty-seven square feet (33,857 sq. ft.).

This is a request to resubdivide nine (9) lots into a single lot. All nine lots are rectangular in shape and front Carondelet Street. Lots 1 to 5 are each twenty-five feet, nine inches (25' 9") wide and one hundred fifty feet, five inches deep (150' 5"). Lots 6 and 7 are each twenty-five feet, six inches (25' 6") wide and one hundred fifty feet, five inches deep (150' 5"). Lot 20 is twenty-five feet, six inches (25' 6") wide and one hundred seventy feet, five inches deep (170' 5"). Lot A is twenty-three feet, six inches (23' 6") wide and one hundred four feet, seven inches deep (104' 7"). All of the subject lots are zoned CBD-7 Central Business District and are located in the Lafayette Square Local Historic District.

The applicant proposes to create a hotel with a restaurant, a café, a music venue, meeting space, and a retail suite. The existing nine (9) story, one hundred forty feet, six inches (140' 6") high, office building on Lots 1 to 4 will remain, as will the one-story structure on Lot 5. A new four (4) story addition, sixty-three feet (63') tall, on Lots 6, 7, 20, and A will be connected to the nine story building by a setback, glass façade, three story connector bridge over the existing one-story structure. At the ground level, the building will be setback zero feet (0') from all property lines, with a sign and other encroachments into the right-of-way.

The first floor of the hotel will consist of a lobby area, a restaurant, a café, retail space, meeting rooms, event space, elevators, bathrooms, and kitchens and various other back of house spaces. The mezzanine level of the hotel will contain hotel administration rooms in the existing nine-story building and in a second story addition above the rear portion of the existing one-story retail building.

The second through fourth floors each have forty-seven (47) rooms, mechanical rooms, employee rooms, stairs, elevators, and a fitness room on the second floor in both the existing nine story building and the four story addition. The two buildings will be connected by a glass wall elevated hallway above the existing one-story building setback from the front property line. The fifth through eighth

stories of the building will consist of twenty-four (24) guest rooms, mechanical rooms, employee rooms, stairs, and elevators. The ninth floor of the building will consist of an open air roof deck and enclosed building space. The roof deck will contain a pool, various roof terraces, a bar, and enclosed bathrooms on the center and back portion of the building. The front portion of the building will consist of four (4) guest rooms, mechanical rooms, elevators and stairs.

In total, the proposed hotel will consist of two hundred forty-one (241) guest rooms, a restaurant, a café, a music venue, meeting space, and retail space. The total floor area for the development will be approximately one hundred eighty-three thousand six hundred and thirty-two square feet (183,632 sq. ft.). There are no proposed off-street parking spaces, but the spaces are grandfathered to the existing office and retail uses of the site. In addition, waivers have been granted for deficiencies in off-street loading zones and open space ratio.

The proposed resubdivision would reverse the lot frontage, as all nine lots current front Carondelet Street and the proposed lot would front Lafayette Street. **Article 5, Section 5.1.8 Reversal of Lot Frontage** of the *New Orleans Subdivision Regulations* states that “the Planning Commission will look with disfavor upon proposals for reversal of lot frontages that will result in:

- a. Required rear yards abutting required side yards;
- b. Required side yards abutting required rear yards;
- c. Required front yards opposite required side yards,

unless the existing lot pattern within 500 feet on both sides of the proposed subdivision on each affected street contains development on which 50% or more lots have similar frontages. Reversal of lot frontages, which will result in placing lot frontages on Major Streets, will be generally acceptable, unless such reversals result in hardship to owners of the adjoining properties.”

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)

The City Planner summarized the request, stating the staff’s recommendation for tentative approval. The applicant spoke in favor of the request. Commissioner Marshall made a motion to adopt staff’s recommendation, which was seconded by Commissioner Steeg. The motion was adopted unanimously.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 148/14 IS HEREBY GRANTED TENTATIVE APPROVAL, WITH FINAL APPROVAL SUBJECT TO THREE (3) PROVISOS:

Provisos

1. 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 Historic District Landmarks Commission, the Sewerage and Water Board, and Entergy.
2. 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.
3. 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.

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

NAYS: None

ABSENT: Hughes, Mora

REASONS FOR APPROVAL

1. The resubdivision was a proviso of the approved Board of Zoning Adjustments Resolution.
2. The proposed subdivision is consistent with the Comprehensive Zoning Ordinance and the *Plan for the 21st Century: New Orleans 2030*.
3. While the proposed subdivision will result in a reversal of lot frontages, for all practical matters the building will continue to front Carondelet Street because the exterior and entrances to the existing building will not change.

SUBDIVISION DOCKET 153/14 – Request by MARIE OLAGUES to resubdivide Lot Pt. A into Lots A1 and A2, Square 731, in the First Municipal District, bounded by Cleveland Avenue, S. Cortez, Canal and S. Telemachus Streets. The municipal addresses are 136-138 S. CORTEZ STREET AND 3727-29 CLEVELAND AVENUE. (PD 4)

Proposal: Resubdivision of Lot Pt. A into Lots A1 and A2.

Location: Square 731, First Municipal District, bounded by S. Cortez Street, Canal Street, S. Telemachus Street and Cleveland Avenue. The municipal addresses are 136-138 S. Cortez Street and 3727-29 Cleveland Avenue. (PD 4)

Zoning: RO-1 General Office District

Current

Land Use: Two (2), single-family residential structures

Required: The subject site is a corner lot that is developed with one (1) one-story single-family residential structure fronting on S. Cortez Street (framing the corner) and one (1) two-story single-family residential structure along the rear property line, facing Cleveland Avenue. The applicant proposes to place each structure on a separate 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 Assesor 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 it does not meet criteria c and d under Policy E.

Description: The site is developed with two (2) residential structures. The one-story, single-family structure is built close to the front and corner side property lines. It is 6.74' away from a one (1) two-story residential structure that faces Cleveland Avenue. The applicant proposes to create two (2) lots in order to place each residential structure on its own lot of record.

Image #1: Rear of Petitioned Property

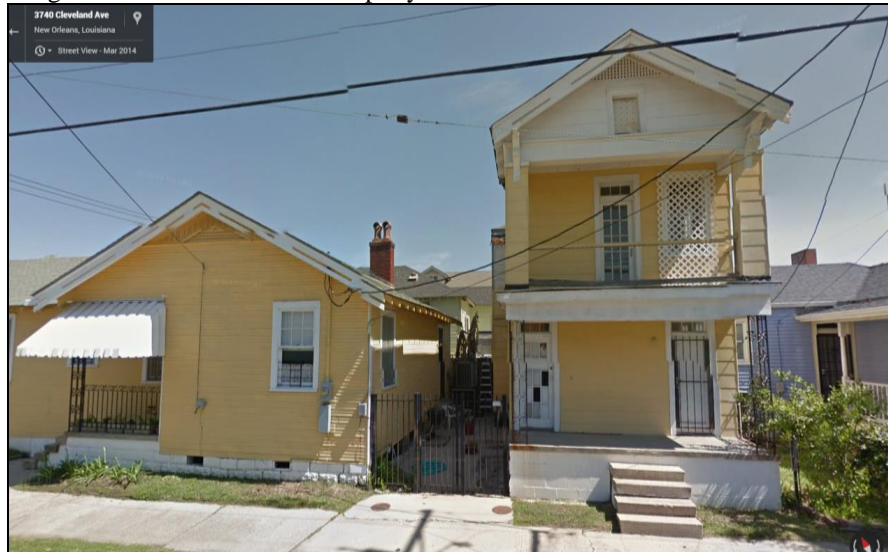


Image #2: Front of Petitioned Property



Source: Google Maps. Image Captures: March 2014

CITY PLANNING COMMISSION MEETING (December 9, 2014)

The City Planner summarized the request, stating the staff's recommendation for tentative approval. The applicant spoke in favor of the request and asked to eliminate a proviso.

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

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 153/14 IS HEREBY GRANTED **TENTATIVE APPROVAL**, WITH FINAL APPROVAL SUBJECT TO TWO (2) WAIVERS AND FOUR (4) PROVISOS:

Waivers

1. The applicant shall be granted a waiver of Section 3.2.5.d of the *Subdivision Regulations* requiring a minimum lot area of 1,800 square feet for Lot A2.
2. The applicant shall be granted a waiver of **Article 4, Section 4.9.7 (Table 4.I) – Area Regulations** of the Comprehensive Zoning Ordinance for minimum lot depth and area on proposed Lot A1 and for minimum lot width, depth and area on proposed Lot A2.

Provisos

1. The applicant shall revise the survey to indicate a three feet (3') setback between existing structures and new property line or apply and secure a waiver from the Board of Building Standards and Appeals (BBSA waiver).
2. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records and the Department of Safety and Permits.
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 resubdivision survey in dwg., dxf, or ESRI compatible file format.

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

NAYS: None

ABSENT: Hughes, Mora, Wedberg

SUBDIVISION DOCKET 156/14 – Request by BEHIND THE LEVEE, LLC to resubdivide Lots D and E into Lots D1 and E1, Square 43-A, Lakeview, in the Second Municipal District, bounded by Robert E. Lee and Argonne Boulevards, Conrad and Marshal Foch Streets. The municipal addresses are 918 ROBERT E. LEE BOULEVARD AND 7106 ARGONNE BOULEVARD. (PD 5)

Proposal: Resubdivision of two lots, D and E, which are fronting on Robert E. Lee Boulevard to lots D1 and E1, which will front on Argonne Boulevard.

Location: Square 43-A, Lakeview, Second Municipal District, bounded by Robert E. Lee Boulevard, Argonne Boulevard, Conrad, and Marshal Foch Streets. The municipal addresses are 918 Robert E. Lee Boulevard and 7106 Argonne Boulevard. (PD 5)

Zoning: LRS-1 Lakeview Single-Family Residential District

Current Land Use: The two existing lots are located at the intersection of Robert E. Lee Boulevard and Argonne Boulevard. Historic Sanborn maps did not show that there was any development on the two existing lots. They are still currently undeveloped.

Required: The applicant proposes to resubdivide the two existing lots which currently faces Robert E. Lee Boulevard into two new lots that will face Argonne Boulevard. The two existing lots measure 53.25 and 50 feet in width, 120 feet in depth, and approximately 6,000 square feet in area. The applicant proposes to resubdivide the two existing lots into two new lots, Lots D1 and E1, each of which will front on Argonne Boulevard rather than Robert E. Lee Boulevard and measure 60 feet in width, 103.25 feet in depth, and 6,195 square feet in area. The resubdivision proposal must be considered for one reason. The resubdivision would cause there to be a reversal in lot frontage, with frontage of the lots rotating from Robert E. Lee Boulevard to Argonne Boulevard. This condition requires the resubdivision to be considered by the City Planning Commission.

Minimum lot width, depth, and area

Lots within the LRS-1 District are required to have a minimum width of 40 feet, depth of 90 feet, and an area of 5,000 square feet. The two proposed lots would each meet the lot width, depth, and area requirements.

Reversal of lot frontage

According to **Article 5, Section 5.1.8** of the *Subdivision Regulations*, the City Planning Commission will look with disfavor upon proposals for reversal of lot frontages that will result in:

- a. Required rear yards abutting required side yards;
- b. Required side yards abutting required rear yards;
- c. Required front yards opposite required side yards,

unless the existing lot pattern within 500 feet on both sides of the proposed subdivision on each affected street contains development on which 50% or more lots have similar frontages. (Reversal of lot frontages, which will result in placing lot frontages on a major street are generally acceptable unless such reversals result in hardship to owners of the adjoining properties.) Since the rotating of the proposed lots to face Argonne Boulevard would cause the proposed lots' required rear yards to abut the required side yards of the adjacent lots on Robert E. Lee Boulevard and the proposed lots' required front yards to be opposite the required side yards of the lots fronting on Robert E. Lee Boulevard on the opposite side of

Argonne Boulevard, the reversal of lot frontage must be considered by the City Planning Commission.

CITY PLANNING COMMISSION MEETING (DECEMBER 09, 2014)¹²

The applicants spoke in support of the request.

The Senior City Planner read a summary of the report. Commissioner Duplessis made a motion for **tentative approval**, which was seconded by Commissioner Marshall and adopted subject to one (1) waiver and three (3) provisos.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 156/14 IS HEREBY GRANTED TENTATIVE APPROVAL, WITH FINAL APPROVAL SUBJECT TO ONE (1) WAIVER AND THREE (3) PROVISOS.

Waivers

1. The applicant shall be granted a waiver of **Article 5, Section 5.1.8** *Reversal of Lot Frontage* of the *Subdivision Regulations*, to permit a reversal of lot frontage for proposed Lots D1 and E1.

Provisos

1. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records, the Department of Safety and Permits, and Entergy.
2. 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.
3. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final resubdivision survey in dwg, dxf, or ESRI compatible file format.

Yeas: Brown, Bryan, Duplessis, Marshall, Mitchell

Nays: None

Absent: Mora, Hughes, Steeg, Wedberg

¹² 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 156/14.

DESIGN REVIEW 148/14 – Request by CAMPO ARCHITECTS FOR D-BARLO, LLC to appeal the **Central Business District Height and Floor Area Ratio Interim Zoning District, Motion M-14-430**, to permit additional height and floors in a CBD-7 Central Business District, Lots 5, 6 and Pt. 4, Square 180, in the First Municipal District, bounded by St. Charles Avenue, Girod, Church and Julia Streets. The municipal address is 744 ST. CHARLES AVENUE. (PD 1A)

Applicant: Campo Architects (for D-Barlo, LLC)

Request: This is an appeal of the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD), as per Motion No. M-14-430 requesting an amendment to Article 18 of the Comprehensive Zoning Ordinance, to permit the construction of a new hotel in a CBD-7 Central Business District.

Maximum Permitted Height (per proposed IZD): 5-stories and 65 feet
Height Proposed by the Applicant: 8-story and 85 feet

Location: The petitioned property is located on Lots 5 and 6 and a Pt. of Lot 4, Square 180 in the First Municipal District, bounded by St. Charles Avenue, Girod, Church and Julia Streets. The municipal address is 744 St. Charles Avenue. The site is located within the Lafayette Square District Local Historic District (PD 1A).

Description: The petitioned site consists of three thru lots which front on St. Charles Avenue and Church Street, and combined measure 64 feet in width and approximately 150 feet in depth for an area of approximately 9,600 square feet. The site is currently developed with a single story vacant warehouse building.

The applicant proposes to construct a new 68,504 sq. ft. mixed-use development consisting of a 96-room hotel, three (3) condominium units, a restaurant (1,147 sq. ft.) and a retail space (840 sq. ft.). The proposed development will be 8-story and 85 feet high. On the ground floor, the site will be developed from property line to property line. Upper floors will be setback from the St. Charles Avenue and Church Street property lines a distance ranging from 10 to 20 feet. An open terrace containing approximately 793 square feet, will be located on the second floor. Main pedestrian entrances to the hotel, condominium units, restaurant and retail space will be from St. Charles Avenue. A vehicular drop-off area has been proposed within both the St. Charles Avenue and the Church Street public rights-of-way. No off-street parking would be provided on the site. Parking for thirty-six (36) vehicles will be provided via a joint use agreement within 300 feet from the petitioned property. The project will provide one (1) off-street loading space accessible from Church Street.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)¹³

The City Planner summarized the information in the report and presented the staff's recommendation.

The architect representing the applicant presented the project.

There were multiple speakers in opposition. They opposed granting of the requested variances as they will be inconsistent with the established development pattern of the historic neighborhood.

Commissioner Marshall stated that the IZD should be supported to maintain consistency with the Draft CZO. Without further discussion, Commissioner Marshall made the following motion, which was seconded by Commissioner Mitchell and adopted.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT DESIGN REVIEW DOCKET 148/14 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, Duplessis, Marshall, Mitchell

Nays: None

Absent: Hughes, Mora, Steeg, Wedberg

REASONS FOR RECOMMENDATION

1. The height, area and bulk of the proposed structure are inconsistent with those of other structures in the area surrounding the petitioned site, and there are no circumstances which would mitigate in favor of the requested waiver.
2. The adverse impact of the height of the proposed structure on adjacent and nearby uses cannot be mitigated through the imposition of standards and conditions.
3. The Central Business District Height and Floor Area Ratio Interim Zoning District (IZD) is intended to provide for predictable height standards which respect the historic character and scale of development within these neighborhoods.
4. Proposed development requires additional waivers of open space and loading from the Board of Zoning Adjustments (BZA).

¹³ Public Hearing Speaker sheet is attached to this report.

DESIGN REVIEW 149/14 – Request by COMMERCE LIVING, LLC to appeal the **Central Business District Height and Floor Area Ratio Interim Zoning District, Motion M-14-430**, to permit additional height and floors in a CBD-8 Central Business District, Lot 2A-1-A, Square 60, in the First Municipal District, bounded by Commerce, Girod, Tchoupitoulas and Lafayette Streets. The municipal address is 611 COMMERCE STREET. (PD-1A)

Applicant: COMMERCE LIVING, LLC

Request: This is an appeal of the Central Business District Height and Floor Area Interim Zoning District (IZD), as per Motion No. M-14-430 requesting an amendment to Article 18 of the Comprehensive Zoning, to permit the construction of a multi-family residence, in a CBD-8 Central Business District.

Maximum Permitted Height: Five (5)-stories and sixty-five (65') feet

Proposed Height: Six (6)-stories and sixty-five (65') feet

Location: The petitioned property is located on Square 60, Lot 2A-1-A, First Municipal District, bounded by Commerce, Girod, Tchoupitoulas and Lafayette Streets. The municipal address is 611 Commerce Street. The site is located within the Warehouse District Local Historic District (PD 1A).

Description: The petitioned site consists of a single lot of record, which measures approximately fifty-four feet (54') in width by ninety-three feet two inches (93' 2") in depth, with an approximate lot area of five thousand thirty-one square feet (5,031 sq. ft.). The site is currently developed with a vacant warehouse that shares common walls with two (2) properties to the rear.

The applicant proposes to construct a new multi-family residence consisting of ten (10) units with approximately twenty three thousand six hundred twenty-six square feet (23,626 sq. ft.) of floor area in a six-story, sixty-five foot (65') tall building. The first floor of the proposed building will consist of ten (10) parking spaces, including one (1) handicapped space, one (1) loading space, a lobby, various mechanical and electric equipment rooms, a stair case and elevator and an enclosed trash storage area. The second floor of the building will consist of two residential units, a staircase, an elevator and a mechanical and electric room. The third through sixth floors of the building will consist of two (2) residences on each floor that will overlook the rooftop below. One (1) unit on each floor will face Commerce Street and one (1) unit on each floor will face the Tchoupitoulas Street side of the property.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)¹⁴

The City Planner summarized the information in the report and presented the staff's recommendation.

¹⁴ Public Hearing Speaker sheet is attached to this report.

Proponents

The applicant presented the project.

Opponents

There were no opponents.

Commissioner Marshall stated that the IZD should be supported to maintain consistency with the Draft CZO. Without further discussion, Commissioner Marshall made the following motion, which was seconded by Commissioner Mitchell and adopted.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT DESIGN REVIEW DOCKET 149/14 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, Duplessis, Marshall, Mitchell

Nays: None

Absent: Hughes, Mora, Steeg, Wedberg

REASONS FOR RECOMMENDATION

1. The Central Business District Height and Floor Area Ratio Interim Zoning District (IZD) is intended to provide for predictable height standards which respect the historic character and scale of development within these neighborhoods.
2. The addition of a floor within the height limit would be inconsistent with the floor to ceiling heights typical of the neighborhood and other historic buildings in the area.

DESIGN REVIEW 150/14 – Request by SOUTH MARKET DISTRICT B1, LLC to permit the demolition of one structure in a Central Business District, as required by Section 26-2 of the Code of the City of New Orleans, in a CBD-5 Central Business District, Square 274, Lot 3 or 4 or 22, in the First Municipal District, bounded by O’Keefe Avenue, South Rampart, Girod and Julia Streets. The municipal address is 730 SOUTH RAMPART STREET. (PD 1A)

Applicant: South Market District B1, LLC

Request: This is a request to permit the demolition of one (1) two-story, stuccoed, brick masonry structure located in the Central Business District, as required by Section 26-2 of the Code of the City of New Orleans.

- Zoning:** CBD-5 Central Business District
- Location:** Square 274, Lot 3 or 4 or 22, in the First Municipal District, bounded by South Rampart, Girod, and Julia Streets and O’Keefe Avenue. The municipal address is 730 South Rampart Street. (PD 1A)
- Proposal:** The subject site is a single lot fronting on South Rampart Street between Girod and Julia Streets in the Central Business District. The lot has a width of 25’-3”, a depth of 95’-3”, and an area of approximately 2,405 square feet. The site is developed with a mid-19th century two-story, masonry structure that was historically used for commercial purposes. The structure has most recently been used for television broadcasts by WDSU, which called the structure the “Dat Shack”. The structure occupies the front portion of the lot and features a balcony which extends over the adjacent South Rampart Street sidewalk. To its rear is a recently-constructed covered, unenclosed deck, which occupies most of the remainder of the lot.

The site is located on Square 274, which is currently planned for re-developed with two mixed-use buildings as part of the larger South Market District development. This portion of the development is named the Beacon. The Beacon’s first phase includes the portion of the square nearest Girod Street, which is to be developed with a 171,892 square foot mixed-use building providing first floor commercial space and upper floor residential units. The subject structure at 730 South Rampart Street is located adjacent to the footprint of this Phase 1 building. However, a portion of the subject structure’s foundation encroaches onto the Phase 1 property. That encroachment will severely affect the construction of the Phase 1 building¹⁵, according to the applicant.

The subject structure is primarily within the footprint of the Beacon’s planned second phase. According to the applicant, this second building is currently in pre-conceptual design. The Phase 2 conceptual package indicates that the subject structure was originally anticipated to be proposed for demolition in conjunction with Phase 2 of the development. However, the applicant must request the structure’s demolition now to facilitate the construction of Phase 1, which has recently begun site preparation and foundation work.

CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)

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

The Principal City Planner summarized the information in the report and presented the staff’s recommendation.

¹⁵ This construction is permitted under building permit #14-17089-NEWC.

Commissioner Marshall made a motion for approval, which was seconded by Commissioner Bryan and adopted.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT DESIGN REVIEW DOCKET 150/14 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, Bryan, Duplessis, Marshall, Mitchell

Nays: None

Absent: Hughes, Mora, Steeg, Wedberg

REASONS FOR RECOMMENDATION

1. The structure's demolition is required for the South Market District's Beacon development. The development proposal calls for the square, which is now occupied mostly by surface parking lots, to be redeveloped with two structures providing a mix of commercial and residential units, in addition to off-street parking facilities. This development will promote the development goals identified for the site by the City's Master Plan. This viable and important development proposal justifies the demolition of this structure.
2. While this building is significant as it relates to the development of Jazz and the urban history of South Rampart Street, it is undermined by its position as the last remaining historic building on the square, an artifact devoid of the context necessary to impart meaning.

PROPERTY DISPOSITION 005/14 - Consideration of the sale of one certain portion of ground situated in the Second Municipal District, City of New Orleans, Orleans Parish, Louisiana, being the N. Rendon Street right-of-way between Square 449 and Square 426, shown on a survey by Dufrene Surveying and Engineering, Inc., dated December 4, 2002 and more fully described as follows: BEGINNING at the point and corner of the southerly corner of Square 449, being the intersection of N. Rendon Street and Conti Street and measure along the southeasterly boundary of Square 449 in a northeasterly direction a distance of 65.71 feet to a point and corner on the southwesterly boundary of the New Orleans Sewerage and Water Board servitude; THENCE measure in a southeasterly direction along said SWB servitude a distance of 53 feet to a point and corner on the northwesterly boundary of Square 426; THENCE measure in a southwesterly direction along the northwesterly boundary of Square 426 a distance of 70.16 feet to a point and corner on the northeasterly side of Conti Street right-of-way; THENCE measure in a northwesterly direction along the northeasterly side of Conti Street right-of-way a distance of 53 feet to the point of beginning and corner, and containing approximately 3600 square feet.

Commissioner Brown made a motion to defer the item until the January 13, 2015 City Planning Commission. Commissioner Mitchell seconded the motion, which was adopted.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT PROPERTY DISPOSITION 005/14 IS HEREBY DEFERRED UNTIL THE JANUARY 13, 2015 CITY PLANNING COMMISSION MEETING.

Yeas: Brown, Bryan, Duplessis, Marshall, Mitchell

Nays: None

Absent: Hughes, Mora, Steeg, Wedberg

CONSIDERATION - Ratification of Actions Relative to Certified Subdivisions.

There were no certified subdivisions for ratification.

Adoption of minutes of the November 11, 2014 meeting.

The minutes were accepted as written.

Committee Reports.

There were none.

Announcements.

There were none.