

# **CPC MINUTES**

**January 13, 2015  
Meeting**

**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)

### **GENERAL INFORMATION**

**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.

#### **CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)**

The Principal City Planner summarized the information in the foregoing report. He noted that the staff recommended the indefinite deferral of the request for the reasons described above.

The applicant's representative spoke at the public hearing, noting that he agreed that the application should be deferred indefinitely.

Commissioner Marshall made a motion to defer the request indefinitely. The motion was seconded by Commissioner Steeg and adopted.

#### **MOTION:**

**BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 124/14 IS HEREBY DEFERRED INDEFINATELY.**

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

**NAYS:** None

**ABSENT:** Duplessis, Hughes, Mitchell

**ZONING DOCKET 1/15** – Request by FARREL A. WEIL, DONNA W. LEVIN, AND LARRIE A. WEIL for a Zoning Change from a VCR-1 Vieux Carré Residential District to a VCC-1 Vieux Carré Commercial District, on Square 91, Lots 23, 24, and D or 22, in the Second Municipal District, bounded by Conti, Burgundy, Dauphine, and Saint Louis Streets. The municipal addresses are 917-923 CONTI STREET. (PD 1B)

**Applicant:** Farrel A Weil, Donna W. Levin and Larrie A. Weil

**Request:** This is a request for a zoning change from a VCR-1 Vieux Carre Residential District to a VCC-1 Vieux Carre Commercial District.

**Location:** The property is located on square 91, Lots 23, 24 and D or 22, in the Second Municipal District, bounded by Conti, Burgundy, Dauphine and Saint Louis Streets. The municipal addresses are 917-923 Conti Street. (PD 1B)

**Description:** The site contains an existing, two-story commercial building that is built to the sidewalk and has frontage on Conti St. The combined lots have an area of eleven thousand, nine hundred sixty-eight square feet (11,968 sq. ft.). The existing structure has a width of fifty-eight feet (58') along Conti St., a width of sixty-four feet (64') along the rear property line, a depth of one hundred fifteen feet (115'), approximately eleven thousand nine, hundred four square feet (11,904 sq. ft.) on the first floor, approximately eleven thousand five hundred two square feet (11,502 sq. ft.) on the second floor for a total floor area of approximately twenty-three thousand, four hundred six (23,406 sq. ft.). The sidewalk adjacent to the site is in good condition, no off-street parking is provided and no trees currently exist in the public right-of-way.

The applicant proposes to convert the structure to a standard restaurant. Sanborn maps, Orleans Parish Assessor Data, the applicant's photos of the site and the staff's site visit indicate that the site has a history of commercial use as a wax museum and as a warehouse. The applicant is not proposing any additions to the floor area or changes to the exterior of the site.

#### **CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)**

Staff summarized the request, stating the staff's recommendation of DENIAL and that the applicant would like to defer the request for two hearings. One proponent and six opponents were present. There was one additional speaker who came for additional information on the request. Their names are reflected on the attached speaker card and sign-in sheet.

Commissioner Wedberg made a motion to defer the request for two meetings. This motion was seconded by Commissioner Marshall and was adopted.

**Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 001/15 IS HEREBY DEFERRED. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

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

NAYS: None

ABSENT: Duplessis, Hughes

RECUSE: Steeg

**ZONING DOCKET 2/15** – Request by PETER D. COLEMAN, INTERNATIONAL PROPERTIES, INC., AND DOWNTOWN STAR, LLC for a Conditional Use to permit a parking garage providing nonaccessory off-street parking spaces in a CBD-1 Central Business District, on Square 262, Lots 23 through 25, 26, 27, 1 through 3 or 28 through 30, and 31, or X & Y, 1, 2, 3, 2, 1, 23 to 25, in the First Municipal District, bounded by O’Keefe Avenue and Perdido, Poydras, and Penn Streets. The municipal addresses are 412 O’KEEFE AVENUE AND 908-940 PERDIDO STREET. (PD 1A)

**Applicant:** Peter D. Coleman International Properties, Inc., and Downtown Star, LLC

**Request:** This is a request for a conditional use to permit a non-accessory parking garage in a CBD-1 Central Business District.

**Location:** The petitioned property is located on Square 262, Lots 23, 24, 25 26 27, 1 through 3 or 28 through 30, and 31, or X & Y, 1, 2, 3, 2, 1, 23 to 25, in the First Municipal District, bounded by O’Keefe Avenue and Perdido, Penn and Poydras Streets. The municipal addresses are 412 O’Keefe Avenue and 908-940 Poydras Street. (PD 1A)

**Description:** The petitioned site is a trapezoidal parcel that contains multiple lots and has frontages on O’Keefe Avenue, Perdido and Penn Streets. The parcel measures approximately fifty-nine feet, six inches (59’6”) along O’Keefe Avenue and Penn Street and two hundred fourteen feet, (214’) along Perdido Street for a total of approximately 19,468 square feet of area. The parcel is vacant and currently used as a non-accessory, commercial parking lot. The parking lot contains approximately 135-140 off-street parking spaces. The applicant proposes to redevelop the site with an 8-story non- accessory parking garage. The garage will contain 203,611 square feet and will have a capacity of 573 parking spaces.

## CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)

The Planning Administrator summarized the request, stating the staff's recommendation of approval. The representative of the applicant, the project architect presented the proposal. He was the only speakers at the public hearing.

Commissioner Marshall asked about the lack of retail space on the ground floor of the parking garage structure. The architect responded that market analysis conducted by the applicant suggests that there is insufficient demand for commercial use in a relatively small space at this location.

Without further discussion, Commissioner Steeg made a motion for approval as recommended by the staff, which was seconded by Commissioner Bryan and adopted.

### **Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 002/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO ONE (1) WAIVER AND ELEVEN (11) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

### *Waiver:*

1. The applicant shall be granted a waiver of **Article 15, Section 15.2.7 (11)** to allow six (6) queuing spaces in lieu of the required twenty-nine (29) spaces within the garage and in front of the ticket booth. Granting of the waiver shall be predicated upon the CPC and DPW staffs' approval of the Traffic Impact Analysis that supports the proposed entrance design.

### *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. Prior to final approval of the conditional use, the applicant shall resubdivide the site into one lot of record. Additionally, the subdivision shall be finalized prior to the issuance of the Certificate of Use and Occupancy by the Department of Safety and Permits.
3. The project shall provide the required number of ADA accessible parking spaces

as per standards of Article 15, Section 15.2.5.

4. The Traffic Impact Analysis, to be submitted for review and approval by the City Planning Commission and the Department of Public Works staff, must document no significant impact on the traffic during regular and peak hours.
5. The applicant shall install street trees within the O'Keefe Avenue, Perdido and Penn Streets public rights-of-way subject to the review and approval of the staff of the Department of Parks and Parkways.
6. The applicant shall secure the appropriate rights to utilize City property in connection with any encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.
7. The applicant shall indicate an area for the storage of waste on the site or floor plan. No trash storage shall be visible from the public rights-of-way. Additionally, the owner of the development shall submit a litter abatement program letter to the Department of Sanitation for approval, which is inclusive of the type and quantity of trash receptacles, and the frequency of trash pickup if contracted with a private trash removal company. The name and phone number of the manager or the owner of the business shall be included in this letter to be kept on file in case of any violation.
8. The applicant shall submit a detailed signage plan, indicating the type, size, and location of all signage to be installed within the site. All proposed signage shall comply with **Article 6, Section 6.1.6 – Permitted Signs** of the Comprehensive Zoning Ordinance.
9. The applicant shall submit the Traffic Impact Analysis (TIA) for review and approval by the Department of Public Works and City Planning Commission staffs. The TIA must document that the surrounding infrastructure should be capable of handling the increase in vehicular traffic associated with the proposed use. The TIA should also document that the proposed development will not have negative impact on the traffic flow and that the appropriate mitigation measure, if needed, will address any traffic flow issue.
10. The applicant shall submit plans for review and approval of the Department of Public Works and the Downtown Development District for sidewalk improvements within the public rights-of-way. The applicant shall modify the sidewalks to the design specifications of the respective department and/or agency.
11. All new curb-cuts shall be subject to review and approval by the Department of Public Works.

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

NAYS: None

ABSENT: Duplessis, Hughes, Mitchell

## REASONS FOR RECOMMENDATION

1. The proposed parking garage will replace an unimproved non-accessory parking lot and improve to overall appearance of the site.
2. The proposed development will contribute to the ongoing revitalization of the Central Business District as a 24-hour, vibrant, mixed-use environment.
3. The proposed use is consistent with the *Plan for the 21<sup>st</sup> Century: New Orleans 2030 Land Use Plan* which designates the site Mixed-Use Downtown.

**ZONING DOCKET 3/15** – Request by CITY COUNCIL MOTION NO. M-14-478 for a Text Amendment to Article 2, Section 2.2.17 of the Comprehensive Zoning Ordinance to redefine “Bed and Breakfast Accommodation” as “an owner-occupied residential structure, originally constructed as either a single-family or a two-family structure that is easily converted to a single-family structure or a former institutional or commercial structure that is easily converted into a single-family structure, which provides sleeping rooms for overnight paid occupancy of up to seven (7) nights. Common bathroom facilities may be provided rather than private baths for each room. Proof of owner occupancy shall be established by submission of proof of a homestead exemption. If more than one building is existing on a lot of record or a site (meaning two (2) or more contiguous lots historically acquired together), and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the bed and breakfast, then it may be included in the operation of the bed and breakfast.

**Applicant:** City Council Motion M-14-478

**Request:** Text Amendment to **Article 2, Section 2.2.17** of the Comprehensive Zoning Ordinance to redefine “Bed and Breakfast Accommodation” as “an owner-occupied residential structure, originally constructed as either a single-family or a two-family structure that is easily converted to a single-family structure or a former institutional or commercial structure that is easily converted into a single-family structure, which provides sleeping rooms for overnight paid occupancy of up to seven (7) nights. Common bathroom facilities may be provided rather than private baths for each room. Proof of owner occupancy shall be established by submission of proof of a homestead exemption. If more than one building is existing on a lot of record or a site (meaning two (2) or more contiguous lots historically acquired together), and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least



five (5) years prior to the establishment of the bed and breakfast, then it may be included in the operation of the bed and breakfast.”

**Location:** The proposed text amendment would affect regulations that are applied to all properties citywide.

### **CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)**

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

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

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

#### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 003/15 IS HEREBY RECOMMENDED FOR APPROVAL. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

#### **Article 2, Section 2.2.17**

*Bed and Breakfast Accommodation.* An owner-occupied residential structure, originally constructed as either a single-family or a two-family structure that is easily converted to a single-family structure or a former institutional or commercial structure that is easily converted into a single-family structure, which provides sleeping rooms for overnight paid occupancy of up to seven (7) nights. Common bathroom facilities may be provided rather than private baths for each room. Proof of owner occupancy shall be established by submission of proof of a homestead exemption. If more than one building is existing on a lot of record or a site (meaning two (2) or more contiguous lots historically acquired together), and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the bed and breakfast, then it may be included in the operation of the bed and breakfast.

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

NAYS: None

ABSENT: Duplessis, Hughes, Mitchell

## REASONS FOR RECOMMENDATION

1. In some instances, it may be appropriate for a structure originally built for institutional or commercial use to be used as a bed and breakfast accommodation, just as it is sometimes appropriate for structures originally built for single- or two-family residential use to be used as bed and breakfast accommodations. This use of institutional and commercial buildings as bed and breakfasts is precluded by the existing definition of “Bed and Breakfast Accommodation” in the Comprehensive Zoning Ordinance, which allows only structures originally built for single- and two-family residential use to potentially be used as bed and breakfast accommodations. To resolve this flaw with the “Bed and Breakfast Accommodation” definition, the definition should be revised as proposed in the City Council motion, allowing structures built for institutional and commercial purposes which are easily converted into single-family residences to potentially be used as bed and breakfast accommodations.
2. The text amendment would not have unintended negative consequences. The definition would allow for only small institutional and commercial buildings to potentially be used as bed and breakfasts, as those structures must be capable of being converted into single-family residences. Additionally, the text amendment will not affect the other regulations applied to bed and breakfast accommodations in the Comprehensive Zoning Ordinance, such zoning districts in which they are allowed as permitted and conditional uses and the supplementary use standards to which they are subject.

**ZONING DOCKET 4/15** - Request by CITY COUNCIL MOTION NO. M-14-477 for a Conditional Use to permit a bed and breakfast historic home in an RD-3 Two-Family Residential District and the rescission of Ordinance No. 19,536 MCS (Zoning Docket 104/99, which granted a conditional use to permit a community center), on Square 322, Lot 13 or 99 and 100, in the Second Municipal District, bounded by Saint Philip, North Dorgenois, Dumaine, and North Rocheblave Streets. The municipal address is 2552 SAINT PHILIP STREET. (PD 4)

**Applicant:** City Council Motion No. M-14-477

**Request:** This is a request for a conditional use to permit a bed and breakfast historic home in an RD-3 Two-Family Residential District and the rescission of Ordinance No. 19,536 MCS (Zoning Docket 104/99, which granted a conditional use to permit a community center).

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

**Description:** The property that is the subject of this application is a rectangular lot located at the intersection of Saint Philip Street and North Dorgenois Street in the Tremé

neighborhood. It measures 59 feet, 7 inches in width along Saint Philip Street, 111 feet in depth, and 6,614 square feet in area. It is developed with the historic Police Jail and Patrol Station. The station, constructed in 1902-1903, is a masonry structure which incorporates elements of the Queen Anne and French Renaissance Revival styles. It originally functioned as a satellite facility to the House of Detention located at the intersection of Tulane and Broad Streets, which was constructed at the same time and has since been demolished. In addition to this original building, the structure also has a late-20<sup>th</sup> century rear first floor addition. By 1951, the structure had been converted into a library. In 2000, it was granted a conditional use (Ordinance No. 19,536 MCS; Zoning Docket 104/99) to allow its use as a community center. The structure stood vacant for several years and was sold from the City to the current property owner in early 2014.

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

In addition to this bed and breakfast space, the property owner proposes for the structure to provide space for community meetings and events. Initially, this meeting space will occupy the single-story rear addition. The property owner intends to eventually construct a second floor to the rear addition for this community space use.

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

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

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

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 004/15 IS HEREBY RECOMMENDED FOR APPROVAL SUBJECT TO ONE (1) WAIVER AND TWELVE (12) PROVISOS. BE IT FURTHER MOVED

THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

*Waiver*

1. The property shall be granted a waiver of **Article 11, Section 11.8.1(g)** of the Comprehensive Zoning Ordinance, which prohibits the leasing of common dining areas for social events, to allow the use of the bed and breakfast historic home's common areas for social and community events.

*Provisos*

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall convert the structure into a single-family residence subject to the review and approval of the Department of Safety and Permits. This shall require the presence of only one stove within the structure, which shall be indicated on a revised site plan, and any other building modifications deemed necessary by the Department of Safety and Permits.
3. The bed and breakfast home shall be owner-occupied for the life of the use. Proof of owner-occupancy shall be demonstrated by the submission of a homestead exception for the review and approval of the City Planning Commission staff.
4. The applicant shall obtain a Certificate of Appropriateness from the Historic District Landmarks Commission for all exterior modifications to the site.
5. A current Certificate of Liability Insurance shall be posted on the premises at all times.
6. The operator shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
7. Food shall not be cooked for guests on site, but only purchased from a licensed food seller (caterer or bakery) and served "as is" or warmed at the facility.
8. The plans shall indicate the locations of all common areas intended for use for social and community events.

9. Any proposed signage shall conform to **Article 4, Section 4.5.6 Permitted Signs** of the Comprehensive Zoning Ordinance, subject to the review of the Historic District Landmarks Commission and City Planning Commission staff.
10. The applicant shall provide a litter abatement program letter, approved by the Department of Sanitation, describing of the location of trash storage, the frequency of trash pickup by the City, and the clearing of all litter from the sidewalks and street right-of-way. The program description, including name and phone number of the owner/operator of the facility, shall be kept on file in case of any violation.
11. The applicant shall indicate on the site plan the location of secure trash storage. Except for scheduled pick-up times, trash shall not be stored so that it is visible from the public right-of-way.
12. The applicant shall plant street trees in the public right-of-way adjacent to the site subject to the review and approval of the Department of Parks and Parkways. The site plan shall be revised to indicate the type and location of the tree. Additionally, the applicant shall preserve the existing tree in the North Dorgenois Street right-of-way in accordance with the standards of the Department of Parks and Parkways.

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

NAYS: None

ABSENT: Duplessis, Hughes, Mitchell

#### **REASONS FOR RECOMMENDATION**

1. The proposed bed and breakfast historic home would be an appropriate use of this historic former institutional structure, as it would respect the building's history of non-residential use while also being inoffensive to the residential uses that predominate in the surrounding area.
2. The proposal is consistent with the *Plan for the 21st Century*.

**ZONING DOCKET 5/15** - Request by 800 BARTHOLOMEW STREET DEVELOPMENT, LLC for a Conditional Use to permit thirteen single-family residences in an LI Light Industrial District, on Square 242, Lots A, C, D, D-2, 8, 9, and 10 (proposed Lots N, O, P, Q, R, S, T, U, V, W, X, Y, and Z), in the Third Municipal District, bounded by Burgundy, Bartholomew, Alvar, and Dauphine Streets. The municipal addresses are 832-840 BARTHOLOMEW STREET AND 831-835 ALVAR STREET. (PD 7)

**Applicant:** 800 Bartholomew Street, LLC

**Request:** This is a request for a conditional use to permit thirteen single-family residences in an LI Light Industrial District.

**Location:** The petitioned property is located on Square 242, Lots A, C, D, D-2, 8, 9, and 10 (proposed Lots N, O, P, Q, R, S, T, U, V, W, X, Y, and Z), in the Third Municipal District, bounded by Burgundy, Bartholomew, Alvar, and Dauphine Streets. The municipal addresses are 832-840 BARTHOLOMEW STREET AND 831-835 ALVAR STREET. It is within the Bywater Local Historic District. (PD7)

**Description:** The subject site includes the entire block face on Burgundy Street between Bartholomew and Alvar Streets. The location is currently a surface parking lot that originally served the surrounding warehouse uses which are no longer in business. The parking lot is composed of seven parcels with a total site area of approximately 25,976 square feet. The applicant proposed to resubdivide them into thirteen lots and has recently revised the proposal to create twelve lots<sup>1</sup> following discussion with CPC and HDLC staff. Each new lot will be developed with a two-story single-family residence. No off-street parking spaces are proposed. The Historic District Landmarks Commission has granted conceptual approval of the proposed designs. There is a small, single-story masonry commercial building on Burgundy Street which has been approved for demolition by HDLC<sup>2</sup>.

### **CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)<sup>3</sup>**

The Senior City Planner read a summary of the report. The applicants and a neighbor 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 Steeg and adopted.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 005/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO FIVE (5) WAIVERS AND SIX (6) 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 4, Section 4.9.7 - Table 4.1 Height, Area and Bulk Requirements** for RM-2 *Multiple-Family Residential*

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1 Subdivision Docket 158-14

2 14-37411HDLC

3 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.

*District* of the Comprehensive Zoning Ordinance, which sets a minimum lot area for a single-family development at 3,125 square feet to permit lot areas of 2,094 square feet and 2,304 square feet for Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31.

2. The applicant shall be granted a waiver of **Article 4, Section 4.9.7 - Table 4.1 Height, Area and Bulk Requirements** for RM-2 *Multiple-Family Residential District* of the Comprehensive Zoning Ordinance, which sets a minimum lot width of 30 feet to permit a lot width of twenty-four (24) feet for Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31.
3. The applicant shall be granted a waiver of **Article 4, Section 4.9.7 - Table 4.1 Height, Area and Bulk Requirements** for RM-2 *Multiple-Family Residential District* of the Comprehensive Zoning Ordinance, which sets a minimum lot depth of 90 feet to permit a lot depth of 87'3" for Lots 20, 21, 22, 23, 28, 29, 30 and 31.
4. The applicant shall be granted a waiver of **Article 4, Section 4.9.7 - Table 4.1 Height, Area and Bulk Requirements** for RM-2 *Multiple-Family Residential District* of the Comprehensive Zoning Ordinance, to permit a front yard depth of zero feet (0').
5. The applicant shall be granted a waiver of **Article 15, Section 15.2.1 Table 15.A** of the Comprehensive Zoning Ordinance which requires the provision of twelve (12) off-street parking spaces to permit zero (0) off-street parking spaces on the site.

*Provisos*

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall provide revised site, floor, and elevation plans to reflect the proposed development of twelve (12) parcels as proposed in Subdivision Docket 158-14.
3. The resubdivision of property that will facilitate the proposed development shall be completed and recorded prior to the recordation of Conditional Use application in the Office of Conveyances.
4. The applicant shall obtain a Certificate of Appropriateness from the Historic District Landmarks Commission for the proposed development, which shall be

submitted to the staff of the City Planning Commission prior to final approval of the Conditional Use.

5. The applicant shall submit revised site plans which shall indicate the type, size and placement of street trees along the Bartholomew Street right-of-way, subject to the review and approval of the Department of Parks and Parkways.
6. The applicant shall close the existing curb cuts on Bartholomew Street and repair any damage to the sidewalks and curbs subject to the review and approval of the Department of Public Works. The plans approved by the Department of Public Works shall be submitted to the staff of the City Planning Commission prior to final approval of the Conditional Use.

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

Nays: None

Absent: Duplessis, Hughes, Mitchell

#### **REASONS FOR RECOMMENDATION**

1. The modified proposal will create lot sizes and a lot arrangement that is consistent with the surrounding area and will decrease the adverse impact on street parking in the area.
2. Residential development of a large surface parking lot will improve the area and complement the adjacent residential uses.
3. The request is consistent with the *Plan for the 21st Century: New Orleans 2030 Land Use Plan*.

**ZONING DOCKET 6/15** – Request by CITY COUNCIL MOTION NO. M-14-465 for a Zoning Change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District, on Square 1084, Lot T, in the Third Municipal District, bounded by Mazant, North Galvez, Bartholomew and North Miro Streets. The municipal addresses are 2138 MAZANT STREET AND 4032 NORTH MIRO STREET. (PD 7)

**Applicant:** City Council Motion No. M-14-465

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

**Location:** The petitioned property is located on Square 1084, Lot T, in the Third Municipal District, bounded by Mazant, North Galvez, Bartholomew and North Miro Streets. The municipal addresses are 2138 Mazant Street and 4032 North Miro Street. (PD 7)



**Description:** The site, a rectangular parcel located at the intersection of North Miro and Mazant Streets, measures forty-three (43) feet and three (3) inches in width, eighty-one (81) feet and three (3) inches in depth, and approximately 3,515 square feet in area. The site is developed with a wood-frame structure built to the North Miro and Mazant Street property lines that occupies most of the site except for shallow rear and interior side yards. The structure stands one story in height at its front property line before rising to two stories. It contains an approximately 2,300 square foot ground floor unit that has historically been used for commercial purposes and is accessible from an entrance angled toward the intersection of North Miro and Mazant Streets. A residential unit occupies the structure's second floor. One (1) off-street parking space is provided on a paved driveway located in the Bartholomew Street side yard.

According to the Department of Safety and Permits, the ground floor commercial unit was most recently occupied by a package liquor store, which was a non-conforming use in the RD-3 Two-Family Residential District which includes the site. This non-conforming commercial use operated until Hurricane Katrina in 2005. The ground floor commercial unit has been vacant since then. Due to this period of extended vacancy, the commercial unit's legal non-conforming status was lost. The structure can now be used only as a single- or two-family residence in accordance with the site's RD-3 Two-Family Residential District zoning.

In 2010, the property owner intended to establish a grocery store selling fast food and alcoholic beverages within the ground floor commercial unit. To allow this, the property owner requested a zoning change of the site from the RD-3 Two-Family Residential District to a B-1A Neighborhood Business District, as well as conditional uses and a moratorium appeal<sup>4</sup>. The City Planning Commission recommended modified approval of the request, approving the zoning change request and the conditional use request to permit the sale of fast food, and denying the conditional use request to permit the sale of alcoholic beverages for off-premises consumption and the moratorium appeal. The City Council subsequently denied the request in its entirety.

In 2012, the property owner proposed to use the the ground floor commercial unit as a small grocery store, which was not to sell alcoholic beverages. To permit the grocery store, the property owner requested a zoning change of the site from the RD-3 Two-Family Residential District to a B-1A Neighborhood Business District<sup>5</sup>. The City Planning Commission recommended approval of the request. The application died for lack of action by the City Council.

The current City Council motion calls for the City Planning Commission to again consider the rezoning of the site from an RD-3 District to a B-1A District to allow the structure's ground floor commercial unit to be used as a small grocery store.

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<sup>4</sup> Zoning Docket 023/10

<sup>5</sup> Zoning Docket 063/12

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

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

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

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

### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 006/15 IS HEREBY RECOMMENDED FOR APPROVAL. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

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

NAYS: None

ABSENT: Duplessis, Hughes

### **REASONS FOR RECOMMENDATION**

1. The site meets the criteria of the Historic Non-Conforming Use Policy by which the zoning change can be supported.
2. The requested B-1A District allows only small-scale, low-intensity commercial uses that normally serve the residents of surrounding neighborhoods primarily and which are generally perceived as being compatible with adjacent residential uses.

**ZONING DOCKET 7/15** – Request by CITY COUNCIL MOTION NO. M-14-516 for the rescission of Ordinance No. 25,972 MCS (Zoning Docket 045/14, which granted a conditional use to permit a neighborhood center in an RD-2 Two-Family Residential District) for the purposes of combining the originally-approved neighborhood center into a larger mixed-use development request, and to consider a request for an RPC Residential Planned Community District overlay to re-authorize the originally approved neighborhood center and to allow the additional development of the site with a residential care center in an RD-2 Two-Family Residential District, on Square 791, Lots A and B (also known as Pt. Square or Lots 1 & 12), in the Sixth Municipal District, bounded by South Broad, General Taylor, South Dorgenois, and General Pershing Streets. The municipal addresses are 3900 GENERAL TAYLOR STREET AND 4222 SOUTH BROAD STREET. (PD 3)

**Applicant:** City Council Motion M-14-516

**Request:** This is a request for the rescission of Ordinance No. 25,972 MCS (Zoning Docket 045/14 a Conditional Use to permit a neighborhood center in an RD-2 Two-Family Residential District) for the purposes of combining the originally-approved neighborhood center into a larger mixed-use development, and to consider a request for an RPC Residential Planned Community District overlay to re-authorize the originally approved neighborhood center and to allow the additional development of the site with a residential care center in an RD-2 Two-Family Residential District.

**Location:** The petitioned property is located on Square 791, Lots A and B (also known as Pt. Square or Lots 1 & 12), in the Sixth Municipal District, bounded by South Broad, General Taylor, South Dorgenois and General Pershing Streets. The municipal addresses are 3900 General Taylor Street and 4222 South Broad Street. (PD 3)

**Description:** The petitioned site, operated by St. Matthias Roman Catholic Church, is composed of two lots, has frontage on three streets, South Broad, General Pershing and General Taylor Streets. The site measures approximately one hundred eighty (180) feet across its South Broad Street frontage, two hundred nine (209) feet across its General Taylor Street frontage, two hundred eighty-one (281) feet across its South Dorgenois Street frontage and two hundred fifty-three (253) feet across its General Pershing Street frontage and has a total area of approximately seventy thousand eighty-five (70,085) square feet or one and six tenths (1.6) acres. The site is presently occupied by the Blessed Trinity Parish church and contains a church, a rectory, a former vocational school and a former convent. The second floor of the two-story former vocational school building, which has been vacant since before Hurricane Katrina, is the location for the previously approved community center. The former convent building, which also has been vacant since Hurricane Katrina is the location for the proposed residential care center.

The former convent and proposed residential care center contains six thousand four hundred fifty six (6,456) square feet of floor area, of which approximately three thousand five hundred eighty-nine (3,589) square feet are located on the first floor while the second floor contains two thousand eight hundred sixty-seven (2,867) square feet. The care center will provide thirteen (13) short-term emergency resident rooms for homeless women and children. The first floor includes a chapel, a kitchen, common washroom, dining, and living space, a laundry room, an ADA compliant sleeping room, an office for staff and storage and mechanical rooms. The second floor contains twelve (12) sleeping rooms, four (4) shared bathrooms, a storage area and a utility room. A wooden deck projects to the rear of the second floor and is accessed by a door off one of the hallways.

Ordinance No. 25,972 MCS was a conditional use to permit a neighborhood center in the former vocational school in the petitioned site. Rescinding the ordinance is appropriate as the Residential Planned Community overlay is the appropriate mechanism to allow additional development at the site while incorporating the conditions of the previously approved conditional use permit.

### **CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)**

The City Planner summarized the request, stating the staff's recommendation of approval. The applicant's representative spoke in support of the project. There were no opponents. The speaker at the public hearing is listed on the attached public hearing speaker sheet.

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

#### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 007/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO ONE (1) WAIVER AND ELEVEN (11) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

#### *Waivers*

1. The developer shall be granted a waiver of **Article 15, Section 15.2.1, Off-Street Parking Regulations** of the Comprehensive Zoning Ordinance, which requires the provision of thirty-nine (39) additional off-street parking spaces to be located on site, to permit the provision of zero additional parking spaces to be located on site.

#### *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 complete the consolidation of all lots comprising the site into one lot of record prior to the issuance of a Certificate of Use and Occupancy for the Residential Planned Community.

3. The developers shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect indicating the items listed below. The landscape plan shall be subject to final approval by City Planning Commission staff and by the Department of Parks and Parkways for any proposed planting within a public right-of-way.
  - 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 and details;
  - b) The landscaping of all residual areas on site not used for parking or vehicular access, including the front yards and patio area with a combination of trees, shrubs, and groundcover, all subject to the review and approval of the City Planning Commission staff.
  - c) The installation of street trees at a maximum interval of thirty (30) feet along the public rights-of-way, subject to the review and approval of the staff of the Department of Parks and Parkways.
4. The site plans shall indicate the type and size of security fencing surrounding the property and provide the related details.
5. The applicant shall restore the curb and sidewalks subject to the review and approval of the Department of Public Works.
6. The developer shall ensure that trash and dumpsters are positioned out of view from all rights-of-way and shall be screened from view with an opaque wooden fence or masonry wall that is no less than six (6) feet tall.
7. The developer shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall be inclusive of the stated location of trash storage out of the public right-of-way, the type and quantity of trash receptacles, the frequency of trash pickup, the clearing of 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 community center/residential care center 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.
8. All site lighting shall be arranged to eliminate glare on residential properties and shall be a maximum of twenty five feet (25') from grade in height. Locations and directions of any existing or proposed outdoor lighting fixtures shall be indicated on the final site plan.
9. The developer shall submit a signage plan in compliance with **Article 12, Section 12.2 General Sign Regulations** of the Comprehensive Zoning Ordinance for any

proposed signage to the staff of the City Planning Commission for review and approval.

10. The developer shall provide a minimum of five bicycle parking spaces on site in a suitable location. The location of these spaces will be shown on a revised site plan subject to the review and approval of the City Planning Commission.
11. In order to protect the residential character of the surrounding neighborhood, any proposed use for the community center shall be a permitted use as noted in the underlying zoning district.

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

NAYS: None

ABSENT: Duplessis, Hughes

#### **REASONS FOR RECOMMENDATION**

1. Approval of the Residential Planned Community (RPC) would accommodate two purposes: the re-use of existing structures on an existing site, which would be difficult to be occupied by other types of use and its continued maintenance; and it would also encourage public interest by providing for community services.
2. The rescission of the previous conditional use ordinance is appropriate since the RPC is the appropriate mechanism to allow additional development at the site while incorporating the conditions of the previously approved conditional use permit.
3. The site meets the criteria required by the RPC regulations.
4. The proposal is consistent with the *Plan for the 21<sup>st</sup> Century*.

**ZONING DOCKET 8/15** – Request by BENA CAPITOL LLC for a Conditional Use to permit a cocktail lounge in an HMC-2 Historic Marigny/Tremé Commercial District and an AC Arts & Cultural Overlay District, on Square 5, Lot 22, in the Third Municipal District, bounded by Esplanade Avenue, Chartres, Frenchmen and Decatur Streets. The municipal addresses are 514-516 FRENCHMEN STREET. (PD 7)

**Applicant:** Bena Capital, LLC

**Request:** This is a request for a conditional use to permit a cocktail lounge in an HMC-2 Historic Marigny/Tremé Commercial District and an AC Arts & Cultural Overlay District.

**Location:** The petitioned property is located on Square 5, Lot 22, in the Third Municipal District, bounded by Esplanade Avenue, Chartres, Frenchmen and Decatur

Streets. The municipal addresses are 514-516 Frenchmen Street. The property is within the Marigny Local Historic District. (PD 7)

**Description:** The subject site is a rectangular lot fronting on Frenchmen Street. The property measures 46 feet 10 inches in width along Frenchmen Street, 127 feet 11 inches in depth on the Chartres Street side, and 128 feet in depth on the Esplanade Avenue side for a total area of approximately 5,995 square feet. The site is occupied by a 7,017 square foot two-story structure that occupies nearly the entirety of the site. The structure was previously used as a printing facility and was vacant for a number of years. The structure was recently renovated and has a restaurant and a theater on the ground floor. The City Planning Commission staff has not been able to confirm the use of the second floor.<sup>6</sup>

The applicant proposes to convert the existing restaurant, Bamboula's, into a cocktail lounge. Two years ago, there was a request to create a cocktail lounge with live entertainment at this location.<sup>7</sup> This request was made prior to the building's renovation, and the applicant was requesting that the entire building be a cocktail lounge with live entertainment. This request was recommended for denial by the City Planning Commission and was subsequently withdrawn prior to any action by the City Council. The applicant then decided to renovate the building as two separate permitted uses, a restaurant, Bamboula's, at 516 Frenchmen Street and a theater without alcoholic beverage sales, Festival Hall Theatre or the Frenchmen Theatre,<sup>8</sup> at 514 Frenchmen Street. The applicant now proposes to convert the existing restaurant into a cocktail lounge. According to the submitted floor plans, the cocktail lounge will include a bar, seating area, restrooms, a kitchen, and a walk-in cooler. There is no stage shown on the site plan, but they will presumably provide live entertainment as they currently do. As the building occupies nearly the entire site, no off-street parking or loading spaces are proposed.

#### **CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)**

The City Planner summarized the request, noting that the applicant requested that the docket be deferred until the February 10, 2015 meeting. The applicant and two opponents provided public comments on this request. The speakers at the public hearing are listed on the attached public hearing speaker sheet.

Commissioner Brown asked about the 80%/20% mix of daytime/nighttime uses, and Commissioner Mitchell asked if there was any moratorium on cocktail lounges. The City Planner responded that the 80%/20% is part of the AC District purpose statement and that there was no moratorium on cocktail lounges. Commissioner Wedberg made a motion to

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<sup>6</sup>The staff has not been able to find any approved plans for the second floor in LAMA, the City's permit database. A nola.com article indicates the second floor is being used as a musician greenroom and a party room.

[http://www.nola.com/music/index.ssf/2014/10/frenchmen\\_theatre\\_looks\\_ahead.html](http://www.nola.com/music/index.ssf/2014/10/frenchmen_theatre_looks_ahead.html)

<sup>7</sup>Zoning Docket 002/13

<sup>8</sup>This theater received a variance for 27 off-street parking spaces in BZA Docket 161-13.

defer the request until the February 10, 2015 City Planning Commission meeting. Commissioner Marshall seconded the motion and the motion passed unanimously.

**Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 008/15 IS HEREBY RECOMMENDED FOR DEFERRAL UNTIL THE FEBRUARY 10, 2015 CITY PLANNING COMMISSION MEETING.

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

NAYS: None

ABSENT: Duplessis, Hughes,

The motion passed.

**ZONING DOCKET 9/15** – Request by RIAD MCDERMOTT, LLC for a Conditional Use to permit a four-family dwelling in an HMR-3 Historic Marigny/Tremé Residential District, on Square 386, Lot 4 or 6, in the Third Municipal District, bounded by Saint Anthony Street, Marais Street, Pauger Street, Henriette Delille Street, and Saint Claude Avenue. The municipal addresses are 1227-1229 SAINT ANTHONY STREET. (PD 4)

**Applicant:** Riad McDermott LLC

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

**Location:** The property is located on square 386, Lot 4 or 6, in the Third Municipal District, bounded by St. Anthony, Marais and Pauger Streets and St. Claude Avenue. The municipal address is 1227-1229 St. Anthony St. (PD 4)

**Description:** The site contains an existing, vacant two-family residence with frontage on St. Anthony St. The lot has a width of thirty-one feet (31'), a depth of one hundred twenty-seven feet (127') and an area of three thousand nine hundred thirty-seven square feet (3,937 sq. ft.). The site is developed with a two thousand, one hundred sixty-three square foot (2,163 sq. ft.) two-story residence. The sidewalk adjacent to the site is in fair condition, two substandard off-street parking spaces are provided in the front yard and no trees currently exist in the public right-of-way near the site.

The applicant proposes to convert the structure from a two-family residence to a four-family residence and states that the site was previously a four-family residence, which lost its non-conforming status. The applicant does not propose any additions or alterations to the exterior or the floor area of the site. Based on the applicant's site plans, each individual unit will contain approximately five hundred forty square feet (540 sq. ft.) of floor area. The staff is unable to



determine if and when the site existed legally as a four-family residence. Though the site appears to have four separate units, and historic zoning maps indicate that the area was at one time zoned for multi-family residences, the Orleans Parish Assessor currently lists the site as a single-family residence. The Sanborn map from 1983 indicate that the site has a previous use as a two-family residence.

### **CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)**

Staff summarized the request, stating the staff's recommendation of approval. One proponent was present, who was the applicant. Their name is reflected on the attached speaker card.

Commissioner Steeg made a motion for an approval of the request. This motion was seconded by Commissioner Mora and was adopted.

#### **Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 009/15 IS HEREBY RECOMMENDED FOR APPROVAL, SUBJECT TO FOUR (4) 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 remove the chain link fence and replace it with a wood panel, metal picket or other aesthetically pleasing fencing subject to the review and approval of the City Planning Commission Staff.
2. The applicant shall plant two street trees in the public right-of-way adjacent to the site subject to the review and approval of the Department of Parks and Parkways.
3. The applicant shall remove the curb cuts and restore a continuous curb, subject to the review and approval of the Department of Public Work's staff.
4. The applicant shall remove portions of the paved front yard so that no more than forty percent (40 %) of the front yard is covered by impermeable material, subject to the review and approval of the City Planning Commission staff.

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

NAYS: None

ABSENT: Duplessis, Hughes

## REASON FOR RECOMMENDATION

1. The request is consistent with the *Plan for the 21<sup>st</sup> Century*.
2. The site currently exists, serves a neighborhood need and has a history of residential use.
3. The slight increase in traffic due to the proposal's more intensive use can easily be accommodated by the street system and will not significantly increase traffic or congestion in the immediate area.

**ZONING DOCKET 10/15** – Request by ANCONA INVESTMENTS, LLC for an amendment to a Conditional Use Ordinance No. 24,005 MCS (Zoning Docket 024/09, which amended Ordinance No. 20,898 MCS to permit the expansion of an existing restaurant's kitchen in a B-2 Neighborhood Business District) to allow the existing restaurant to sell high alcoholic content beverages, on Square 13, Lot A or Pt. Lots 14 and 15, in the Sixth Municipal District, bounded by Magazine, Eleonore, Constance and State Streets. The municipal addresses are 735-741 STATE STREET. (PD 3)

**Applicant:** Ancona Investments, LLC

**Request:** This is a request for an amendment to Conditional Use Ordinance No. 24,005 MCS (Zoning Docket 024/10, which amended Ordinance No. 20,898 MCS to permit the expansion of an existing restaurant's kitchen in a B-2 Neighborhood Business District) to allow the existing restaurant to sell high alcoholic content beverages.

**Location:** The petitioned property is located on Square 13, Lot A or Pt. Lots 14 and 15, in the Sixth Municipal District, bounded by Magazine, Eleonore, Constance and State Streets. The municipal addresses are 735-741 State Street. (PD 3)

**Description:** This is an amendment to a conditional use for an existing restaurant located at the corner of Magazine and State Streets. The lot is sixty feet (60') in width and seventy-one feet (71') in depth for a total area of four thousand two hundred seventy square feet (4270 sq. ft.). The two-story mixed-use building has an approximate floor area of eight thousand five hundred forty square feet (8540 sq. ft.). The subject restaurant and a dance studio occupy the first floor and there are three apartments on the second floor. The restaurant has a floor area of approximately 1,550 square feet. The submitted plan shows seating for forty-three (43) patrons, including seven (7) at the proposed holding bar.

The initial request in 2001 permitted low content alcoholic beverage sales with meals for a previous restaurant on the subject site. The previous restaurant amended the conditional use in 2010 for a proposed expansion which did not occur because they moved to another location. The current restaurant, Noodle & Pie, has been operating at the site since August 2013. They are requesting an

amendment to the conditional use in order to serve high content alcoholic beverages at a full service bar at the restaurant.

### **CITY PLANNING COMMISSION MEETING (DECEMBER 9, 2014)<sup>9</sup>**

The Senior City Planner read a summary of the report. The applicant spoke in support of the request. A neighbor read letters in opposition to the request. The applicant gave a rebuttal.

Commissioner Marshall made a motion for approval of the request. The motion was seconded by Commissioner Wedberg and adopted.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 010/15 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. Hours of operations shall be limited to 10:00 a.m. to 11:00 p.m. Sunday through Thursday and 10:00 a. m. to 12:00 midnight on Friday and Saturday.
2. Alcoholic beverages may only be served with meals.
3. The applicant shall provide documentation indicating approval of a sidewalk café franchise agreement, which shall operate in accordance with the Sidewalk Café city code requirements.
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 developer shall provide to the City Planning Commission a litter abatement program inclusive of the location of trash storage, the frequency of trash pickup, and the clearing of all litter from the sidewalks, and street rights-of-way. The program description, including name and phone number of the owner/operator of the restaurant, shall 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. No dumpsters shall be allowed.
6. No signage advertising the sale of alcoholic beverages shall be visible from the public right-of-way.

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<sup>9</sup> The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for ZD 121/14.

7. Beverages shall not be served in paper, plastic or similar disposable containers.
8. The revised floor plan shall include dimensions and indicate a holding bar which does not exceed fifteen (15) percent of the floor area of the seating area of the restaurant, up to a maximum of 300 square feet.
9. The holding bar shall be open only while food is being served in the restaurant.
10. The applicant shall submit a detailed site plan with the final development plans prior to approval by City Planning Commission staff.
11. No live entertainment is permitted.
12. Alcoholic beverage service for consumption on premises shall only be in combination with food service. Food and non-alcoholic beverages sales shall comprise at least fifty percent (50%) of the revenue for the restaurant, and a full food menu shall be available at all times during which the restaurant operates.
13. The Department of Safety and Permits shall not issue the final certificate of occupancy 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.

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

Nays: None

Absent: Duplessis, Hughes

#### **REASONS FOR RECOMMENDATION**

1. Potential adverse impacts from the request have been addressed with additional operational standards for the restaurant.
2. Adverse impacts related to the sale of alcoholic beverages with meals are addressed in the recommended provisos for the conditional use.

**ZONING DOCKET 11/15** – Request by SHIRLEY G. STEWART for a Conditional Use to permit a parking lot in an LB-1 Lake Area Neighborhood Business District, on Square 276, Lot G, in the Second Municipal District, bounded by Harrison Avenue, Milne Boulevard, Catina Street, and French Street. The municipal address is 228 HARRISON AVENUE. (PD 5)

**Applicant:** Shirley G. Stewart

**Request:** This is a request for a Conditional Use to permit a parking lot in an LB-1 Lake Area Neighborhood Business District and the LADC Lake Area Design Corridor Overlay District.

**Location:** The petitioned property is located on Square 276, Lot G, in the Second Municipal District, bounded by Harrison Avenue, Milne Boulevard, Catina Street, and French Street. The municipal address is 228 Harrison Avenue. (PD 5)

**Description:** The subject site is a rectangular lot that is located on a corner of Harrison Avenue and Milne Boulevard. The lot measure 59 feet in width along Harrison Avenue and 85 feet in depth along Milne Boulevard for a total area of 5,015 square feet. The subject property is currently a vacant lot. Previously, this property was part of the square that was occupied by St. Dominic Catholic School, and it was later developed with a two-family residential dwelling.

The applicant is proposing to convert the existing vacant lot into an eighteen space parking lot. The applicant indicated that this parking lot would be leased to the adjacent El Gato Negro restaurant that is located across Milne Boulevard from the subject property.<sup>10</sup> Vehicles would access the parking lot from a single 23 foot wide two-way curb cut on Harrison Avenue that leads to a central aisle with nine parking spaces on both sides of the aisle. The applicant proposes providing eleven standard spaces, six compact spaces, and one handicapped parking space. The applicant proposes to surround the parking lot with a wood fence and proposes some landscaping in the front of the property at the Harrison Avenue and Milne Boulevard intersection and adjacent to the residence to the rear of the lot. The site is also located within the *Middle Harrison Avenue Corridor Subdistrict*, which was adopted approximately one year ago.<sup>11</sup>

## CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)

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

Commissioner Brown noted that more parking is needed in the area and the provisos will make the parking more visually appealing. Commissioner Wedberg made a motion to adopt the staff's recommendation, which was seconded by Commissioner Bryan. The motion was adopted unanimously.

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<sup>10</sup> El Gato Negro restaurant was approved for a conditional use permit to sell alcohol beverages in Ordinance No. 23,730 MCS (Zoning Docket 065/09). Last year, the property owner requested an amendment to the original conditional use permit to increase the size of the restaurant (Zoning Docket 051/14). The City Planning Commission recommended denial of this request because the proposed size of the expansion was larger than was allowed and over concerns about parking. The applicant withdrew the request prior to consideration by City Council.

<sup>11</sup> See **Article 9A, Section 9A.8.8** which was created by Ordinance No. 25,649 MCS, adopted on January 13, 2014 (ZD 111/13)

## **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 011/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO ONE (1) WAIVER AND THIRTEEN (13) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

### *Waiver:*

1. The applicant shall be granted a waiver of **Article 9A, Section 9A.13.6.2.b – Vehicular Use Area** of the Comprehensive Zoning Ordinance, which restricts parking to the two thirds (2/3) of the rear area of the site to allow for parking in the front one third (1/3) of the site.

### *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 revise the site plan to demonstrate compliance with the area requirements enumerated in **Article 15, Section 15.2.5(1)** of the Comprehensive Zoning Ordinance.
3. The applicant shall include in the revised site plan a drainage arrangement indicating any retention, dispersion and direction of water flow within and/or away from the proposed off-street parking facility, subject to the review and approval of the staff of the City Planning Commission and the Department of Public Works.
4. 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.
5. The applicant shall show the location of the proposed catch basin on the site plan. If the catch basin is located in the area of the proposed curb cut, the applicant shall work with the Department of Public Works to redesign and restore the catch basin.
6. The applicant shall submit a lighting plan indicating lighting details including but not limited to, fixture type, height and location in accordance with **Article 15, Section 15.2.5**, subject to the review and approval of the City Planning

Commission staff. Additionally, all lighting used on site shall be “dark-sky” compliant.

7. A six (6) foot opaque metal or wooden fence shall be installed along the site’s interior side (Catina Street side) and rear property lines, subject to review and approval of the City Planning Commission staff.
8. The applicant shall provide a masonry wall at a minimum of thirty (30) inches in height topped with a metal picket fence with a minimum overall height of six (6) feet at the property line adjacent to the public right-of-way.
9. A landscape plan shall be submitted to the staff of the City Planning Commission for review and approval, indicating species, location, size, and any other specifications related to the landscaping. Any plantings within the public right-of-way adjacent to the site shall be subject to the review and approval of the Department of Parks and Parkways.
  - a) The landscape plan shall indicate the presence of at least one street tree in the Harrison Avenue right-of-way and two street trees in the Milne Boulevard right-of-way. Landscaping in the public rights-of-way shall be subject to the review and approval of the Department of Parks and Parkways and the City Planning Commission staff.
  - b) The applicant shall provide at least 500 square feet of area landscaped with trees, shrubs, and groundcover on the site. The landscaped areas should be located in the corners of the parking lot and each landscaped area shall provide at least one tree. Any trees shall be a minimum caliper of two (2) inches upon installation.
10. All proposed signage shall comply with to **Article 9A, Section 9A.13.6** *Design Review Standards* of the Comprehensive Zoning Ordinance.
11. The applicant shall provide a drainage plan to reflect sustainable land use practices through incorporation of pervious pavement and landscape and stormwater management techniques within the proposed facility, subject to the review and approval of the staff of the City Planning Commission. The plans shall indicate, at a minimum, that the slope of the site’s impervious surfaces be oriented toward open landscaping and/or stormwater Best Management Practices (BMPs) in order to delay site runoff into existing Municipal Separate Storm Sewer Systems (MS4) and adjacent properties during major storm events.
12. The applicant shall indicate the location of a minimum of one (1) litter receptacle on the site plan.
13. 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.

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

NAYS: None

ABSENT: Duplessis, Hughes

### REASONS FOR RECOMMENDATION

1. The proposal would provide additional parking.
2. The recommended provisos would minimize any potential adverse impacts of the proposal on other uses nearby.

**SUBDIVISION DOCKET 158/14** – Request by 800 BARTHOLOMEW STREET DEVELOPMENT, LLC to resubdivide Lots A, C, D, D-2, 8, 9 and 10 into Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, Square 242, in the Third Municipal District, bounded by Alvar, Burgundy, Dauphine and Bartholomew Streets. The municipal addresses are 3924-34 BURGUNDY STREET, 832-40 BARTHOLOMEW STREET AND 831-841 ALVAR STREET. (PD 7)

**Proposal:** Subdivision of Lots A, C, D, D-2, 8, 9, &10 into Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, & 31.

**Location:** Square 242, in the Third Municipal District, bounded by Alvar, Burgundy, Dauphine and Bartholomew Streets. The municipal addresses are 3924-3934 Burgundy Street, 832-840 Bartholomew Street, and 831-841 Alvar Street. The property is located in the Bywater Local Historic District. (PD 7)

**Zoning:** LI Light Industrial District

**Current**

**Land Use:** Parking lot, vacant commercial structure

**Required:** The applicant proposes to subdivide seven lots into twelve lots, with a reversal of lot frontage. A conditional use is required for proposed residential development on the site and is being considered in Zoning Docket 005-15. The proposed lots do not meet the requirements in **Article 4, Section 4.9.7 Table 4.I** of the Comprehensive Zoning Ordinance. The request is classified as a major subdivision according to **Article 3, Section 3.1.2** of the Subdivision Regulations because it involves the creation of more than five lots. This will be reviewed



under Policy C of the Subdivision Regulations because it is a major subdivision with no proposed changes in street patterns<sup>12</sup>.

### **CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)<sup>13</sup>**

The applicants spoke in support of the request.

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

#### **MOTION:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 158/14 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 **Article 5, Section 5.1.6 Substandard Lots** of the Subdivision Regulations to permit lot widths and lot frontages of twenty-four feet (24') for proposed Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31.
2. 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 24, 25, 26, and 27 which will face Burgundy Street.

#### *Provisos*

1. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Historic District Landmarks Commission, and the Departments of Public Works, Real Estate and Records (Property Management), and 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 subdivision survey in dwg., dxf, or ESRI compatible file format.
4. Final approval of the subdivision is contingent on approval of the companion request in Zoning Docket 005-15.

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<sup>12</sup> **Article 3, Section 3.2.3**

<sup>13</sup> The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for SD 140/14.

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

Nays: None

Absent: Duplessis, Hughes

## REASONS FOR ACTION

1. The proposed lot dimensions are within the range of width and depth variations.
2. The lot reversal of lot frontage will allow development that is consistent with the adjacent residential properties on Burgundy Street.
3. The development plans received conceptual approval from the Historic District Landmarks Commission.
4. Site development will be subject to required conditions in Zoning Docket 005-15.

**SUBDIVISION DOCKET 161/14** – Request by STEPHEN C. TYLER AND DOROTHY A. MALIK to resubdivide Lots 1, 2, 47 and 48 into Lot 1A, Square 32, in the Third Municipal District, bounded by Mirabeau Avenue, Marigny, Carnot and Western Streets. The municipal addresses are 4700 MARIGNY STREET AND 4705 WESTERN STREET. (PD 6)

**Proposal:** Re-Subdivision of Lots 1, 2, 47 & 48 into Lot 1A

**Location:** Square 32, Third Municipal District, bounded by Marigny, Carnot, Western Streets, and Mirabeau Avenue. The municipal addresses are 4700 Marigny Street and 4705 Western Street. (PD 6)

**Zoning:** RS-2 Single-Family Residential District

### Current

**Land Use:** The subject lots form a large rectangular-shaped parcel located at the intersection of Marigny and Carnot Streets and with rear frontage on Western Street. The four lots are all identical in width and depth. Lots 1, 2, 47 and 48 each has a width of 25', a depth of 120' and an area of 3,000 sq. ft. Lots 1 and 2 are currently developed with a 1,577 sq. ft., single-family residence, in addition to an accessory garage and pool. Lots 47 and 48 are currently vacant, undeveloped land.

**Required:** This is a request to subdivide four separate lots into a single lot of record. Lots 1 and 2 are immediately adjacent to each other and have frontage on Marigny Street. Lots 47 and 48 are adjacent to each other, have frontage on Western Street

and are also located immediately behind Lots 1 and 2. All four of the lots are located in an RS-2 Single-Family Residential District.

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 (January 13, 2015)**

Staff summarized the request, stating the staff's recommendation of denial. There was proponent present who was one of the applicants. The proponent did not sign in on the sign-in sheet or speaker card.

There was discussion as to how the applicant's request would be out of character with the surrounding neighborhood. The staff responded that the subdivision would result in the creation of an exceptionally large lot, and would have frontages on two major streets and that it does not fit the development character of the area. There was also discussion as to whether a recommendation for Denial would bar the applicant from presenting a modified request before the Commission. The staff responded that even with a recommendation of denial, the applicant will be able to present a modified subdivision request before the commission and that staff is more than willing to assist in this process. Commissioner Steeg made a motion to deny the request. This motion was seconded by Commissioner Mitchell and was approved.

#### **Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 142-14 IS HEREBY DENIED.

### **REASONS FOR DENIAL**

1. The proposed subdivision does not meet any of the criteria under **Article 5, Section 5.5.5 Double Frontage Lots**, of the *New Orleans Subdivision Regulations*.
2. The proposed subdivision is inconsistent with the *Plan for the 21<sup>st</sup> Century*.
3. The staff's recommended alternative would bring the lots into compliance with the RS-2 District standards.

**SUBDIVISION DOCKET 162/14** – Request by ESPLANADE NOLA, LLC to resubdivide Pt. Lot 9 and Pt. Lot 9 into Lot 9X, Square 108, in the Second Municipal District, bounded by Esplanade Avenue, N. Rampart, Barracks and Burgundy Streets. The municipal addresses are 1036-38 and 1040 ESPLANADE AVENUE. (PD 1B)

**Proposal:** Consolidation of Pt. Lot 9 and Pt. Lot 9, per Assmt. Rolls into proposed Lot 9X.

**Location:** Square 108, Second Municipal District, bounded by Esplanade Avenue and North Rampart, Burgundy, and Barracks Streets. All lots comprising the site are located within the Vieux Carré Historic District. (PD 1B)

**Zoning:** VCC-2 Vieux Carré Commercial District

**Current**

**Land Use:** The site includes two lots facing Esplanade Avenue at and near its intersection with North Rampart Street. The first lot, which is called Pt. Lot 9, is an L-shaped lot at the intersection of the two streets which has a width of 31 feet, 2 inches, as measured along Esplanade Avenue; a width of 64 feet, 4 inches, as measured along the rear property line; a depth of 107 feet, 7 inches, as measured along North Rampart Street; and an area of 4,237 square feet. It is developed with circa 1925 Mission-style gasoline service station bearing the address 1040 Esplanade Avenue. The gasoline service station has been vacant for many years.

The second lot, which is called Pt. Lot 9, per Assmt. Rolls, is a rectangular lot with a width of 33 feet, 2 inches; a depth of 81 feet, 1 inch; and an area of 2,689 square feet. It is developed with a circa 1900 two-story, four-bay wood construction structure bearing the address 1036-1038 Esplanade Avenue. The structure contains first floor commercial space and upper floor residential space.

The applicant is proposing to consolidate the two lots into a single lot called Lot 9X. Proposed Lot 9X would measure 64 feet, 4 inches in width; 107 feet, 7 inches in depth; and 6,926.11 square feet in area. The applicant proposes the lot consolidation as part of a proposal to renovate the first floors of both structures for use by a single commercial tenant, a restaurant called Café Habana, which will also occupy portions of the site's exterior. The second floor of 1036-1038 Esplanade Avenue is to be used by a residential unit. This mixed residential/commercial use of the site, which is currently being reviewed by the Vieux Carré Commission, is permitted by right in the VCC-2 District

**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.

## **CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)**

The speakers at the public hearing are identified on the attached public speaker sheet and cards.

The Principal City Planner summarized the information in the foregoing report. He noted that the staff recommended the approval of the request for the reasons described above.

Commissioner Steeg made a motion to defer action on the request until the February 10, 2015 meeting. Commissioner Mora seconded the motion.

### MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 162/14 IS HEREBY DEFERRED UNTIL THE FEBRUARY 10, 2015 CITY PLANNING COMMISSION MEETING.

YEAS: Bryan, Mitchell, Mora, Steeg

NAYS: Brown, Marshall, Wedberg

ABSENT: Duplessis, Hughes

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

Commissioner Marshall made a motion to approve the request as recommended by the staff. Commissioner Wedberg seconded the motion.

### MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 162/14 IS HEREBY GRANTED TENTATIVE APPROVAL SUBJECT TO THREE (3) PROVISOS.

#### *Provisos*

1. The applicant shall comply with all applicable Subdivision Regulations, including the submittal of mortgage and tax certificates for the petitioned site.
2. The applicant shall comply with any requirements of the Department of Safety and Permits, the Division of Real Estate and Records, the Department of Public Works, Sewerage and Water Board, Entergy, and the Vieux Carré Commission.
3. The applicant shall submit a digital copy of the final subdivision survey plan in .dwg, .dxf, or ESRI compatible file format.

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

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

Commissioner Wedberg made a motion to defer action on the request until the February 24, 2015 meeting. Commissioner Mora seconded the motion, which was adopted.

**MOTION:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 162/14 IS HEREBY DEFERRED UNTIL THE FEBRUARY 24, 2015 CITY PLANNING COMMISSION MEETING.

YEAS: Brown, Bryan, Marshall, Mitchell, Mora, Steeg, Wedberg  
NAYS: None  
ABSENT: Duplessis, Hughes

**DESIGN REVIEW 157/14** – Request by LAMAR ADVERTISING OF NEW ORLEANS to appeal **Article 12, Section 12.3** *Outdoor General Advertising and Certain Large Signs Prohibited* and **Article 12, Section 12.5.5** *Spacing Along Freeways and Interstate Highways* of the Comprehensive Zoning Ordinance, to permit the installation of a new billboard in an LI Light Industrial District, on CSX Railroad property between the I-10 right-of-way and the CSX rail line near Industry Street and St. Roch Avenue, in the Third Municipal District. There is no municipal address. (PD 7)

**Applicant:** LAMAR ADVERTISING OF NEW ORLEANS

**Request:** An appeal of the General Sign Regulations, **Article 12, Section 12.3** *Outdoor General Advertising and Certain Large Signs Prohibited* and **Article 12, Section 12.5.5**. *Spacing Along Freeways and Interstate Highways* of the Comprehensive Zoning Ordinance (CZO) to permit the installation of a new billboard adjacent to Interstate Highway 10.

**Zoning:** LI - Light Industrial District

**Location:** CSX Railroad property between the Interstate 10 right of way and the CSX Rail Line near Industry Street and St. Roch Avenue.

**Proposal:** The proposal calls for installation of a new, seventy (70') feet high, “V” shaped

double faced billboard with each sign face measuring fourteen by forty-eight (14' x 48') feet, the maximum allowed. The billboard will be mounted on a single pole located adjacent to Interstate 10 near Industry Street on property owned by CSX Railroad. The applicant proposes to remove an existing double faced billboard approximately two hundred eighty-five (285) feet to the south.

### **CITY PLANNING COMMISSION MEETING (JANUARY 13, 2015)<sup>14</sup>**

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

#### *Proponents*

There were no proponents.

#### *Opponents*

There were no opponents.

### **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, Marshall, Mitchell, Mora, Steeg

Nays: None

Absent: Duplessis, Hughes, Wedberg

### **REASONS FOR RECOMMENDATION**

1. The billboard installation will add visual clutter to an important major highway.
2. The billboard installation to replace an existing billboard does not negate the proliferation of billboards at this location.

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

There were no certified subdivisions for ratification.

Adoption of minutes of the December 9, 2014 meeting.

The minutes were accepted as written.

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

Committee Reports.

There were none.