

CPC MINUTES

**July 14, 2015
Meeting**

ZONING DOCKET 056/15 – Request by CITY COUNCIL MOTION M-15-192 for a Text Amendment to Article 15 of the Comprehensive Zoning Ordinance to establish a new Interim Zoning District (IZD) to be named the Lafitte Greenway Use Restriction Interim Zoning District, prohibiting the establishment of any uses other than those authorized in the B-2 Neighborhood District as permitted by right (main or accessory) or those classified as conditional (only after having obtained conditional use approval from the City Council) on all properties currently zoned LI Light Industrial District and to further classify the sale of packaged alcoholic beverages as conditional for all properties currently zoned LI Light Industrial District for the areas generally bounded by Orleans Avenue/Basin Street, Lafitte Avenue, and North Claiborne Avenue, as well as the area bounded by North Claiborne Avenue, Bienville Street, Jefferson Davis Parkway and Orleans Avenue and also prohibiting the establishment of any uses other than those authorized in the MU-A Mixed Use District as permitted by right (main or accessory) or those classified as conditional (only after having obtained conditional use approval from the City Council) on all properties currently zoned HI Heavy Industrial District or LI Light Industrial District in the area generally bounded by Jefferson Davis Parkway, Bienville Street, North Alexander Street, and Orleans Avenue.

Applicant: City Council Motion M-15-192

Request: This is a request for an amendment to Article 18 of the Comprehensive Zoning Ordinance No. 4264, M.C.S., as amended, to establish a new Interim Zoning District (IZD) to be named the Lafitte Greenway Use Restriction Interim Zoning District, prohibiting the establishment of any uses other than those authorized in the B-2 Neighborhood Business District as permitted by right (main or accessory) or those classified as conditional (only after having obtained conditional use approval from the City Council) on all properties currently zoned LI Light Industrial District and to further classify the sale of packaged alcoholic beverages as conditional for all properties currently zoned LI Light Industrial District for the areas generally bounded by Orleans Avenue/Basin Street, Lafitte Avenue, and North Claiborne Avenue, as well as the area bounded by North Claiborne Avenue, Bienville Street, Jefferson Davis Parkway and Orleans Avenue and also prohibiting the establishment of any uses other than those authorized in the MU-A Mixed Use District as permitted by right (main or accessory) or those classified as conditional (only after having obtained conditional use approval from the City Council) on all properties currently zoned HI Heavy Industrial District or LI Light Industrial District in the area generally bounded by Jefferson Davis Parkway, Bienville Street, North Alexander Street, and Orleans Avenue.

Location: The Interim Zoning District would apply to properties in three areas. The first two would cover all properties currently zoned LI Light Industrial District in the area generally bounded by Orleans Avenue/Basin Street, Lafitte Avenue and North Claiborne Avenue and the area bounded by North Claiborne Avenue, Bienville Street, North Jefferson Davis Parkway and Orleans Avenue. The third would cover all properties currently zoned LI Light Industrial District or HI Heavy Industrial District in the area bounded by North Jefferson Davis Parkway, Bienville Street, North Alexander Street, and Orleans Avenue. (PD 4)

Description: The proposed IZD was initiated due to concerns that the current industrial zoning in the subject areas allows for the development of uses that would conflict with the Lafitte Greenway and the revitalization of the surrounding neighborhoods. The IZD would address these concerns by replacing the uses allowed in the current industrial zoning districts with the uses allowed in two zoning districts that encourage mixed-use and neighborhood serving commercial uses. The B-2 Neighborhood Business District use regulations would be applied to the river side of Jefferson Davis Parkway, which is currently developed with a mix of light industrial, commercial, and residential uses. The MU-A Mixed Use District use regulations would be applied to the lake side of Jefferson Davis Parkway, which is currently developed with primarily industrial and commercial uses. In addition, the sale of packaged alcoholic beverage would be classified as a conditional use for the portion of the IZD to the river side of Jefferson Davis Parkway.

Previously, two other IZDs covered portions of the Lafitte Greenway corridor. In 2011, the Lafitte Corridor Interim Zoning District was adopted which covered the area between North Jefferson Davis Parkway and Basin Street.¹ That IZD applied the C-1A General Commercial District regulations to properties that were zoned LI Light Industrial District and classified the sale of packaged alcoholic beverages as conditional uses. The area between North Jefferson Davis Parkway and North Alexander Street was not included in the IZD. This IZD was adopted to allow time to complete the Lafitte Greenway Revitalization Plan, which would generate permanent land use recommendations that could replace the IZD regulations. This had not happened by the time the Lafitte Corridor IZD was set to expire.² In 2013, the Lafitte Greenway Revitalization Corridor Interim Zoning District was adopted and covered the same area as proposed here with City Council Motion M-15-192. The 2013 IZD was put in place in order to ensure that incompatible uses would not be established in the area surrounding the greenway as the City and its consultants continued working toward finalization and consideration of plans for the area.

The land use recommendations from the Lafitte Greenway Revitalization Plan were not incorporated into the current Comprehensive Zoning Ordinance. Instead, those land use recommendations were incorporated into the draft Comprehensive Zoning Ordinance that was recently adopted by City Council. The new Comprehensive Zoning Ordinance proposes mostly mixed-use zoning districts for these properties that are currently zoned industrial. The new Comprehensive Zoning Ordinance was recently adopted by City Council and will go into effect on August 12, 2015. The 2013 Lafitte Greenway Revitalization Corridor IZD was set to expire before the Adopted Comprehensive Zoning Ordinance would go into effect, so the City Council proposed this Lafitte Greenway Use Restriction

¹ The Lafitte Corridor Interim Zoning District also extended upriver to Canal Street, whereas the currently proposed IZD would end at Bienville Avenue.

² The Lafitte Corridor IZD was extended twice for a period of 180 days each time: on February 2, 2012 (Ordinance 24,733 M.C.S.), and on July 11, 2012. The IZD finally expired on January 9, 2013.

Interim Zoning District to ensure that incompatible industrial uses would not be established before the new mixed-use zoning goes into effect.

CITY PLANNING COMMISSION MEETING (JULY 14, 2015)

The Senior City Planner summarized the request, stating the staff's recommendation of approval. No members of the public spoke on the request. Commissioner Marshall made a motion to adopt the staff's recommendation, which was seconded by Commissioner Steeg. The motion was unanimously adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 056/15 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 18, Section 18.___. Lafitte Greenway Use Restriction Interim Zoning District.

18.___.1. Purpose of the District.

The purpose of the Lafitte Greenway Use Restriction Interim Zoning District (IZD) is to prohibit the establishment of any uses other than those authorized in the B-2 Neighborhood Business District as permitted by right (main or accessory) or those classified as conditional (only after having obtained conditional use approval from the City Council) on all properties currently zoned LI Light Industrial District, and to further classify the sale of packaged alcoholic beverages as conditional for all properties currently zoned LI Light Industrial District, in the areas generally bounded by: Orleans Avenue/Basin Street, Lafitte Avenue and North Claiborne Avenue, as well as the area bounded by North Claiborne Avenue, Bienville Street, Jefferson Davis Parkway and Orleans Avenue, and also to prohibit the establishment of any uses other than those authorized in the MU-A Mixed Use District as permitted by right (main or accessory) or those classified as conditional (only after having obtained conditional use approval from the City Council) on all properties currently zoned HI Heavy Industrial District or LI Light Industrial District in the areas generally bounded by: Jefferson Davis Parkway, Bienville Avenue, North Alexander Street, and Orleans Avenue.

18.___.2. Area of Applicability.

This IZD applies to all lots currently zoned LI Light Industrial District in the areas generally bounded by Orleans Avenue/Basin Street, Lafitte Avenue and North Claiborne Avenue, as well as the area bounded by North Claiborne Avenue, Bienville Street, Jefferson Davis Parkway and Orleans Avenue, and to all lots currently zoned HI Heavy Industrial District or LI Light Industrial District in the

areas generally bounded by Jefferson Davis Parkway, Bienville Street, North Alexander Street, and Orleans Avenue.

18.3. Appeals.

Any appeal to the regulations of this IZD shall be made to the City Council in accordance with the provisions of Section 16.4.5.(1) of the Comprehensive Zoning Ordinance. The City Planning Commission shall make a recommendation to the City Council following a public hearing on the appeal request, in the manner provided in Section 16.9.5(1) of the Comprehensive Zoning Ordinance.

18.4. Duration of Designation.

The Lafitte Greenway Use Restriction Interim Zoning District is designated for a period of one year. This designation may be extended pursuant to Section 3-126 of the Home Rule Charter of the City of New Orleans.

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

NAYS: None

ABSENT: Duplessis, Wedberg

REASONS FOR RECOMMENDATION

1. The proposed interim zoning district would prohibit new industrial and automobile-oriented commercial development which would conflict with the future park and recreation uses being planned within the Lafitte Greenway and the vision for the surrounding neighborhoods as expressed in the *Plan for the 21st Century*.
2. The potential impacts of additional packaged alcoholic beverage outlets would be mitigated through the conditional use process.
3. The proposed interim zoning district is consistent with the *Plan for the 21st Century*.

ZONING DOCKET 057/15 – Request by ORRILL, CORDELL & BEARY, LLC for a Conditional Use to permit a cocktail lounge with occasional live entertainment in a CBD-1 Central Business District, on Square 222, Lots 1, 2, and 3, in the First Municipal District, bounded by Carondelet, Union and Perdido Streets and Saint Charles Avenue. The municipal address is 330 CARONDELET STREET. (PD 1A)

Applicant: Orrill, Cordell & Beary, LLC

Request: This is a request for a conditional use to permit a cocktail lounge with live entertainment in a CBD-1 Central Business District.

Location: The petitioned property is located on Square 222, Lots 1, 2 and 3, in the First Municipal District, bounded by Carondelet, Union and Perdido Streets and Saint Charles Avenue. The municipal address is 330 Carondelet Street. (PD 1A)

Description: The petitioned site contains three lots and has frontages on Carondelet and Union Street. The parcel measures approximately sixty-nine feet, eight inches (69'8") along Carondelet Street, fifty-seven feet, seven inches (57'7") along Union Street, sixty-four feet (64') feet along its St. Charles Street side property line, and fifty-five feet one inch (55'1") along its Perdido Street interior side property line, for a total of approximately three thousand seven hundred sixty-five square feet (3,765 sq. ft.) of area. The parcel is developed with a four-story office building. The structure currently contains vacant space that formerly included a bank on the first floor, a radio station and law office on the second floor, and law offices on the third and fourth floors. No off-street parking spaces are provided. The applicant proposes to open a cocktail lounge, which will occupy the entire first floor of the building, with a gross floor area of three thousand five hundred ninety-one (3,591) square feet.

The site was also the subject of a previous zoning docket, ZD 013/14, which was a request for a conditional use to permit a cocktail lounge without live entertainment on the premises. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. The applicant failed to comply with the provisions of **Article 16, Section 16.9.11** which states that the conditional use process must be completed within a year or file for an administrative extension. Therefore, the applicant is reapplying for a similar conditional use request which was previously approved.

CITY PLANNING COMMISSION MEETING (JULY 14, 2015)

The staff summarized the request, stating the staff's recommendation of approval. Three speakers were present. Their names are reflected on the attached sign-in sheet. Commissioner Mitchell made a motion for approval, which was seconded by Commissioner Steeg and adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 057/15 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. Prior to final approval of the conditional use, the applicant shall resubdivide the site into one lot of record.
2. 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 6.1.1 – Permitted Signs** of the Comprehensive Zoning Ordinance.
3. No signage promoting alcoholic beverages or video poker shall be permitted on the exterior of the building or visible from the exterior of the building.
4. No music of any kind shall be projected to the exterior of the structure.
5. The sale of alcoholic beverages shall be restricted to those for consumption on-premises. Package liquor sales for consumption off-premises shall be prohibited.
6. No alcoholic beverages shall be consumed in the public right-of-way adjacent to the site.
7. 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.
8. The applicant shall indicate an area for the storage of waste on the site or floor plan. Should trash be stored on the exterior of the structure, no trash storage shall be visible from the public right-of-way.
9. 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, 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.
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. Live entertainment shall be prohibited except when authorized by a special event permit. The applicant shall obtain a special event permit from the Department of

Safety and Permits, subject to **Section 14.1** of the City Code for any live entertainment request, subject to a limitation of 10 permits per calendar year.

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

NAYS: None

ABSENT: Duplessis, Wedberg

REASONS FOR RECOMMENDATION

1. The operation of the cocktail lounge should be inoffensive to those properties in the vicinity of the site, many of which are daytime commercial uses that would not operate during those evening and weekend times when the proposed uses would attract the greatest number of customers.
2. Adverse impacts on nearby existing and permitted uses as a result of the proposed use would be mitigated through the imposition of the recommended conditions.
3. The proposed use is consistent with the Master Plan.

ZONING DOCKET 058/15 – Request by TLALOC S. ALFEREZ for a Conditional Use to permit a bed and breakfast accommodation in an RD-3 Two-Family Residential District, on Square 91, Lots 1, 2, and 3, in the Fourth Municipal District, bounded by Laurel, Eighth, Annunciation and Ninth Streets. The municipal addresses are 3100 LAUREL STREET AND 830-842 EIGHTH STREET. (PD 2)

Applicant: Tlaloc S. Alferez

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

Location: The petitioned property is located on Square 91, Lots 1, 2, and 3, in the Fourth Municipal District, bounded by Laurel, Eighth, Annunciation and Ninth Streets. The municipal address is 3100 Laurel Street and 830-842 Eight Street. The site is within the Irish Channel Local Historic District. (PD 2)

Description: The subject site is a rectangular corner property fronting on Laurel and 8th Streets in the Irish Channel neighborhood. The site consists of three lots which combined measure 119.8 feet in depth/frontage along 8th Street and 87.6 feet width/frontage along Laurel Street. The site comprises an area of approximately 10,495 square feet and is developed with two, interconnected two story buildings with a combined area of 7,961 square feet. The structure at 830 8th Street contains 3,094 square feet of floor area and is used as the owner’s residential quarters; the other one at 842 8th Street/3100 Laurel Street contains 4,867 square feet of floor area,

and is used as a gallery, work and storage space. The applicant proposes to use three (3) out of four (4) bedrooms in the residence for bed and breakfast guests' use. The structure's remaining one bedroom/master suite would be reserved for the owner's use. The site contains a large sculpture garden, a pool, a carport and a driveway with off-street parking for two (2) vehicles. The site is fenced off along the 8th and Laurel Street property lines with a seven (7) foot high masonry fence with two entrance gates for vehicular, and one for pedestrian access.

CITY PLANNING COMMISSION MEETING (JULY 14, 2015)³

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

Commissioner Steeg made a motion for approval of the request as recommended by staff. The motion was seconded by Commissioner Mora and adopted.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 058/15 IS HEREBY RECOMMENDED FOR **APPROVAL** SUBJECT TO ONE (1) WAIVERS AND THIRTEEN (13) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Waivers:

1. The applicant shall be granted a waiver of **Article 15, Section 15.2.1., Table 15. A Off-Street Parking Regulations** of the Comprehensive Zoning Ordinance, which requires three (3) off-street parking spaces, to allow two (2) off-street parking spaces to be provided.

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 the approval of the Historic District Landmarks Commission for all modifications to the exterior of the structure that are visible from a public right-of-way.

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 058/15.

3. The applicant shall resubdivide all lots within the petitioned site into a single lot of record prior to the issuance of the Certificate of Occupancy.
4. 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.
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. Lease of common areas for social events is prohibited.
9. Any proposed signage shall conform to **Article 4, Section 4.6.5 Permitted Signs** of the CZO, subject to the review of the Historic District Landmarks Commission
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. In no case shall trash be stored so that it is visible from the public right-of-way.
12. The applicant shall plant one (1) street tree in the public right-of-way of Laurel Street 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.
13. 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.

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

Nays: none

Absent: Duplessis, Wedberg

REASONS FOR RECOMMENDATION

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

ZONING DOCKET 060/15 – Request by ROBERT L. MYERS for a Conditional Use to permit a bed and breakfast accommodation in an RD-3 Two-Family Residential District, on Square 283, Lot 4, in the Third Municipal District, bounded by Louisa, Burgundy, North Rampart and Clouet Streets. The municipal addresses are 916-918 LOUISA STREET. (PD 7)

Applicant: Robert L. Myers

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

Location: The petitioned property is located on Square 283, Lot 4, in the Third Municipal District, bounded by Louisa, Burgundy, Rampart, and Clouet Streets. The municipal address is 916 Louisa Street. The site is within the Bywater Local Historic District. (PD 7)

Description: The subject site is a rectangular lot fronting on Louisa Street between Rampart and Burgundy Streets in Bywater. It measures 35 feet, 6 inches in width, 120 feet in depth, and 4,260 square feet in area. The lot is developed with a single-story two-family residence which contains approximately 2,471 square feet of floor area. The applicant proposes to use the structure as a bed and breakfast family home, which would contain two sleeping rooms for guests' use. The structure's remaining two bedrooms would be reserved for the owner's use. In addition to these bedrooms, the structure is proposed to contain a kitchen, 3 bathrooms, 2 living rooms in addition to office and storage space. No off-street parking spaces are provided.

CITY PLANNING COMMISSION MEETING (JULY 14, 2015)

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

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

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

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 051/15 IS HEREBY DEFERRED TO THE AUGUST 11, 2015 CITY PLANNING COMMISSION MEETING.

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

NAYS: None

ABSENT: Duplessis, Wedberg

ZONING DOCKET 061/15 – Request by RONALD CROCKETT AND JOAN L. CROCKETT for a Conditional Use to permit a transient vacation rental in an RO General Office District, on Square J, Lots 18 or 19A and 17A or 17 Pt. 18 or 17, 18, and 19, in the Third Municipal District, bounded by Hayne Boulevard, Mayo Road, and Pompano and Wales Streets. The municipal address is 7520 HAYNE BOULEVARD. (PD 9)

Applicant: Joan and Ronald Crockett

Request: This is a request for a conditional use to permit a transient vacation rental in an RO General Office District and the Eastern New Orleans Renaissance Corridor District.

Location: The petitioned property is located on Square J, Lots 17, 18 and 19, in the Third Municipal District, bounded by Hayne Boulevard, Mayo Road, Wales Street and Pompano Street. The municipal address is 7520 Hayne Boulevard. (PD 9)

Description: The subject site is a rectangle parcel fronting on Hayne Boulevard at the corner of Hayne Boulevard and Mayo Road, in the Little Woods neighborhood of New Orleans East. It measures a hundred (100) feet in width, a hundred and twenty feet (120) in depth, and twelve thousand square feet (12,000 sq. ft.) in area, and is made up of three (3) lots, Lots 17, 18 and 19, all fronting on Haynes Boulevard. The site is developed with a raised two story wood-frame structure which contains 8,400 square feet of floor area. The applicant proposes to use the structure as a transient vacation rental, which would contain nine sleeping rooms for guests' use on the first floor. The applicant originally applied for a bed and breakfast, however, after talking with staff about applicable requirements, the applicant decided to amend its applicant to request a transient vacation rental.

CITY PLANNING COMMISSION MEETING (JULY 14, 2015)

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 of approval subject to eight (8) provisos.

The applicant and two people spoke in favor of the request. No one spoke in opposition.

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

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 061/15 IS HEREBY RECOMMENDED FOR APPROVAL, SUBJECT TO EIGHT (8) 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 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.
3. The applicant shall submit a detailed floor plan that clearly indicates the use of all spaces, subject to the review and approval of the staff of the City Planning Commission.
4. The applicant shall submit a detailed landscape plan indicating the species, size, and quantity of all plants to be located within the site, subject to the review and approval of the staff of the City Planning Commission, which meets or exceeds the landscape requirements of Article 10, Section 10.2.11 - Special Site Design Conditions of the Comprehensive Zoning Ordinance.
5. The applicant shall submit a revised site plan indicating opaque screening along the Pompano Street side property line and the rear property line and the location of trash storage, subject to the review and approval of the staff of the City Planning Commission, which meets or exceeds the requirements of Article 10, Section 10.2.11 - Special Site Design Conditions of the Comprehensive Zoning Ordinance.

6. The applicant shall submit a revised site plan that indicates the configuration and number of off-street parking spaces provided, subject to the review and approval of the staff of the City Planning Commission, which meets or exceeds the requirements of Article 15, Section 15.2 – Off-Street Parking Regulations of the Comprehensive Zoning Ordinance.
7. The applicant shall remove parking located in the Mayo Boulevard corner yard and replace with appropriate landscaping. Paving in the Mayo Boulevard corner yard shall not exceed forty percent (40%).
8. The applicant shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall include the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal.

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

NAYS: None

ABSENT: Duplessis, Wedberg

REASONS FOR RECOMMENDATION

1. The proposed transient vacation rental would be low in density and should have minimal adverse impacts on the surrounding area.
2. The request is consistent with the *Plan for the 21st Century*.

DESIGN REVIEW DOCKET 064/15 – Request by TODD JAMES, MATHES BRIERRE ARCHITECTS (FOR DOWNTOWN STAR, LLC) to appeal the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD), **Article 18, Section 18.66** of the Comprehensive Zoning Ordinance, to permit the construction of a hotel in a CBD-1 Central Business District, on Lots D-1 and Pt. C, Square 232 in the First Municipal District, bounded by Baronne, Poydras, Carondelet and Lafayette Streets. THE MUNICIPAL ADDRESSES ARE 536-550 BARONNE STREET. (PD 1A).

Applicant: Todd James, Mathes Brierre Architects (for Downtown Star, LLC)

Request: This is an appeal of the Central Business District Height and Floor Area Ratio Interim Zoning District (IZD), Article 18, Section 18.66 of the Comprehensive Zoning Ordinance, to permit the construction of a hotel in a CBD-1 Central Business District.

Maximum Permitted Height (per IZD): 10-stories and 125 feet
Height Proposed by the Applicant: 14-stories and 148 feet

Location: The petitioned property is located on Lots D-1 and Pt. C, Square 232 in the First Municipal District, bounded by Baronne, Poydras, Carondelet and Lafayette Streets. The municipal addresses are 536-550 Baronne Street. (PD 1A).

Description: The petitioned site consists of three lots which front on Baronne Street. The property lines along Baronne Street measure approximately 111'-2", the property line along the Poydras Street side measures 112'- 2", the rear property line measures 111'-4" and the Lafayette Street side property line measures 120'-1 5/8" with an area of approximately 12,890 square feet. Currently, the site is used as a surface parking lot. The applicant is proposing to construct a new 14 story, 148'-0" hotel.

The proposal includes the construction of a new hotel consisting of a café, restaurant, bar, reception and meeting spaces, guestrooms, guest suites, a spa, rooftop deck with pool and fitness center. The first floor will be built to all property lines with an area of 12,036 square feet and will include the hotel lobby, a restaurant, a café, a bar and back of house operations such as a kitchen, offices, trash storage and receiving. The second floor is also built to all property lines but excludes a small portion of floor area which provides for a two-story high ceiling on the first floor. The second floor will have a total floor area of 11,673 square feet and will include reception spaces and meetings room. The third floor is also built to all property lines but excludes a larger portion of floor area which provides for a two-story high ceiling on the second floor ballroom. The third floor will have a total floor area of 9,302 square feet and will include eleven guestrooms and three guest suites as well as the housekeeping and laundry area. The fourth floor will be built to all property lines with an area of 12,036 square feet and will include eleven guestrooms and three guest suites as well as a spa and executive offices. The fifth floor will be L-shaped and built to the Baronne Street property line and Lafayette Street property line with a 3,169 square foot square portion removed in order to provide terraces for several of the guestrooms and a roof terrace garden. The fifth floor will have a total floor area of 8,867 square feet and will include seventeen guestrooms and two guest suites. The sixth through eleventh floors will have a total floor area of 8,867 square feet and will include seventeen guestrooms and two guest suites. The twelfth floor will have a total floor area of 8,867 square feet and will include fourteen guestrooms and the mechanical equipment room. The thirteenth floor is setback 31'-0" from the Baronne Street property line and 8'-0" from the Lafayette Street side property line and has a total floor area of 5,097 square feet. The thirteenth floor includes a 3,001 square foot pool deck, a 699 square foot pool, a pool bar and café, a fitness center and three guest suites. The fourteenth floor is setback 31'-0" from the Baronne Street property line and 8'-0" from the Lafayette Street side property line and has a total floor area of 5,097 square feet which includes five guest suites. Main pedestrian entrances to the hotel lobby, restaurant, café and bar will be provided on Baronne Street. No off-street parking would be provided on the site.

CITY PLANNING COMMISSION MEETING (JULY 14, 2015)

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

The speakers at the public hearing are listed on the attached public hearing speaker sheet. The applicants spoke in support of the request and several neighborhood residents spoke in opposition.

Commissioner Mitchell made a motion to deny the request. The motion was seconded by Commissioner Mora and was adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT DESIGN REVIEW DOCKET 064/15 IS HEREBY RECOMMENDED FOR **DENIAL**. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

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

NAYS: Marshall

ABSENT: Duplessis, 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 and FAR standards which respect the historic character and scale of development within the Central Business District. The proposed structure, which would exceed the maximum allowed height and number of stories, is inconsistent with the purpose and intent of the IZD. As such, the appeal cannot be supported.

PROPERTY DISPOSITION 006/15 - Consideration of the sale of Lots 8, 9, 10, and 11, Square 2, Orangedale, in the Third Municipal District, bounded by Wilson Avenue, Chef Menteur Highway, Warfield Street, and Werner Drive. The municipal addresses are 4415-4435 WILSON AVENUE. (PD 9)

Consideration: Consideration of the sale of Lots 8, 9, 10, and 11, Square 2, Orangedale, in the 3rd Municipal District, bounded by Wilson Avenue, Chef Menteur Highway, Warfield Street, and Werner Drive. The municipal addresses are 4415-4435 Wilson Avenue. (PD 9)

Applicant: City of New Orleans

Purpose:

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

General Property Description:

The petitioned site is owned by the City of New Orleans, and was originally acquired as a part of a 1994 expansion plan for Wilson Avenue. Both 4415 and 4435 Wilson Ave are regularly shaped lots placed beside each other. Both lots contains an area of approximately 8,000 square feet each (16,000 square feet total) and each has a width of approximately 50 feet at its Wilson Avenue frontage. Each lot has respective, vacant apartment buildings that face each other and are in poor condition. Each apartment building is two-stories in height with 10 units per building. Both lots are significantly overgrown with vegetation and there is a significant amount of trash strewn about. The lots seem to have also acted as a illegal tire dump. Currently, there is no specific intention to plan for development of the lot; however, various inquiries of the disposition have been received by the City of New Orleans.

The properties' entrance from Wilson Avenue is currently inaccessible due to overgrown vegetation. The windows have been boarded up. However, illegal access into the vacant apartment buildings seems to have occurred.

Figure 1: Outline of the 4415-4435 Wilson Avenue



Though this lot was originally acquired by the City as an expansion for Wilson Avenue, the Department of Public Works indicates no such plans. Additionally, this lot was not cataloged as

roadway expansion in either 2002's *New Century New Orleans* Master Plan or the *Plan for the 21st Century*.

It should be noted that the property disposition of the site has already been approved by City Council and was likely previously approved by the City Planning Commission over 10 years ago, however staff could not find any record of the disposition approval.⁴ Therefore, the Department of Property Management has decided to reroute the site disposition back through the City Planning Commission to ensure proper review. This proposed property disposition is to sell the property at public auction because the site has been cited as a nuisance for the adjacent property owners.

CITY PLANNING COMMISSION MEETING (JULY 14, 2015)

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

Commissioner Steeg made a motion to approve the request. The motion was seconded by Commissioner Hughes and was adopted. No person spoke in favor or in opposition.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT PROPERTY DISPOSITION 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, Hughes, Marshall, Mitchell, Mora, Steeg

NAYS: None

ABSENT: Duplessis, Wedberg

REASONS FOR RECOMMENDATION

1. No agency of the City has indicated a need for any of the properties.
2. The property disposition is consistent with the criteria for approval as provided in the Administrative Rules, Policies, and Procedures of the City Planning Commission.

PROPERTY DISPOSITION 007/15 - Consideration of the sale of the David Street right-of-way (ROW) between Squares 538 and 556, bounded by Bienville Street, N. Carrollton Avenue, Conti Street, and N. Solomon Street, in the 2nd Municipal District. (PD 4)

Consideration: Consideration of the sale of the David Street right-of-way (ROW) between Squares 538 and 556, bounded by Bienville Street, N. Carrollton Avenue, Conti Street, and N. Solomon Street, in the 2nd Municipal District. (PD 4)

⁴ City of New Orleans Ordinance No. 026372 - March 26, 2015

Applicant: City of New Orleans

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

General Property Description:

The petitioned site, which is known as David Street ROW, is owned by the City of New Orleans under the jurisdiction of the New Orleans Department of Public Works (DPW) and maintained by the Department of Public Works and the Sewage & Water Board of New Orleans. The portion of David Street, between Square 556 and Square 538, which is part of this request, is between Bienville Street and Conti Street. The total area of this portion of David Street is approximately 15,920 square feet or 0.365 acres.

The owner of the adjacent development proposes to purchase the 300 block of David Street right-of-way for use as a parking lot and access to an adjacent development. If the applicant cannot purchase this portion of the right-of-way, they will have an incomplete development site and will be unable to provide adequate parking for the proposed development and would have to seek a waiver from the Board of Zoning Adjustments.

CITY PLANNING COMMISSION MEETING (JULY 14, 2015)

The Senior City Planner summarized the request, stating the staff's recommendation of approval. Two people spoke in favor of the request, and no one spoke in opposition.

Commissioner Steeg recused himself.

Commissioner Mora made a motion to approve the request. The motion was seconded by Commissioner Byran and was adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT PROPERTY DISPOSITION 007/15 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. Disposition of this property is subject to a restrictive covenant in the deed that this property shall retain direct accessibility for vehicular, pedestrians and bicyclist at all times.

2. The purchaser shall provide design requirements for landscaping, pedestrian-scale lighting, and safe pedestrian walkways through surface lots to make them more comfortable for pedestrian connections
3. The property shall only be disposed of subject to a full width servitude to the Department of Public Works, New Orleans Sewerage & Water Board and Entergy.
4. The purchaser of the David Street ROW shall resubdivide it into one of the adjacent squares.

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

NAYS: None

RECUSED: Steeg

ABSENT: Duplessis, Wedberg

REASONS FOR RECOMMENDATION

1. No agency of the City has indicated a need for any of the properties.
2. The property disposition is consistent with the criteria for approval as provided in the Administrative Rules, Policies, and Procedures of the City Planning Commission.
3. With the provisos, the property disposition is consistent with the criteria for approval as provided in the Administrative Rules, Policies, and Procedures of the City Planning Commission.

CONSIDERATION - Ratification of Actions Relative to Certified Subdivisions.

There were no actions to ratify.

Adoption of minutes of the June 23, 2015 meeting.

The minutes were received as written.

Committee Reports.

There were none.

Announcements.

There were none.