

City Planning Commission Meeting
Tuesday, March 24, 2015

CPC Deadline: 05/08/15
CC Deadline: 06/09/15
Council District: A - Guidry

PRELIMINARY STAFF REPORT

To: City Planning Commission
Zoning Docket: 029/15

Prepared by: Stephen Kroll
Date: March 9, 2015

I. GENERAL INFORMATION:

Applicant: Backyard Living Plaza, LLC

Request: This is a request for a conditional use to permit the sale of alcoholic beverages for off-premises consumption at a retail store in an LC Lake Area General Commercial District and the rescission of Ordinance No. 21,088 MCS (Zoning Docket 003/03, which granted a Conditional Use to permit a standard restaurant over 5,000 square feet in floor area).

Location: The petitioned site is located on Square 1, Lot A-1, in the Seventh Municipal District, bounded by Regent Street, West Robert E. Lee Boulevard, Pontchartrain Boulevard, and Lake Marina Avenue. The municipal address is 7211 Regent Street. (PD 5)

Description: The subject site is an approximately rectangular lot which extends along the block of West Robert E. Lee Boulevard between Regent Street and Pontchartrain Boulevard. The lot measures 291'-10" along West Robert E. Lee Boulevard, 289'-10" along its staggered Lake Marina Avenue-side property line, 107' along Pontchartrain Boulevard property line, and 107' along its Regent Street property line. The lot has an area of approximately 29,700 square feet (0.68 acres).

The site is developed with a 13,184 square foot strip-style multiple-unit commercial development which has an L-shape, extending along the Lake Marina Drive-side and Regent Street property lines. Most of the structure is a single-story in height except for a two-story portion near Regent Street. The structure contains seven different units. Backyard Living, the houseware and furnishings store that is the subject of this application, occupies an approximately 4,900 square foot two-story unit in the portion of the building adjacent to Regent Street. The remaining six units include five first floor units, which are occupied by a butcher called Rare Cuts, a beauty parlor called Polish!, a Pizza Hut fast food restaurant, Charbonnet's Pharmacy, and a pediatrician's office, and one second floor unit, which is vacant and could be used as a residence or as office space. In addition to the L-shaped structure, the site also features an accessory parking areas which provides 48 spaces which are shared by the development's tenants, as well as off-street loading areas.

Backyard Living is a houseware and furnishings store that sells a variety of products for outdoor living spaces, such as outdoor furniture and small grills, as well as other small housewares, such as candles, vases, and similar products. It proposes to sell packaged alcoholic beverages for off-premises consumption as well. The LC Lake Area General Commercial District allows the retail sale of packaged alcoholic beverages only as a conditional use, and so the applicant has requested a conditional use to allow this of alcoholic beverages at Backyard Living.

Why is City Planning Commission action required?

In accordance with **Article 9A, Section 9A.10.5** (by reference to **Article 9A, Section 9A.8.5(8)**) of the Comprehensive Zoning Ordinance, the sale of alcoholic beverages for off-premises consumption at a retail store in an LC Lake Area General Commercial District is allowed only as a conditional use.

The City Planning Commission is required to make a recommendation on all conditional use applications prior to City Council action, in accordance with **Article 16, Section 16.6.4. Procedures for Conditional Use Permits** of the Comprehensive Zoning Ordinance.

II. ANALYSIS

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

The subject site is located within the city's sole LC Lake Area Commercial District, which covers a small, mostly commercial area located along Robert E. Lee Boulevard/West End Boulevard between the West End area and the Lake Shore neighborhood. The LC District includes the three squares located along Robert E. Lee Boulevard/West Robert E. Lee Boulevard between Sapphire Street and Regent Street. The subject site, located along West Robert E. Lee Boulevard between Regent Street and Pontchartrain Boulevard, is on the western-most of those three squares. That western-most square includes the subject site along West Robert E. Lee Boulevard, which contains the Backyard living retail store, as well as X, Y, and Z. The remainder of the square is occupied by a mix of residential and commercial uses, including a series of restaurants in mid-to-late 20th century structures, which have substantial accessory parking lots. These include a pair of two-family residences and a small multiple-family residence fronting on Regent Street, two restaurants fronting on Lake Marina Drive, and two restaurants and an inn fronting on Pontchartrain Boulevard.

The centermost of the three squares within the LC Distract is located along West Robert E. Lee Boulevard between Lakeshore Drive and Pontchartrain Boulevard. It is occupied by a low-rise, glass-enclosed office structure facing the intersection of West Robert E. Lee Boulevard and Lakeshore Drive, which is occupied by an urgent care center and a

variety of office tenants. Also on that square are a restaurant and a small, single-story office structure.

The eastern most of the squares within the LC District is occupied by a strip-style multi-unit development oriented toward the intersection of Robert E. Lee and West End Boulevards. The mid-20th century development is formed by a series of contiguous buildings which curve around a large parking lot at the front of the site, which provides shared parking for the buildings. These tenants include a Robért's grocery store, two health clubs, a pharmacy, and various small retail and office uses.

The LC District which includes these three squares is surrounded by a series of commercial, multiple-family residential, and single-family residential districts. These various zoning districts are largely homogenous in character, with land uses in each individual zoning district conform mostly but not completely to the district's single-family residential, multiple-family residential, or commercial zoning designation. North of the LC District is a linear B-2 Neighborhood Business District which extends along the western side of Lakeshore Drive north of Lake Marina Drive and includes a four-story multiple-family development, restaurants, and an event venue, all of which look out onto a canal that leads into Lake Pontchartrain. These uses all occupy structures built in the last few decades, some of which appear to have been built in the late 20th century and others which are in new structures built since Hurricane Katrina.

South of the LC District are a pair of LB-2 Lake Area Neighborhood Business Districts located along Robert E. Lee/West Robert E. Lee Boulevard between Regent Street and Milne Boulevard. These districts are occupied by a mix of small, neighborhood-serving businesses, including a bank, a dentist's office, and a pair of professional offices, as well as a few single-family residences. These commercial and residential uses occupy a mix of late-20th century structures which are residential in appearance even when used for commercial purposes, as well newer structures which have been built since Hurricane Katrina.

Nearby residential zoning districts include an LRM-2 Lake Area High-Rise Multiple-Family Residential District, which extends along Lake Marina Avenue from Regent Street to the Orleans/Jefferson Parish line. This district includes late 20th century development, includes a pair of tall multiple-family residential towers, each standing over ten stories, which face Lake Marina Avenue, and lower-rise multiple-family developments ranging from one to three stories in height. Also nearby is an LRM-1 Lake Area Low-Rise Multiple-Family Residential District, which wraps around the LC District along Sapphire Street, to the rear of the strip-style commercial development fronting on Robert E. Lee Boulevard, which is described above. That district is characterized by small-scale, mid-to-late 20th century multiple-family residences which range from two to four stories in height.

Most of the remainder of the surrounding area is divided between various single-family residential districts that cover most of the Lake Area, including an LRS-1 Lakeview

Single-Family Residential District, which spans most of Lakeview, and an LRS-2 Lake Vista and Lake Shore Single-Family Residential District, which covers the Lake Vista and Lake Shore neighborhoods along Lake Pontchartrain. These districts were developed beginning in the early-to-mid 20th century with single-family residences that were generally similar in size design, and setbacks, many of which have been replaced since Hurricane Katrina with new structures in a variety of architectural styles in accordance with the tastes of individual property owners. These homes occupy lots which are generally consistent in size and shape, with Lake Vista and Lake Shore characterized by wedge-shaped lots and Lakeview featuring rectangular lots.

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

Zoning:

1929 – ‘A’ Residential District
1953 – ‘B’ Residential District¹/‘E’ Commercial District²
1970 – C-1 General Commercial District
2007 – LC Lake Area General Commercial District³

Land Use:

1929 – Institutional (parkland)
1949 – Undeveloped
1999 – Commercial

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

In the past five years, there has been only the following zoning action request for properties located within a 1,750 foot (approximately five blocks) radius of the subject site:

Zoning Docket 125/12 a request for a conditional use to permit a cocktail lounge in an LC Lake Area General Commercial District. The municipal address is 7224-26 Pontchartrain Boulevard. The City Planning Commission recommended approval of the request, which was withdrawn by the applicant prior to its consideration by the City Council.

This relative absence of requests for zoning actions in the immediate vicinity of the site indicates that the land development which has occurred recently in that area has been done in conformance with the applicable zoning regulations and without needing any zoning changes or special approvals.

¹ The portion of the site nearest Regent Street.

² The portion of the site nearest Pontchartrain Boulevard.

³ In 2007, Ordinance No. 22,896 MCS. (ZD 62/07) rezoned the site to an LC Lake Area General Commercial District, as part of the creation of the Lake Area zoning districts.

D. What are the comments from the design review staff?

Site description

The subject site is a nearly rectangular lot which extends along the block of West Robert E. Lee Boulevard between Regent Street and Pontchartrain Boulevard. The lot measures 291'-10" along West Robert E. Lee Boulevard, 289'-10" along its staggered Lake Marina Avenue-side property line, 107' along Pontchartrain Boulevard property line, and 107' along its Regent Street property line. It has an area of approximately 29,700 square feet (0.68 acres).

The lot is developed within a 10,386 square foot strip-style multiple-unit commercial development. The development has an L-shape, extending along the Lake Marina Drive-side and Regent Street property lines. Most of the structure is a single-story in height, with the exception of a two-story portion at the base of the L along Regent Street. The structure contains seven different units, including Backyard Living, the houseware and furnishings store that is the subject of this application; a butcher called Rare Cuts; a beauty parlor called Polish!; a Pizza Hut fast food restaurant; a pharmacy called Charbonnet's Pharmacy; and a pediatrician's office, and one second floor unit, which is vacant and could be used as a residence or as office space.

This L-shaped structure wraps up a surface parking lot located which is accessible from a 12' one-way curb cut and a 24' two-way curb cut along Robert E. Lee Boulevard. The parking lot provide 47 off-street parking spaces which are shared by the development's tenants. An additional off-street parking space and an off-street loading space are located adjacent to the building and accessible from Pontchartrain Boulevard. A second off-street loading space is located to the rear of the building, accessible from Regent Street, adjacent to a dumpster and grease traps.

Building and tenant space description

The building, which faces West Robert E. Lee Boulevard Street, has a contemporary design characterized by a series of storefront windows and entrances along both the West Robert E. Lee Boulevard-side and Pontchartrain Boulevard-side elevations associated with the various commercial units, second floor balconies and breezeways. The structure has a plaster exterior finish and a hipped metal roof. Signage for each tenant is located above its storefront entrance.

The Backyard Living store occupies a two-story unit near Regent Street at the base of the structure's L-shape. This unit contains approximately 4,900 square feet of interior floor area, as well as adjacent exterior breezeways. This floor area is dedicated mostly to showroom space, although small areas are dedicated toward the store's office activities. The showroom space is characterized by an open layout, with furniture and other goods displayed on the store's floor. Display shelving is relatively minimal and is located mainly along the perimeter of the store. The applicant intends for packaged alcoholic

beverages to be displayed in a fairly small area along the rear of the store, although that area is not specified on the plans submitted with the application, which does not detail the arrangement of the store's showroom areas.

ABO performance standards

For retail stores which intend to sell alcoholic beverages in addition to a variety of other types of goods and which do not intend to function as a package liquor store, the staff typically recommends restrictions on the wholesale cost of package liquor, package liquor display area, and exterior signage advertising the sale of alcoholic beverages so that the stores do not fit the definition of a "package liquor store" in **Article 2, Section 2.2.140** of the Comprehensive Zoning Ordinance. That section defines package liquor stores as retail outlets where the wholesale cost of the package liquor is more than 15% of the wholesale cost of other merchandise stocked and displayed, the package liquor display constitutes more than 10% of all display area, and where package liquor is advertised outside or off the premises or advertising for alcoholic beverages is visible from the exterior of the premises. To ensure that this furniture and housewares store sells alcoholic beverages only as a complement to the variety of furniture and houseware items that form its core business, the staff recommends standard provisos limiting the wholesale cost of package liquor, package liquor display area, and exterior signage advertising alcoholic beverage sales so that the store does not meet the definition of a package liquor store.

- The wholesale cost of package liquor stocked and displayed shall not exceed fifteen (15) percent of the wholesale cost of other merchandise stocked and displayed and the display of packaged alcoholic beverages shall not constitute more than ten (10) percent of all display area. The applicant shall submit revised floor plans to the City Planning Commission staff indicating that the area used for the display of packaged alcoholic beverages does not exceed ten (10) percent of all display area. These revised plans shall indicate the total area of all merchandise display areas and the total area feet of shelving and other areas used for the display of alcoholic beverages.
- Signage advertising the sale of alcoholic beverages shall not be visible from the public right-of-way.

When retail stores where the sale of packaged alcoholic beverages is not properly managed and where customers drink and loiter immediately outside of the store, this loitering can result in littering outside of the store, in nearby streets, and at neighboring properties. To ensure that the sale of alcoholic beverages at this store does not contribute to increased littering on the surrounding streets, the staff recommends a proviso requiring a litter abatement plan. Such litter abatement plans are commonly recommended and adopted with the approval of conditional uses for the sale of packaged alcoholic beverages.

- The applicant shall provide to the City Planning Commission a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles and the clearing of all litter from the sidewalks and periodic cleaning of the street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation. In no case shall trash be stored so that it is visible from the public right-of-way.

E. What is the potential traffic impact? What are the off-street parking and off-street loading requirements? Can the required number of off-street parking spaces be provided on site, or would a waiver be required?

Traffic

The site stretches the full block of West Robert E. Lee Boulevard between Regent Street and Pontchartrain Boulevard. West Robert E. Lee Boulevard is a single lane, two-way street that runs in east-west directions and is an extension of the wider Robert E. Lee Boulevard, which is a two-way, four-lane major street. The other two streets on which the site fronts, Regent Street and Pontchartrain Boulevard, are narrow single lane, two-lane streets. These bounding streets, as well as other nearby streets including New Orleans-Hammond Highway, Lake Marina Drive, and others, are all part of a network of streets extending through the West End area and which provide access to the mix residential and commercial uses within West End, as well as West End Park, Breakwater Park, and the neighboring marinas.

Backyard Living likely draws customers from not only the immediately surrounding area, but also from more distant locations in New Orleans and Jefferson Parish who might visit the store specifically due to its specialized focus on outdoor housewares. Customers traveling to the site from the immediately surrounding area likely use Robert E. Lee boulevard and New Orleans-Hammond Highway (which connects with Robert E. Lee Boulevard) to approach the site, turning onto West Robert E. Lee Boulevard, Pontchartrain Boulevard, or Regent Street for direct access to the site. Customers traveling to the site from more distant locations would take Interstate 10, exiting onto West End Boulevard and using that street to travel in the direction of the site, directly accessing it from Pontchartrain Boulevard or West Robert E. Lee boulevard.

The sale of packaged alcoholic beverages at the store will not alter the number of customers visiting the store. The number of customers visiting the store would be unchanged because no customers would be expected to travel to the site solely to purchase packaged alcoholic beverages, particularly given that there are other alcoholic beverage outlets throughout the surrounding neighborhood, including the nearby Robért's grocery store. Rather, customers visiting the store to browse the furniture and small housewares which it sells primarily might also purchase packaged alcoholic beverages in addition to other goods. As the sale of alcoholic beverages will not change the number of

customers visiting the store, it will not cause there to be greater levels of vehicular traffic on surrounding streets compared to what the store would otherwise generate.

Parking

In accordance with **Article 15, Section 15.2.1** and **Table 15.A** of the Comprehensive Zoning Ordinance, retail stores in the LC District are required to provide one off-street parking space per 300 feet of floor area. There is no additional off-street parking requirement associated with the sale of alcoholic beverages. For this approximately 4,900 square foot retail store, 17 off-street parking spaces are required. In the process of permitting the larger development in which the store is located 2013 and 2014, the Department of Safety and Permits determined that the store meets this requirement, as the 17 required spaces are provided in the site's 48 space accessory parking lot, which is shared by all the developments' tenants.

Loading

Article 15, Section 15.3.1 and **Table 15.G** of the Comprehensive Zoning Ordinance requires the 13,184 square foot commercial development is required to provide 2 off-street loading for the use of all of its multiple tenants, including the Backyard Living store. There is no additional requirement associated with the sale of packaged alcoholic beverages.

The property complies with this 2 off-street loading space requirement. One of these 2 required spaces is located adjacent to the building, accessible from Pontchartrain Boulevard, while the second is located to the rear of the building, accessible from Regent Street.

F. Are there any comments from other agencies, departments or committees?

The proposal was considered by the Planning Advisory Committee at its meeting of March 4, 2015. None of the representatives of City departments and agencies present at the meeting had any comments regarding the application. The committee passed a motion of no objection to the request, subject to further review by the City Planning Commission.

G. What effects or impacts would the proposed conditional use have on adjacent properties?

The staff does not expect the sale of alcoholic beverages at this Backyard Living houseware and furnishings store to have any significant negative impacts on nearby properties. While it may seem unusual for a houseware and furnishings store to sell packaged alcoholic beverages, it is not unprecedented. For example, World Market stores in Jefferson Parish sell packaged alcoholic beverages as well as packaged foods, furniture, paintings, and other housewares. At those stores, alcoholic beverages are

treated like any other good, as they are purchased by customers who leave the store, consuming them at home or elsewhere. Because the alcoholic beverages are sold in this way, as just one type of a wide variety of products are used or consumed elsewhere, their sale does not produce any of the loitering, litter, or obnoxious behavior that is sometimes associated with alcoholic beverage outlets, particularly alcoholic beverages that function as de facto liquor stores. Just as the sale of packaged alcoholic beverages is inoffensive at those World Market stores, so too would the sale of packaged alcoholic beverages be inoffensive at this Backyard Living store.

While the fact that this store would sell packaged alcoholic beverages for off-premises consumption among a wide variety of furnishings and housewares leads the staff to believe that the sale of alcoholic beverages would not affect surrounding properties, ultimately it is also dependent on the effectiveness of the store's operator in managing alcoholic beverage sales. To encourage such responsible management, the staff recommends two standard provisos typically imposed on retail alcoholic beverage outlets to ensure. These include a limitation in the amount of alcoholic beverages stocked and displayed at the store, as well as the requirement that the management institute a litter abatement program. Adherence to these provisos, in combination with the general responsible management of the store, will ensure that the sale of packaged alcoholic beverages at the store is not problematic or impactful on nearby properties.

In addition to this new conditional use, it would be necessary to rescind the existing conditional use applied to the site, which allowed the sale of alcoholic beverages at a standard restaurant which formerly occupied the site. The rescission of the existing conditional use is required as a procedural matter since the standard restaurant no longer exists.

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

In accordance with the Home Rule Charter of the City of New Orleans, a land use action is consistent with the Master Plan if it furthers, or at least does not interfere with, the goals, policies, and guidelines in the Land Use Element of the Master Plan and is compatible with the uses, densities, and intensities of the designation of its site on the future land use map.

The Master Plan's future land use map ("Chapter 14: Land Use Plan" of the Master Plan) designates this site for **Mixed-Use Medium Density** future land use. The goal, range of uses and development character for the Mixed-Use Medium Density designation is copied below:

MIXED-USE MEDIUM DENSITY

Goal: Create medium-density neighborhood centers to enhance walkability and serve as focal points within neighborhoods. Proximity to transit encouraged.

Range of Uses: Medium-density single-family, two-family and multifamily residential and commercial uses. Limited light industrial uses (craft and value added industry and passive warehousing and storage) may be allowed in some areas.

Development Character: Height/mass, and density of new development varied to ensure proper transitions to surrounding lower density residential neighborhoods. Many structures will feature ground floor retail with residences on upper floors.

The Mixed-Use Medium Density designation encourages a mix of commercial uses, such as the houseware and furnishings store that is the subject of this application, as well as residential uses of varying density and limited light industrial uses. Although the Mixed-Use Medium Density designation allows for retail stores, the sale of alcoholic beverages in retail stores is **not addressed**. In such cases, the decision as to whether or not to grant a conditional use must be made on a case-by-case basis.

IV. SUMMARY

Zoning Docket 029/15 is a request for a conditional use to permit the sale of alcoholic beverages for off-premises consumption in an existing houseware and furnishings store called Backyard Living. The approximately 4,900 store occupies a two-story unit within a multiple-unit commercial development located on West Robert E. Lee Boulevard between Pontchartrain Boulevard and Regent Street, in an LC Lake Area General Commercial District. Much like World Market stores in Jefferson Parish, this Backyard Living store intends to sell packaged alcoholic beverages to complement the mix of furniture and small houseware goods that constitute its primary merchandise. As these packaged alcoholic beverages are to constitute only a relatively small portion of the store's merchandise, and the sale of those alcoholic beverages should not substantially alter the nature of its store's operation and should not cause it to negatively impact nearby properties. The staff is therefore supportive of the application and recommends approval subject to standard provisos typically imposed on retail stores selling packaged alcoholic beverages.

V. PRELIMINARY STAFF RECOMMENDATION⁴

The staff recommends **approval** of Zoning Docket 025/15, a request for a conditional use to permit the sale of alcoholic beverages for off-premises consumption at a retail store in an LC Lake Area General Commercial District and the rescission of Ordinance No. 21,088 MCS (Zoning Docket 003/03, which granted a Conditional Use to permit a standard restaurant over 5,000 square feet in floor area), subject to four (4) provisos.

⁴ Subject to modification by the City Planning Commission

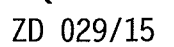
Provisos

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 wholesale cost of package liquor stocked and displayed shall not exceed fifteen (15) percent of the wholesale cost of other merchandise stocked and displayed and the display of packaged alcoholic beverages shall not constitute more than ten (10) percent of all display area. The applicant shall submit revised floor plans to the City Planning Commission staff indicating that the area used for the display of packaged alcoholic beverages does not exceed ten (10) percent of all display area. These revised plans shall indicate the total area of all merchandise display areas and the total area feet of shelving and other areas used for the display of alcoholic beverages.
3. Signage advertising the sale of alcoholic beverages shall not be visible from the public right-of-way.
4. The applicant shall provide to the City Planning Commission a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles and the clearing of all litter from the sidewalks and periodic cleaning of the street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation. In no case shall trash be stored so that it is visible from the public right-of-way.

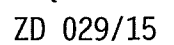
VI. REASONS FOR RECOMMENDATION

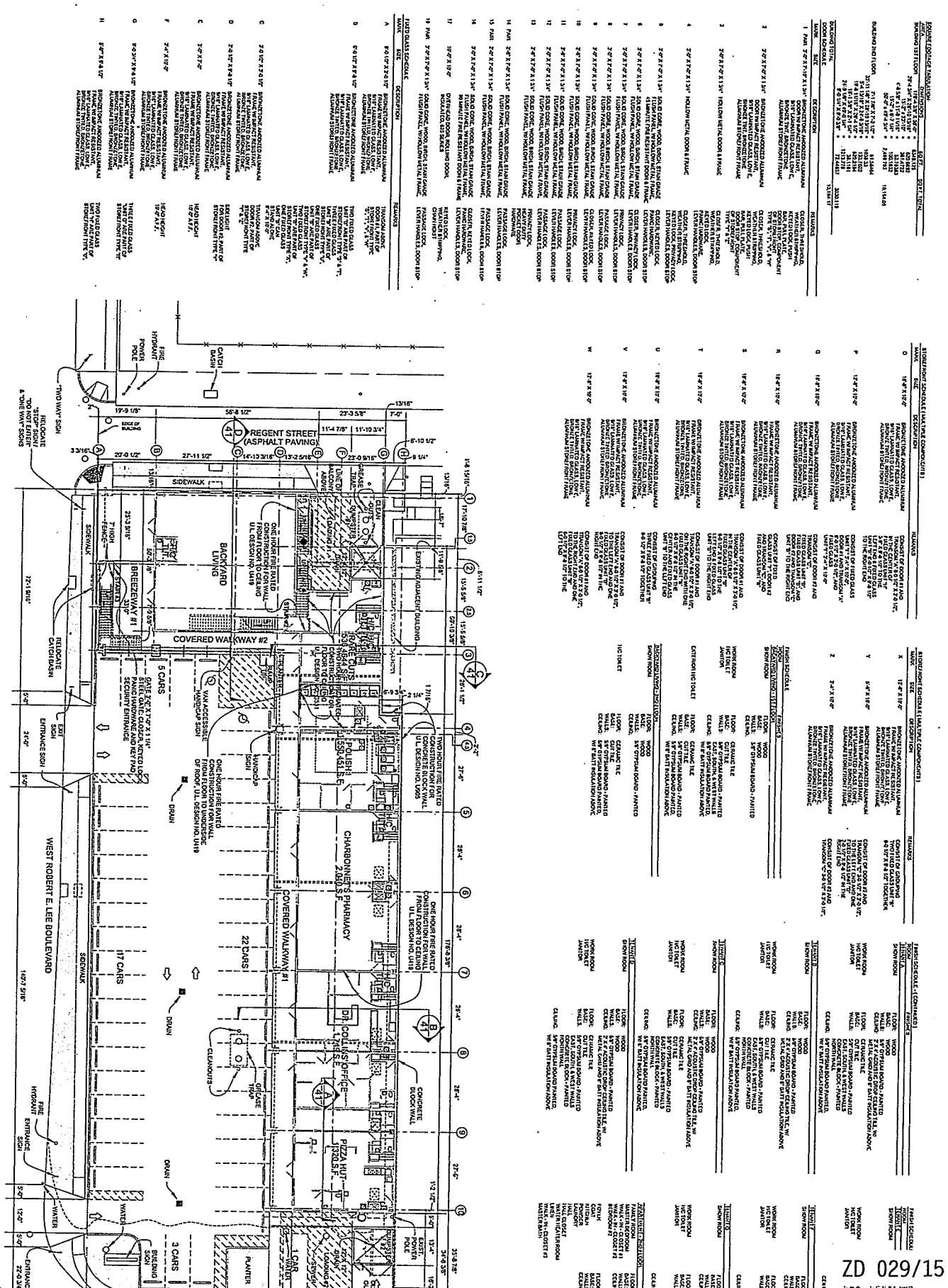
1. Those negative impacts sometimes associated with the retail sale of packaged alcoholic beverages, particularly loitering, should not be problematic at this site. Packaged alcoholic beverages will constitute only a small proportion of all goods stocked and displayed at this houseware and furnishings store, minimizing the likelihood that there will be the sorts of obnoxious behavior sometimes associated with alcoholic beverage outlets.
2. The retail sale of packaged alcoholic beverages for off-premises consumption is not in conflict with the Master Plan's Mixed-Use Medium Density future land use designation for this site.

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- VII.** Should the applicant desire changes to any recommended waivers or provisos, the applicant is encouraged to bring any proposed alternative language for discussion at the meeting.



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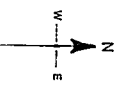




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BACKYARD LIVING
NEW SHOPPING CENTER BUILDING FOR MR. PEPPER TREGRE
7211 REGENT STREET
NEW ORLEANS, LA 70124-1631

AS BUILT REV. 01
AS BUILT REV. 02
AS BUILT REV. 03

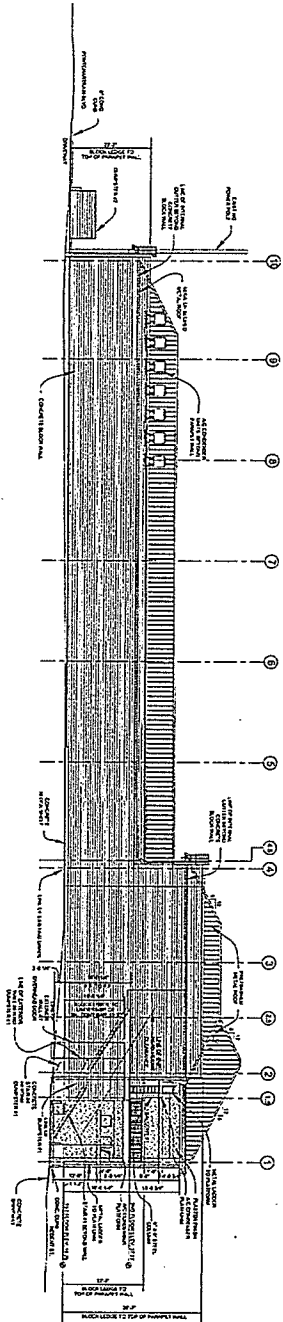
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SCALE 1/16" = 1'-0"

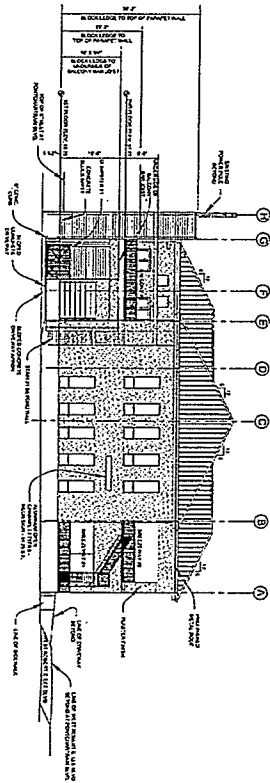
Architect

MR. PEPPER TREGRE

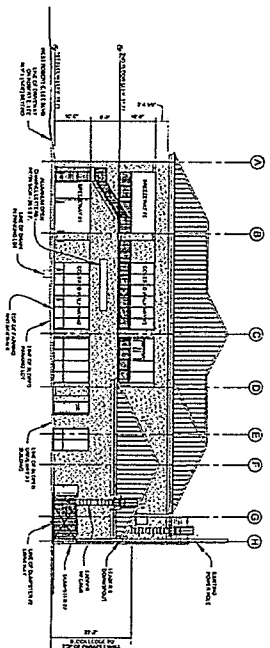
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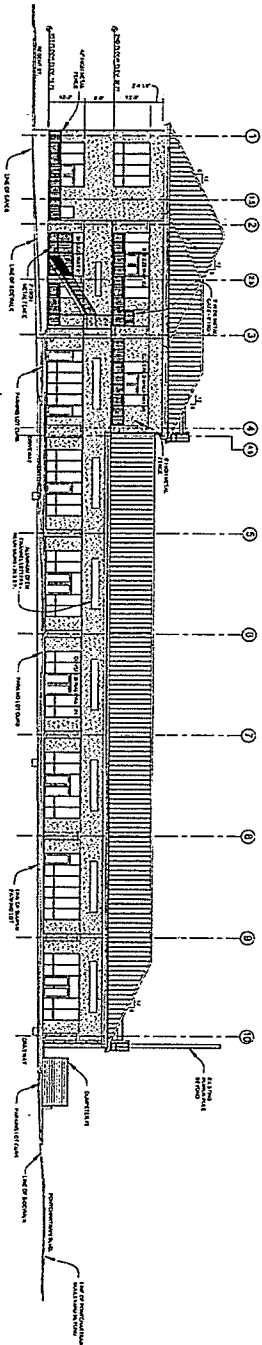
REAR - NORTH



LEFT SIDE - WEST



RIGHT SIDE - EAST



FRONT - SOUTH

BUILDING ELEVATIONS

SCALE 1/8" = 1'-0"

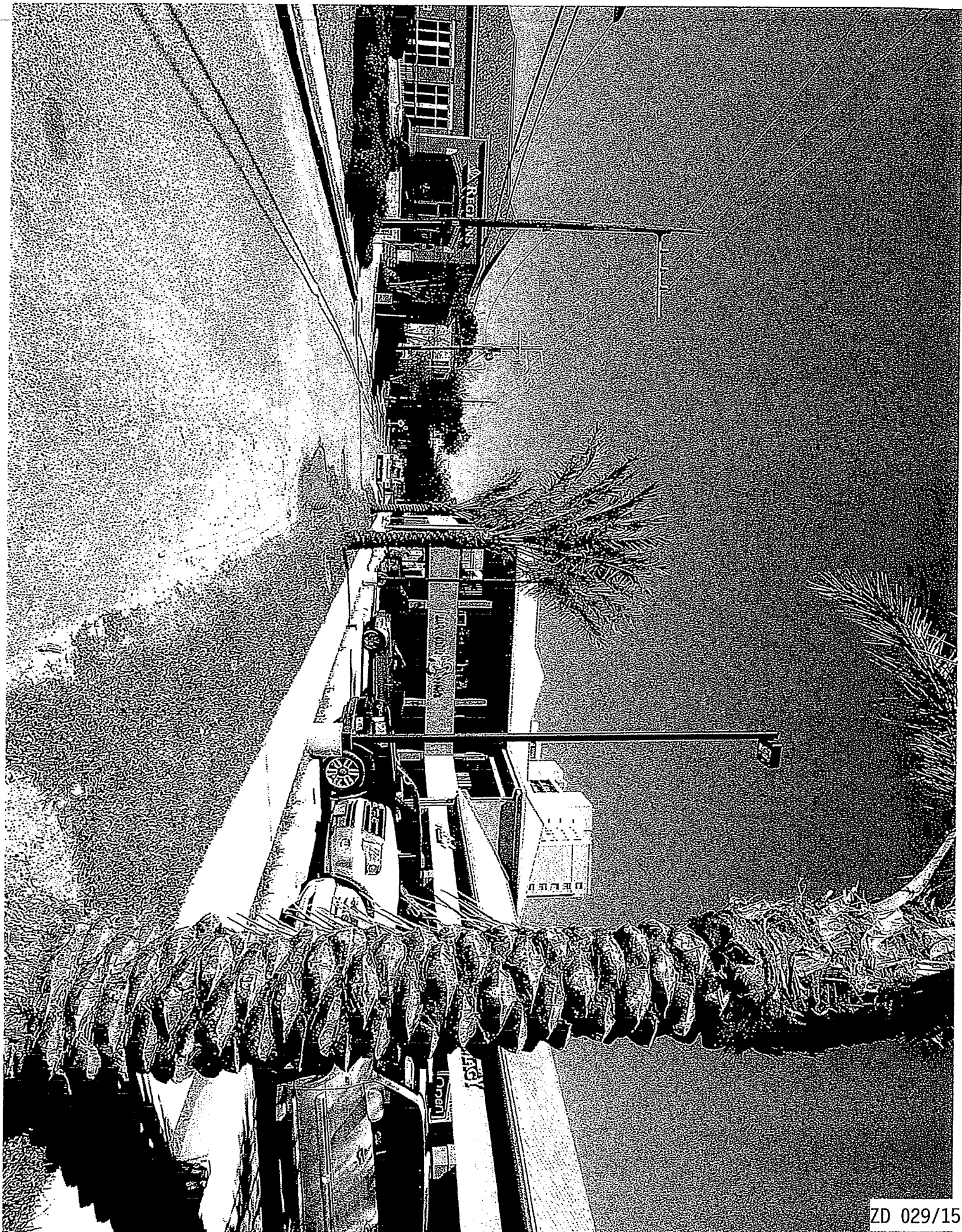
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AS-BUILT REV. 07/20/14
AS-BUILT REV. 07/20/14
REV. 10/17/13
REV. 09/03/13
REV. 09/03/13
REV. 09/03/13

DATE 07/01/12
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27 OF 65
33 OF 99







BACKYARD
LIVING



Date of Report: January 26th, 2015

Project Name: Backyard Living

Overview: This report provides results of the implementation of the Project Neighborhood Participation Program for property located at 7211 Regent Street, Suite G, New Orleans, La. 70124. The applicant intends to file an application permit the retail location to sell alcoholic beverages. This report provides a summary of contacts with citizens, neighbors, public agencies and interested parties. Opportunities have been provided to learn about and comment on the proposed plans and actions. Comments, sign-in lists, petitions, letters, summary sheets, and other materials are attached.

Contact:

Pepper Tregre

7211 Regent Street

New Orleans, La. 70124

504-282-1011

Email: pepper@backyardlivingpools.com

Neighborhood Meeting: The following date and location of all meetings where citizens were invited to discuss the applicants' proposal (comments, sign I lists, and other feedback are attached).

January 26th, 2015 - Backyard Living, 7211 Regent Street, New Orleans, La. 70124, 6-7:30 pm,

January 20, 2015 - letters mailed to contact list, including homes, apartments, neighborhood associations, churches and schools.

Results:

There were 78 persons/addresses invited to the community meeting.

There were 10 people in attendance.

There were no concerns or issues from any of the attendees.

All were in favor of the proposal.

Monday, January 19th, 2015

Dear Neighbor,

My company, Backyard Living, occupies a building at the 7211 Regent Street, Suite G, New Orleans, La. 70124. We are a retail operation selling upscale outdoor furniture, grills, and gifts. We are seeking to obtain a liquor license. Hours of operation are Monday through Wednesday, 9 a.m. to 6 p.m., Thursday and Friday, 9 a.m. to 7 p.m. and Saturday 9 a.m. to 4 p.m.

The liquor license is considered conditional use, which means that we are required to apply for approval to sell alcohol. Our application has to be heard by the City Planning Commission and the City Council. Because you are a nearby neighbor or otherwise interested in the neighborhood, I am inviting you to a meeting where you can learn more about what we propose, and you can present questions or concerns. We are required to do this before we submit our application to the City Planning Commission,

The meeting will take place:

Monday, January 26th, 2015 at 6 p.m.

7211 Regent Street
Suite G
New Orleans, La. 70124

Please R.S.V.P 504.282.2011

This letter is being delivered through the U.S. Postal Mail and through hand deliver. At the meeting, I'll provide a sign in sheet to obtain email addresses so that I can keep you updated if there are any changes to the plans.

If you have any questions or comments, please reach out to me. I hope to see you at the meeting on January 26th.

Sincerely,

Pepper Tregre

504-282-1011

Type	Source	Name	Address1	Address2	City	St	Zip	DayPhone
Business	County	Fmb Development, LLC	2600 N. Hullen St.		Metairie	LA	70002	
Person	County	Mayo Douglas	212 W Robert E Lee Bd		New Orleans	LA	70124-2414	
Person	County	Lala & Associatesinc.	235 N Roadway Dr		New Orleans	LA	70124-1635	
Person	County	Kindred Howard E	202 Lake Marina Ave		New Orleans	LA	70124-1621	
Person	County	Woodbury Michael G Jr	200 W Robert E Lee Bl		New Orleans	LA	70124-2414	
Person	County	Crowley Dennis P	5030 Champion Blvd Ste 6		Boca Raton	FL	33496-1337	
Person	County	Sendusa Pamela A	214 W Robert E Lee Bl		New Orleans	LA	70124-2414	
Person	County	Fmb Developmentllc	622 Baronne 2Nd Floor		New Orleans	LA	70113	
Person	County	Pham David F	218 W Robert E Lee Bl		New Orleans	LA	70124	
Business	County	Hedwig Inc	145 Robert E Lee Blvd		New Orleans	LA	70124-2552	
Person	County	Verhoeven Peter E	7214 Pontchartrain Bl		New Orleans	LA	70124-2408	
Business	County	Navarre Properties LLC	7935 Duncansby Vale		Houston	TX	77095	
Person	County	Rosemond Cory E	16625 Redmond Way Ste 143		Redmond	WA	98052	
Person	County	Mese Benny J	P O Box 246		Slidell	LA	70459	
Business	County	Edw, LLC	339 Helios St		Metairie	LA	70005	
Business	County	Parish Partners Co L L C	3525 N Causeway Blvd #10		Metairie	LA	70002	
Business	County	Devage LLC	379 Orchard Rd		River Ridge	LA	70123	
Person	County	Willis Nancy F	Et Al	11 New Ba	New Orleans	LA	70124	
Person	County	Frankel Ellyn	Et Al	12 New Ba	New Orleans	LA	70124	
Person	County	Roche Faith M	Et Al	13 New Ba	New Orleans	LA	70124	
Business	County	Backyard Living Plaza LLC	3611 Florida Ave		Kenner	LA	70065	
Person	County	Lala & Associatesinc.	235 N. Roadway St		New Orleans	LA	70124-1635	
Person	County	Lala & Associatesinc.	235 N. Roadway Dr		New Orleans	LA	70124-1635	
Person	County	Lala & Associatesinc.	235 N Roadway Dr		New Orleans	LA	70124-1635	
Person	County	Lu Youming	Etal	10 New Ba	New Orleans	LA	70124	
Person	County	Bell South Communications	C/O At&T Property Tax Grd	P.O. Box 7	Bedminster	NJ	07921	
Business	County	Regions Bank	250 Riverchase Pkwy		Birmingham	AL	35244-0	
Person	County	Long Billie Gail F	Etal	212 W Rob	New Orleans	LA	70124- 0	
Person	County	Fmb Development,Llc	2600 N. Hullen St.		Metairie	LA	70002- 0	
Business	County	7228 P LLC	808 Andrew St		Metairie	LA	70005	
Business	County	Old Hammond Hgwy LLC	200 Carondelet St	Suite 2205	New Orleans	LA	70130	
Person	County	Rodrigue Matthew W	235 Hammond Hw		New Orleans	LA	70124	
Business	County	Lake Av Corporation	Po Box 1115		Harvey	LA	70059- 0	
Person	County	Correll Adam G	3708 Metairie Ct		Metairie	LA	70002	
Person	County	Stack Michael J	233 Hammond Hw		New Orleans	LA	70124- 0	
Person	County	Lobo Maria E	205 W Robert E Lee Bl		New Orleans	LA	70124	
Business	County	7223 Regent, LLC	6907 Catina St		New Orleans	LA	70124	
Business	County	Feyar Inc	8108 West Metairie Ave		Metairie	LA	70003	

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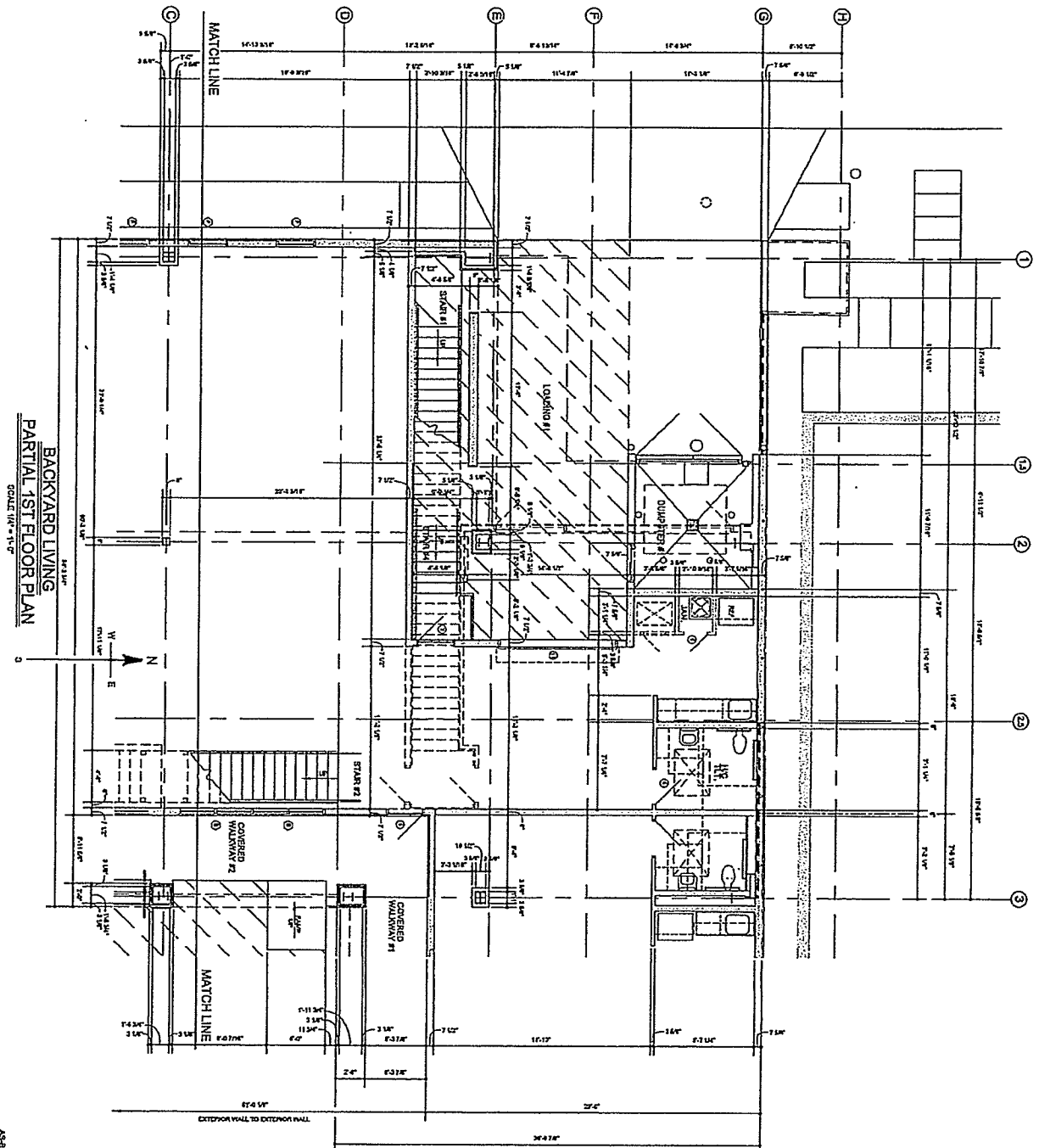
7224 Pontchartrain Blvd	✓ 7228 P LLC	808 Andrew St Metairie, LA 70005
8536 Pontchartrain Blvd	✓ Navarre Properties LLC	7935 Duncansby Vale Houston, TX 77095
7242 Regent St	✓ Fmb Development, LLC	2600 N. Hullen St. Metairie, LA 70002
201 W Robert E Lee Blvd	✓ Fmb Development, LLC	2600 N. Hullen St. Metairie, LA 70002
7227 Regent St	✓ 7223 Regent, LLC	6907 Catina St New Orleans, LA 70124
7245 Regent St	✓ Benny J Mese	P O Box 246 Slidell, LA 70459
200 W Robert E Lee Blvd	✓ Michael G Jr Woodbury	200 W Robert E Lee BI New Orleans, LA 70124-2414
205 W Robert E Lee Blvd	✓ Maria E Lobo	205 W Robert E Lee BI New Orleans, LA 70124
7211 Regent St	✓ & Associates Inc. Lala, Backyard Livin	235 N. Roadway St New Orleans, LA 70124-1635
121 W Robert E Lee BI	✓ & Associates Inc. Lala	235 N Roadway Dr New Orleans, LA 70124-1635
214 Lake Marina Av	✓ Fmb Development, LLC	2600 N. Hullen St. Metairie, LA 70002
216 Lake Marina Av	✓ Development LLC Fmb	622 Baronne 2Nd Floor New Orleans, LA 70113
119 W Robert E Lee BI		
101 W Robert E Lee BI	✓ Parish Partners Co L L C	3525 N Causeway Blvd #1040 Metairie, LA 70002
114 W Robert E Lee BI	Regions Bank	250 Riverchase Pkwy Birmingham, AL 35244-0
7252 Lakeshore Dr	✓ South Communications Bell	C/O At&T Property Tax Group P.O. Box 7207 Bedminster, NJ 07921

BACKYARD LIVING

Neighborhood Meeting

January 26, 2015

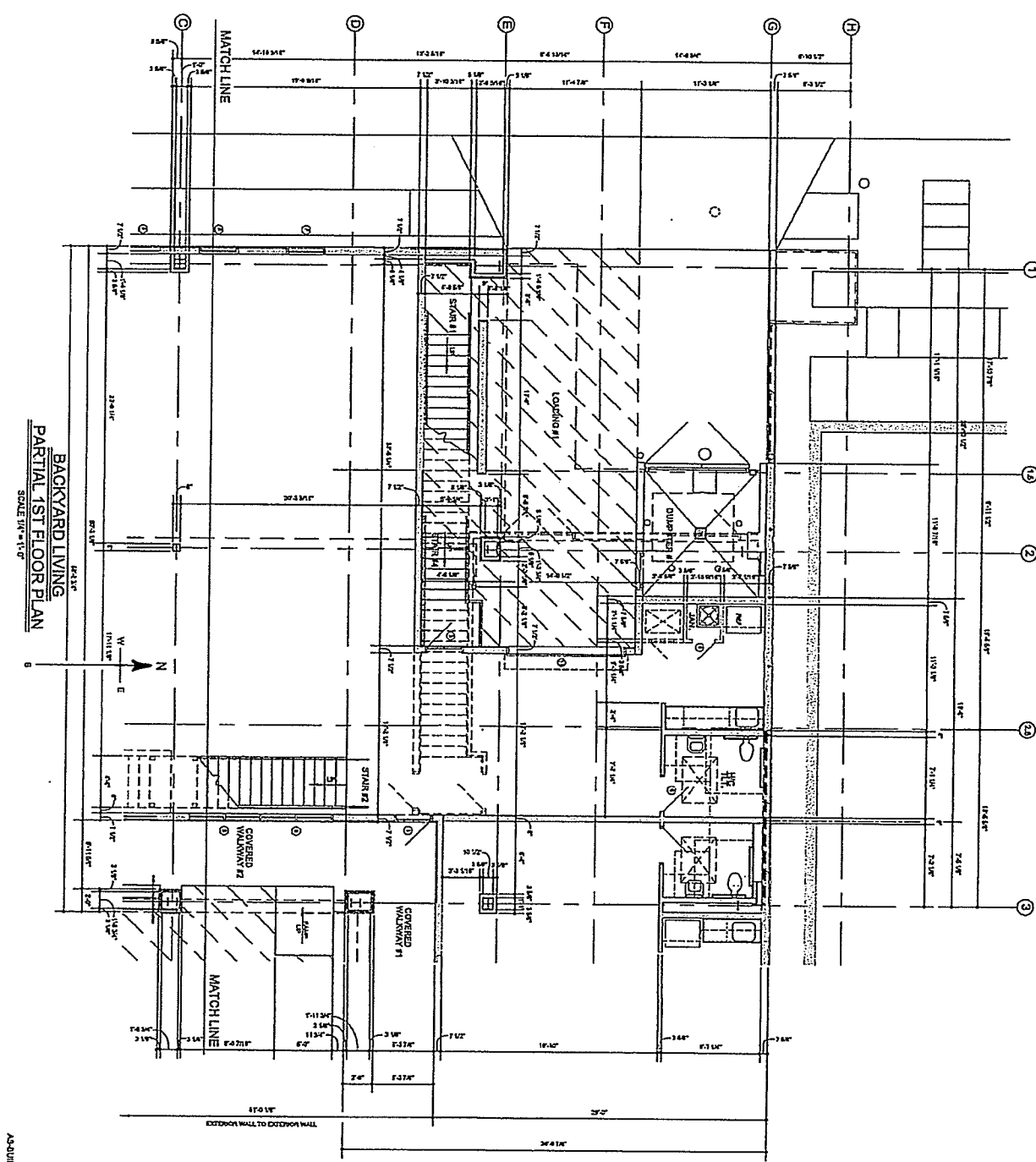
<u>Name</u>	<u>E-mail address</u>	<u>Phone</u>
1. <u>Anael Barrios</u>	<u>barrios anael 10@yahoo.com</u>	<u>504-512-1772</u>
2. <u>RUBY VERHOEVEN</u>	<u>info@rosemanor.com</u>	<u>504-282-8200</u>
3. <u>Ray & Maria Bergeron</u>	<u>maria@schallystrawn.com</u>	<u>504-257-5718</u>
4. <u>Megan & Trevor Miller</u>	<u>opssenn@gmail.com</u>	<u>812-630-4713</u>
5. <u>PAUL TRESPE</u>		<u>504-329-1318</u>
6. <u>ELLEN Contello</u>		<u>504-201-1020</u>
7. <u>PAULA Richmond</u>		<u>504-450-4748</u>
8. <u>Angel Rethel</u>		<u>504-621-9890</u>
9. _____		
10. _____		
11. _____		
12. _____		
13. _____		
14. _____		
15. _____		
16. _____		
17. _____		
18. _____		
19. _____		
20. _____		



BACKYARD LIVING
PARTIAL 1ST FLOOR PLAN
SCALE 1/8" = 1'-0"

ASBUILT REV. 07/2014

DATE: 05/2014	2	BACKYARD LIVING	BACKYARD LIVING PLAZA NEW SHOPPING CENTER BUILDING FOR MR. PEPPER TREGRE 7211 REGENT STREET NEW ORLEANS, LA 70124-1631	<p>TERRY G. SCHELLHAAS ARCHITECT, LLC 7740 LEBLANC AVENUE PO BOX 521750 NEW ORLEANS, LA 70152 TEL: 504.444.1234</p>
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BACKYARD LIVING
PARTIAL 1ST FLOOR PLAN
SCALE 1/8" = 1'-0"

ASSISTANT ARCHITECT

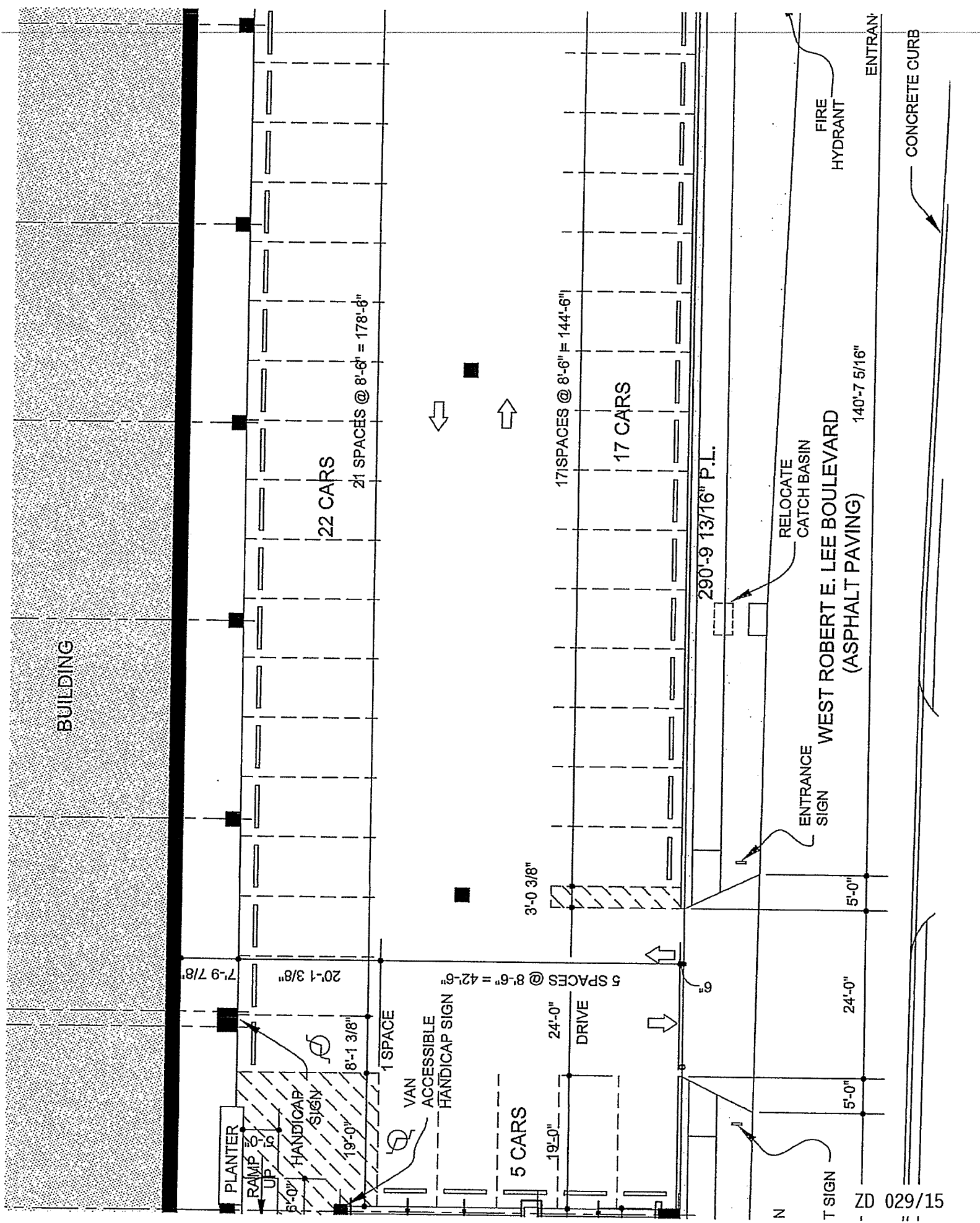
DATE: 06/24/14	2
2.05	2.05

BACKYARD LIVING

BACKYARD LIVING PLAZA
NEW SHOPPING CENTER BUILDING FOR MR. PEPPER TREGRE
7211 REGENT STREET
NEW ORLEANS, LA 70124-1631

FERRY G. SCHELLHAAS
ARCHITECT, AIA

1111 PULASKI AVE
NEW ORLEANS, LA 70112
504.581.5270



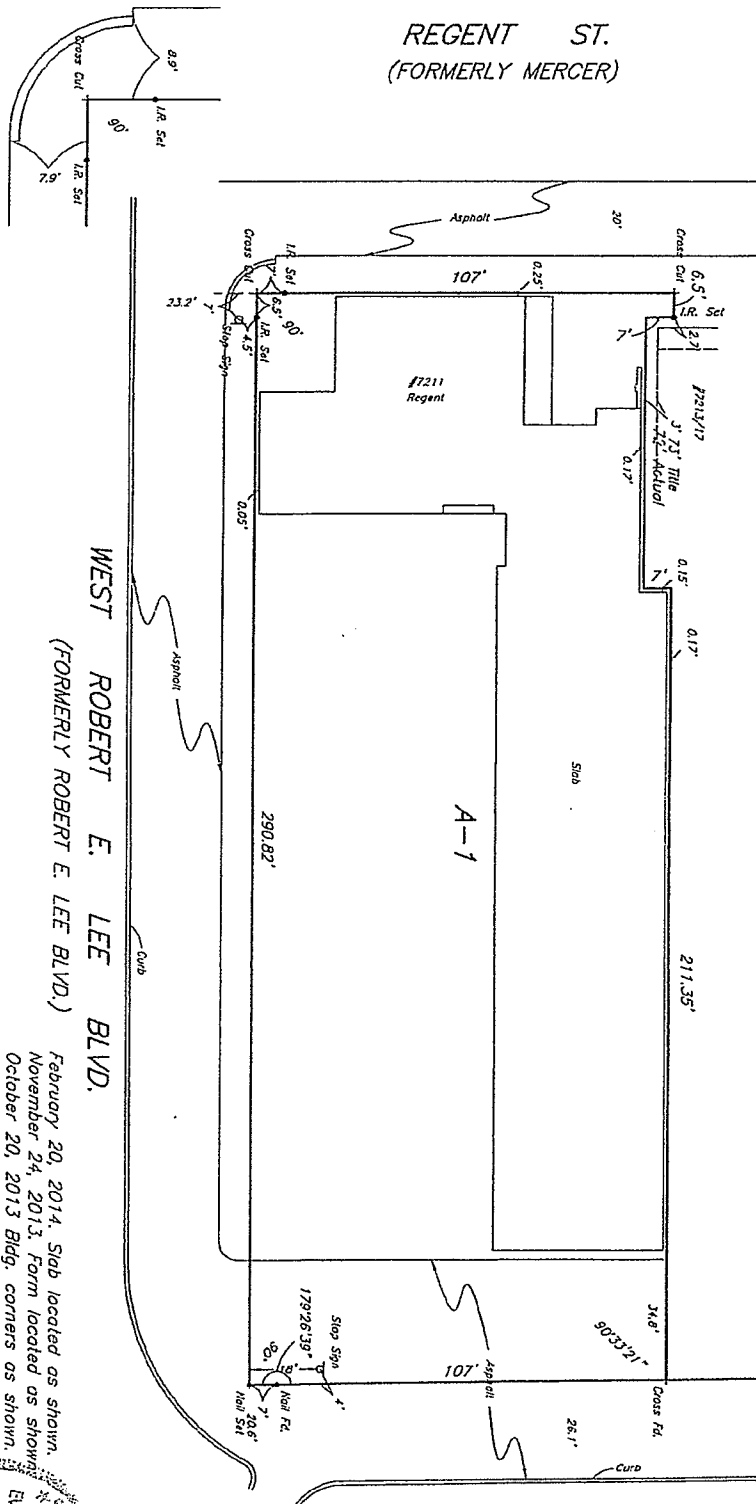
SQ. NO. 1, WEST END
SEVENTH DISTRICT

NEW ORLEANS, LA
ORLEANS PARISH

LAKE MARINA DR. SIDE
(FORMERLY LAKE AVE.)

REGENT ST.
(FORMERLY MERCER)

PONTCHARTRAIN BLVD.
(FORMERLY CANAL AVE.)



WEST ROBERT E. LEE BLVD.
(FORMERLY ROBERT E. LEE BLVD.)

Reference Plan of Survey by Great South Engineers, Inc.,
dated May 4, 2002, Survey by John J. Avery & Assoc.,
Inc., dated July 17, 2001, and Survey by Doding, Monquez,
Associates, Inc. dated Aug. 5, 1999.

THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD
BOUNDARY MAP INDICATES THIS PROPERTY IS LOCATED IN FIA ZONE
Let copies as per plan.

11439 11211

Date: November 4, 2011

February 20, 2014, Stab located as shown,
November 24, 2013, Form located as shown,
October 20, 2013 Bldg. corners as shown.

This plat represents an actual ground survey made by me or under my direct
supervision and control and meets the requirements for the Minimum Standards for
Property Boundary Surveys as found in Louisiana Administrative Code, Title 10, Chapter 25 for a Class "C" survey.
Made at the request of Pepper Tregre.

Gilbert, Kelly & Couture, Inc., Surveying & Engineering
2121 N. Causeway Blvd., Metairie LA 70001 (504) 836-2121

Gilbert, Kelly & Couture, Inc.

Note:
Improvements may not be to scale for clarity.
The dimensions shown prevail over scale.
THE SURVEY SHOWN ON THIS PLAT ARE LIMITED TO
THOSE FURNISHED TO US. THERE IS NO REPRESENTATION
THAT ALL CORNER SERVICES ARE SHOWN HEREON.
THE SURVEYOR HAS CONDUCTED A REASONABLE
RECORD SEARCH IN COMPLYING DATA FOR THIS SURVEY.



March 10, 2015

Attention

Mr. Paul Cramer
City of New Orleans
City Planning Commission
1300 Perdido Street, #7W03
New Orleans, Louisiana 70112

Regarding:

CPC Zoning Docket Number: 029/15 (Backyard Living Plaza, LLC)
Request for a Conditional Use Permit to Permit the Sale of Alcoholic Beverages

Dear CPC Board Members:

On March 24, 2015, the above referenced case will come before the City Planning Commission (CPC). This request is by:

BACKYARD LIVING PLAZA, LLC for a Conditional Use to permit the sale of alcoholic beverages for off-premises consumption at a retail store in an LC Lake Area General Commercial District and the rescission of Ordinance No. 21,088 MCS (Zoning Docket 003/03, which granted a Conditional Use to permit a standard restaurant over 5,000 square feet in floor area), on Square 1, Lot A-1, in the Seventh Municipal District, bounded by Regent Street, West Robert E. Lee Boulevard, Pontchartrain Boulevard, and Lake Marina Avenue. The municipal address is 7211 REGENT STREET. (PD 5)

The purpose of this letter is to register our strong opposition to this request on behalf of the neighborhood and the Lakeview Civic Improvement Association (LCIA). Please consider the following:

LCIA has traditionally been supportive of alcohol permits for restaurants, retail establishments that sell food, and grocery/convenience stores that would normally carry alcohol. The retail establishment in question sells outdoor furniture and grills. LCIA believes that allowing an outdoor furniture store to sell alcohol would set a dangerous precedent for all retail establishments in Lakeview regardless their original business model.

In conclusion, LCIA is very supportive of commercial businesses in Lakeview and we feel that Backyard Living Plaza LLC will make a wonderful addition to the neighborhood. However, we cannot support their request to permit the sale of alcoholic beverages for off-premises consumption.

Sincerely,

Brian E. Anderson
LCIA President

cc: Councilmember Susan Guidry
LCIA Board of Director's and LCIA Zoning Committee