

CPC MINUTES

**April 28, 2015
Meeting**

ZONING DOCKET 035-15 – Request by NEW HOTEL MONTELEONE, INC. to permit the expansion in accordance with **Article 8, Section 8.10.2** of the Comprehensive Zoning Ordinance of an existing hotel in a VCC-2 Vieux Carré Commercial District, on Square 35, Lots 6, 7, 9 or 8, 2 or 9, 11, B 12, 10, 1, 2, 3, 4, 5, B 13, 14 and 15, in the Second Municipal District, bounded by Exchange Place, Royal, Iberville, and Bienville Streets. The municipal addresses are 200-214 ROYAL STREET. (PD 1B)

Applicant: New Hotel Monteleone, Inc.

Request: This is a request for the expansion of an existing hotel in a VCC-2 Vieux Carré Commercial District in accordance with **Article 8, Section 8.10.2 Existing Hotels in the Vieux Carré Districts.**

Location: The petitioned property is located on Square 35, Lots 6, 7, 9 or 8, 2 or 9, 11, B 12, 10, 1, 2, 3, 4, 5, B 13, 14, and 15, in the Second Municipal District, bounded by Royal, Iberville, and Bienville Streets, and Exchange Place. The municipal addresses are 200 – 214 Royal Street. (PD 1B)

Description: The subject site is an irregularly shaped parcel with frontage on Royal and Bienville Streets in the French Quarter neighborhood. It measures approximately 140 feet along Royal Street, approximately 52 feet along Bienville Street, a depth of approximately 126 feet, and approximately 165 feet in depth near Exchange Place. This parcel and the adjacent parcel are currently developed with a bank and the Hotel Monteleone. The hotel has been in operation since 1886 and contains 570 guest rooms, 55 luxury suites, and 24 meetings rooms. The hotel also has a parking garage in the rear of the structures to accommodate guests' vehicles and hourly-rate public parking.

The applicant proposes the expansion of the hotel's meeting facilities to the first floor of an adjacent two-story building. The new meeting area has a total floor area of 1,172 square feet and has a capacity of 168 occupants based on its proposed non-fixed seating, though the submitted plans show a layout to seat 88 occupants. In addition to the proposed meeting area, the expansion includes two storage closets, an electrical closet, and corridor space connecting the meeting area to the hotel.

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The Principal City Planner summarized the request and recommendation.

The applicant spoke in favor of the request. No one spoke in opposition. Commissioner Wedberg made a motion for approval, which was seconded by Commissioner Bryan and adopted.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 035/15 IS HEREBY RECOMMENDED FOR **APPROVAL** SUBJECT TO SIX (6) 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 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 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.
3. Signage shall be limited to that which is permitted by **Article 8, Section 8.5.6** Permitted Signs of the VCC-2 District Regulations. Any proposed signage shall be subject to the approval of the staff of the Vieux Carré Commission.
4. The applicant shall submit a revised site plan which shall include a designated dumpster/trash storage area within the structure, subject to further review and approval by the staff of the City Planning Commission.
5. The applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, approved by the Department of Sanitation, inclusive of the location of refuse storage out of the public rights-of-way, the frequency of trash pickup, the clearing of all litter from the adjacent rights-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 establishment shall be kept on file in case of any violation.
6. Additional noise dampening materials shall be installed on the shared wall between the proposed meeting space and the neighboring first floor tenant. Doors leading from the proposed meeting space to Royal Street shall remain closed during all events.

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

NAYS: None

ABSENT: Duplessis, Marshall, Hughes

REASONS FOR RECOMMENDATION

1. Minimal adverse impacts are anticipated from the conversion of a former bank space to a hotel meeting space. Additionally, no new sleeping rooms are being created, which is prohibited by **Article 8, Section 8.10.2 Existing Hotels in the Vieux Carré Districts**.
2. The recommended conditions address noise, litter, signage, and the operational standards for meeting spaces.
3. The request is consistent with the *Plan for the 21st Century: New Orleans 2030 Plan*.

ZONING DOCKET 036-15 – Request by 533 TOULOUSE, LLC for a Conditional Use to permit a cigar bar in a VCC-2 Vieux Carré Commercial District, on Square 26, Lots A or 14 and 15, in the Second Municipal District, bounded by Toulouse, Chartres, Decatur and Wilkinson Streets. The municipal address is 533 TOULOUSE STREET. (PD 1B)

Applicant: 533 Toulouse, LLC

Request: This is a request for a conditional use to permit a cigar bar in a VCC-2 Vieux Carré Commercial District.

Location: The petitioned property is located on Square 26, Lots A or 14 and 15, in the Second Municipal District, bounded by Toulouse, Chartres, Decatur, and Wilkinson Streets. The municipal address is 533 Toulouse Street. (PD 1B)

Description: The subject property is a rectangular lot located on Toulouse Street between Decatur and Chartres Streets in the Vieux Carré. The lot measures 34 feet, 7 inches in width, 73 feet, 6 inches in depth, and approximately 2,550 square feet in area. It is developed with a pair of contiguous buildings dating from about 1860. Both structures are two-bay buildings of masonry construction, with the structure along the Decatur Street-side of the site standing two stories in height and the structure along the Chartres Street-side being three stories in height. The structures were originally quite plain in design but were modified in 1961 through the addition of cast iron balconies and a Colonial Revival entryway.

The two structures' ground floors are connected for use as a single 2,376 square foot unit, while the upper floors are used as a single residential unit. The ground floor commercial unit is occupied by La Habana Hemingway Cigar Bar, which is an establishment that is currently licensed as a restaurant but operates as a de facto cigar bar, as it is oriented toward the sale of cigars and alcoholic beverages for on-premises consumption. The establishment features a bar and kitchen area, a seating area at the front of the unit, which contains rental lockers for cigars, a humidior room in the middle of the unit, and a large seating area at the rear of the unit.

The Comprehensive Zoning Ordinance does not allow for the establishment of new cocktail lounges, including cigar bars, in the VCC-2 District. However, the City Council is considering City Council Motion M-15-85, which, if approved, would amend the text of the Comprehensive Zoning Ordinance to define a new use, "Cigar Bar," and classify cigar bars as conditional uses in the VCC-2 District. Pursuant to that proposed text amendment, the applicant requests a conditional use to allow a cigar bar at this site, allowing La Habana Hemingway Cigar Bar to potentially become legally established.

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

The Assistant Planning Administrator summarized the request, stating the staff's recommendation of denial.

Commissioner Marshall made a motion for denial of the request 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 036/15 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, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Duplessis, Hughes

REASONS FOR RECOMMENDATION

1. Based on the definition for "cigar bar" in the City Code and proposed for the Comprehensive Zoning Ordinance, a cigar bar would be essentially the same in operational character as other types of cocktail lounges. As new cocktail lounges are not allowed in the VCC-2 Vieux Carré Commercial District, new cigar bars should similarly not be allowed in the VCC-2 District, including the particular cigar bar proposed for this site.
2. Some Commissioners noted their concern that it was difficult to act on this application given that the City Council has not yet acted on the related text amendment application (Zoning Docket 031/15).

ZONING DOCKET 037-15 – Request by WASHINGTON & S CLAIBORNE, LLC for a Conditional Use to permit the expansion of an existing gasoline service station in a C-1 General Commercial District and an ICUC Inner City Urban Corridor District overlay, on Square 408, Lots N or 12 and 16-22, in the Fourth Municipal District, bounded by South Claiborne and Washington Avenues, South Derbigny and Fourth Streets. The municipal address is 2727 SOUTH CLAIBORNE AVENUE. (PD 2)

Applicant: Washington & S. Claiborne LLC

Request: This is a request for a Conditional Use (CU) to permit the expansion of an existing gasoline service station in a C-1 General Commercial District and within the Inner-City Urban Corridor (ICUC) Overlay District.

Location: The property is located on Square 408, Lots N or 12 and 16-22, in the Fourth Municipal District, bounded by South Claiborne and Washington Avenues, South Derbigny and Fourth Streets. The municipal address is 2727 S. Claiborne Avenue. (PD 2)

Description: The petitioned site, a rectangular parcel composed of eight (8) lots, is located at the corner of South Claiborne and Washington Avenues. The combined lots measure approximately one hundred forty-three feet (143') in width along South Claiborne Avenue and approximately one hundred ninety-four feet (194') in depth along Washington Ave for a total area of approximately twenty-seven thousand, seven hundred forty-two square feet (27,742 sq. ft.).

The site contains an existing gasoline service station with eight (8) gasoline pumps at four (4) pumping islands – in addition to a convenience store, which is located in the center of the site. The existing convenience store has a width of approximately twenty feet (20'), a depth of approximately eighteen feet (18') and an area of approximately three hundred sixty square feet (360 sq. ft.). Three (3) additional retail uses are also part of the development and are located at the rear of the site.

The applicant is requesting to demolish the existing convenience store and to construct a new convenience store, which will be attached to the existing additional retail uses, which are located at the rear of the site. The applicant received a demolition permit to demolish the existing structure in December of 2014.¹ According to the applicant and the staff's site visit, the existing convenience store is still in operation and has not been demolished. The proposed convenience store will have a width of one hundred twenty feet (120'), a depth of (30') and an area of three thousand, three hundred sixty square feet (3,360 sq. ft.). Gasoline service stations are permitted by right in C-1 Commercial Districts, but require Conditional Use permits within the ICUC Overlay District. Sanborn maps indicate that the site has contained a gasoline service station since at least 1983,

¹ See Demolition Permit 14-24847

which predates the adoption of the ICUC Overlay, which was adopted in 2007.2 Therefore, the site only requires a Conditional Use in order to expand the footprint of the existing convenience store.

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Staff summarized the request, stating the staff's recommendation of approval. Three proponents were present including the applicant. Their names are included on the attached sign-in sheet.

There was discussion as to whether the applicant would be grandfathered from the provisions of Proviso #3 and Proviso #16. The CPC confirmed that the applicant would need to meet the provisions of Proviso #3 only if the reconfiguration of the gasoline pumps changed, and per Proviso #16, the applicant would be grandfathered the existing monument sign itself, not its height or the additional excessive signage.

Commissioner Mitchell made a motion for an approval of the request, with a waiver of a portion of Proviso #16, which was seconded by Commissioner Steeg and adopted.

The amendment adds a waiver to state the following: The applicant shall be granted a waiver of **Article 10, Section 10A.3A.6.3 Signage** of the Comprehensive Zoning Ordinance, which limits the height of monument signs to not exceed 12', to allow an existing monument sign which exceeds 12'.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 037-15 IS HEREBY RECOMMENDED FOR APPROVAL SUBJECT TO ONE (1) WAIVER AND TWELVE (19) 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 10, Section 10A.3A.6.3 Signage of the Comprehensive Zoning Ordinance, which limits the height of monument signs to not exceed 12', to allow an existing monument sign which exceeds 12'.

Provisos:

1. 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.

2 See Ordinances 22,518 MCS, 22,432 MCS and 18,569 MCS per the adoption of the ICUC Overlay District.

2. Any used tires, equipment or debris shall be properly disposed of in a trash receptacle or stored inside the site and shall not be visible to public view.
3. Any reconfiguration of the pumps, pump islands or canopy shall be in accordance with **Article 15, Section 15.5.12.6** of the *Comprehensive Zoning Ordinance*.
4. The applicant shall submit revised site plans to City Planning Commission staff for review and approval indicating an unobstructed pedestrian walkway (see Figure 1) with a minimum width of four feet (4') between the front of the retail structure and parking spaces. The walkway shall continue to the public right-of-way on Washington Avenue.
5. The applicant shall provide roof overhang covering the walkway bordering the façade of the structure subject to review and approval by City Planning Commission staff.
6. The applicant shall submit revised elevations and details of the pumps, pump islands, and canopy to City Planning Commission staff for review and approval indicating design that is in continuity with the façade design of the proposed retail expansion on the petitioned site.
7. The applicant shall submit revised elevations of the proposed retail expansion to City Planning Commission staff for review and approval indicating façade articulation and design that is in continuity with the façade design of the development located downriver and across South Claiborne from the petitioned site.
8. A continuous masonry and metal fence shall be provided at a minimum height of thirty inches (30") along the perimeter of the vehicular use areas adjacent to the South Claiborne Avenue and Washington Avenue rights-of-way subject to the review and approval of the staff of the City Planning Commission.
9. Any residual areas not used for parking or vehicular access shall be landscaped with trees, shrubs and groundcover. There shall be a landscaping buffer a minimum of six feet (6') deep along the perimeter of the vehicular use areas adjacent to the South Claiborne Avenue. All required trees shall be a minimum of ten feet (10') in height and have a minimum caliper of two inches (2") upon installation. 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 approval of the staff of the City Planning Commission, which meets or exceeds the landscape requirements of Article 10, Section 10.3A.6.2(b) Design Review Standards of the Comprehensive Zoning Ordinance.
10. The applicant shall restore a six inch (6") vertical curb along the Washington Avenue right-of-way adjacent to the site subject to review and approval of the Department of Public Works. No curb cut along Washington Avenue shall exceed

twenty-four feet (24') in width unless authorized by the Department of Public Works.

11. The applicant shall provide to the staff documentation of the Louisiana Department of Transportation and Development's approval of one (1) curb cut adjacent to the South Claiborne Avenue side of the petitioned site at a minimum distance of one-hundred feet (100') from the intersection of South Claiborne and Washington Avenue. No curb cut along South Claiborne Avenue shall exceed twenty-four feet (24') in width unless authorized by the Louisiana Department of Transportation and Development.
12. The applicant shall restore the sidewalks on the street frontage located within the public right-of-way adjacent to the site subject to the review and approval of the Department of Public Works and the Department of Parks and Parkways to ensure the root systems of the existing Live Oak Trees along Washington Ave., will not be damaged during the restoration of the sidewalks.
13. The applicant shall plant street trees within the South Claiborne Avenue right-of-way adjacent to the petitioned site of a species consistent with other trees planted on the upriver side of the petitioned site along South Claiborne Avenue between Washington Avenue and Napoleon Avenue at a rate to be determined by and install irrigation for the maintenance of such trees where required by the Department of Parks and Parkways, pursuant to **Article 10, Section 10.3A.6.2(c) Design Review Standards** of the *Comprehensive Zoning Ordinance*. In addition, the three (3) live oak trees along Washington Avenue shall remain.
14. The applicant shall revise the site plan to indicate the location of trash receptacles that are screened by a six foot (6') opaque fence with latching gates. The dumpster shall be located toward the rear of the site and at no time shall trash be stored so as to be visible from the public rights-of-way.
15. The applicant shall submit a revised lighting plan that indicates the exact location, type, make, and height of all retained or proposed exterior lighting, including canopy lighting for the review and approval of the staff of the City Planning Commission. All proposed exterior lighting shall be limited in height to twenty-five feet (25') and shall not be directed toward any adjacent residential uses. Further, all canopy lighting shall be recessed such that fixtures do not project below the plane of the canopy ceiling.
16. The applicant shall submit a revised signage plan which indicates the current and proposed signage for the site, which meets the requirements of Article 10, Section 10A.3A.6.3 Signage of the Comprehensive Zoning Ordinance.
17. The applicant shall provide to the City Planning Commission a litter abatement program letter, inclusive of the stated location of trash storage, the type and quantity of trash receptacles, the frequency of litter pickup by the Department of Sanitation or a contracted trash removal company, and the clearing of all litter from the sidewalks

and periodic cleaning of the street right-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation. In no case shall trash be stored so that it is visible from the public right-of-way.

18. The applicant shall update the site plan to indicate the location one (1) off-street loading space. The loading space shall have a minimum area of five-hundred forty (540) square feet, a minimum width of twelve feet (12'), a minimum depth of thirty-five feet (35'), and a vertical clearance of at least fourteen feet (14'), six inches (6") as required by Article 15, Section 15.3.4.1 Design Standards of the Comprehensive Zoning Ordinance.
19. The applicant shall permanently remove the food truck from the petitioned site prior to the issuance of the Certificate of Use and Occupancy by the Department of Safety and Permits.

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

NAYS: None

ABSENT: Duplessis, Hughes

REASONS FOR RECOMMENDATION

1. The proposed expansion is consistent with the *Plan for the 21st Century*.
2. The proposed expansion is compatible with the mix of commercial uses in the C-1 General Commercial District and the ICUC Overlay Districts in which it is located.
3. The site is located at the intersection of two major streets, which is appropriate for the existing uses and easily accommodates traffic.
4. Those negative impacts that are sometimes associated with gasoline service stations and convenience stores can be sufficiently mitigated through the compliance with the recommended operational standards. The recommended provisos will enhance the appearance and safety at the site and will bring the site closer to compliance with the standards of the ICUC Overlay District.

ZONING DOCKET 038-15 – Request by MONTE C. SHALETT, JEFFERSON N. RUCK, ZEN-PROP, LLC, AND HOWARD W. SMITH, ET AL. for a Conditional Use to permit a retail store on a site over one acre in area in a C-1 General Commercial District and an Urban Corridor District overlay, on Square 23, Lot N4, in the Fifth Municipal District, bounded by General DeGaulle, Life Center and Sandra Drives. The municipal address is 2900 GENERAL DE GAULLE DRIVE. (PD 12)

Applicant: MONTE C. SHALETT, JEFFERSON N. RUCK, ZEN-PROP, LLC, AND HOWARD W. SMITH, ET AL.

Request: This is a request for a Conditional Use to permit a retail store on a site over one acre in area in a C-1 General Commercial District and an Urban Corridor District overlay.

Location: The petitioned property is located in the Fifth Municipal District, on Square 23, Lot N4, bounded by General De Gaulle, Life Center and Sandra Drives. The municipal address is 2900 General De Gaulle Drive. (PD-12)

Description: The subject site is a vacant parcel at the corner of General De Gaulle and Sandra Drives in Algiers. The square-shaped parcel measures approximately 47,878 square feet. The site has approximately two-hundred feet (200') of frontage along General De Gaulle Drive and approximately one hundred ninety-six feet (196') of frontage along Sandra Drive. The applicant proposes to construct a 9,180 square foot Family Dollar store, which will be set back approximately one hundred fifteen feet (115') from the General De Gaulle Drive frontage and approximately ninety-five feet (95') from the Sandra Drive frontage. Forty-seven (47) parking spaces are proposed on site. The parking lot will be accessed via a twenty-four (24) foot curb cut on General De Gaulle Drive and via a shared common driveway on Sandra Drive.

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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 approval.

Commissioner Mitchell made a motion for denial. Commissioner Mora seconded the motion, which was adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 038/15 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: Bryan, Marshall, Mitchell, Mora, Steeg

NAYS: Brown, Wedberg

ABSENT: Duplessis, Hughes

REASONS FOR RECOMMENDATION

1. General De Gaulle has recently seen an uptick in new developments of office and other commercial uses that are transforming the corridor and the Commission was concerned about this development proposal not reflecting this trend.
2. The representatives speaking on behalf of the many neighborhood organizations in Algiers are against the project and some Commissioners felt that they should honor the wishes of the neighborhood.

ZONING DOCKET 040-15 - Request by SHEA R. EMBRY AND 901 BARTHOLOMEW, LLC for an MUPC Mixed-Use Planned Community District overlay in an LI Light Industrial District, on Square 292, Lots Y & 10 or 1 or Y, 1, and two undesignated lots, and Square 291, Lot C1, Lot 12 Pt. 3-5 or 12, X, 6, 7, and two undesignated lots, and 6, 7 or 8 and 9, in the Third Municipal District, bounded by Burgundy, Mazant, North Rampart and Alvar Streets. The municipal addresses are 3925 BURGUNDY STREET, 924 AND 901 BARTHOLOMEW STREET. (PD 7)

Applicant: SHEA R EMBRY AND 901 BARTHOLOMEW, LLC

Request: This is a request for a MUPC Mixed-Use Planned Community District overlay in an LI Light Industrial District.

Location: The petitioned property is located on Square 292, Lots Y & 10 or 1 or Y, 1, and two undesignated lots, and Square 291, Lot C1, Lot 12 Pt 3-5 or 12, X, 6, 7, and two undesignated lots, and 6, 7 or 8, 9 in the Third Municipal District, bounded by Burgundy, Mazant, North Rampart, and Alvar Streets. The municipal addresses are 3925 BURGUNDY, 924 BARTHOLOMEW AND 901 BARTHOLOMEW STREETS. It is within the Bywater Local Historic District. (PD7)

Description: The site includes property on two squares on either side of Bartholomew Street in the Bywater neighborhood. It is developed with the former factory buildings and parking areas for the Frey & Sons Meat Packing Company. The property at 3925 Burgundy Street is developed with the warehouse and factory for the former meat packing facility. The 52,565 square foot building includes a two-story warehouse and three-story factory. The applicant proposes to add a floor which will create a three- and four-story building with a floor area of 72,980 square feet. The applicant proposes a mixed-use development for this building with seven (7) commercial tenets on the first floor and thirty-seven (37) residential condominiums on the upper floors. The proposal includes turning a vacant parcel behind the warehouse into a parking lot with fifty-five (55) off-street parking spaces. The parking lot will have two curb cuts onto Bartholomew Street. The warehouse and proposed parking lot are located on property which is composed of multiple lots. The property has a total area of 43,840 square feet.

The building at 901 Bartholomew Street was an office building for the meat packing company and has most recently been used as office space for a non-profit organization and was a temporary location for the District 5 Police Station. The two-story masonry structure has a floor area of 21,688 square feet and will include eleven (11) residential units. No commercial space is proposed for this building. No major exterior changes are proposed. The tenants will have access to parking in the adjacent parking lot which has twenty-three (23) parking spaces. The parking lot has a single curb cut onto Burgundy Street. The Historic District Landmarks Commission has granted conceptual approval of the redevelopment plans.

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The Senior City Planner read a summary of the report. The applicant and the architect spoke in support of the request. There were no opponents.

Commissioner Steeg made a motion for approval of the request as recommended by staff. Commissioner Wedberg seconded the motion which passed unanimously.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 040/15 IS HEREBY RECOMMENDED FOR **APPROVAL** SUBJECT TO FOUR (4) 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 7, Section 7.3.7** of the Comprehensive Zoning Ordinance (by reference to **Article 4, Section 4.9.7 Table 4.I**), which requires the FAR of one (1) to permit the FAR of 1.7 for the proposed development at 3925 Burgundy Street.
2. The applicant shall be granted a waiver of **Article 7, Section 7.3.7** of the Comprehensive Zoning Ordinance (by reference to **Article 4, Section 4.9.7 Table 4.I**), which requires the OSR of 0.30 to permit the OSR of 0.06 for development located at 3925 Burgundy Street and the OSR of 0 (no open space on the site) for the proposed development at 901 Bartholomew/4015 Burgundy Streets.
3. The developer shall be granted a waiver of **Article 15, Section 15.2.1 Table 15.A** which requires one hundred forty-nine (149) off-street parking spaces to permit fifty-five (55) off-street parking spaces for the development at 3925 Burgundy Street.
4. The applicant shall be granted a waiver of **Article 15, Section 15.3.1. Table 15.G Loading Requirements** of the Comprehensive Zoning Ordinance, which requires the

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 040/15.

provision of one (1) off-street loading space, to permit the provision of zero (0) off-street loading spaces.

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 appropriate rights to utilize City property in conjunction with any and all encroachments onto the public rights-of-way in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.
3. The applicant shall make any recommended improvements to the exterior of the structures and shall secure a Certificate of Appropriateness from the Historic District Landmarks Commission.
4. The applicants shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect indicating the following:
 - a) The genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the site and the street rights-of-way adjacent to the site, with applicable remarks and details;
 - b) The installation of continuous shrubbery along the edge of the parking lots, adjacent to the public rights-of-way on Bartholomew and Burgundy Streets.
 - c) The landscaping of all residual areas on site not used for parking or vehicular access, including the open space area at the corner of Alvar and Burgundy Streets with a combination of trees, shrubs, and groundcover, all subject to the review and approval of the City Planning Commission staff.
 - d) The planting of new trees at a maximum interval of thirty (30) feet within the Burgundy and Bartholomew Street rights-of-way, subject to the review and approval of the staff of the Department of Parks and Parkways.
5. The size of the trash storage areas on 3925 Burgundy and 901 Bartholomew Streets shall be increased to reflect the number of commercial and residential units on the site. All trash storage areas shall be screened from view from the adjacent public rights-of-way with an opaque fence and/or masonry wall that is no less than six (6) feet tall, subject to the review and approval of the City Planning Commission staff. At no time other than during trash pick-up shall trash be visible from the public rights-

- of-way. If visible from the streets, the design of the gate shall be subject to the review and approval of the Historic District Landmarks Commission.
6. The applicant shall provide to the City Planning Commission staff a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street rights-of-way. The name and phone number of the property manager shall be included in this letter to be kept on file in case of any violation.
 7. The site plan shall be revised to include the locations, height, and details of all light standards, subject to the approval of the staff of the City Planning Commission. Light standards shall be limited in height to twenty-five (25) feet and shall not be directed toward any residential use.
 8. The applicant shall submit to the City Planning Commission staff a recorded management agreement indicating all parts and phases of the overall Mixed-Use Planned Community District will remain in single ownership, or will be controlled by the same management entity. The duration of this agreement must be stated and recorded. The Recordation Number of the management agreement shall be noted on the final plans.
 9. The applicant shall consolidate all lots on Square 291 into a single lot of record and all lots on Square 292 into a single lot of record. The subdivision application shall be submitted prior to the finalization of the Mixed-Use Planned Community District overlay and shall be completed prior to the issuance of a Certificate of Occupancy for any buildings.
 10. Any proposed signage shall comply with the requirements of the RM-2 Multi-family Residential District in **Article 4, Section 4.9.6** of the Comprehensive Zoning Ordinance and shall be subject to review and approval of the Historic District Landmarks Commission.
 11. The applicant shall secure approval from the Department of Public Works for new curb cuts, curb restoration, and any proposed changes to the existing curb cuts on the subject site, as well as any damage to the adjacent sidewalks and curbs that occurs during construction.
 12. The applicant shall submit revised site plans which include twenty (20) bicycle parking spaces for the residents plus an additional ten (10) bicycle parking spaces for customers of the commercial tenants.
 13. The applicant shall secure the approval of the Department of Public Works for the designation of one (1) loading zone within the public right-of-way adjacent to the site.

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

Nays: none

Absent: Duplessis, Hughes

REASONS FOR RECOMMENDATION

1. The proposal will redevelop a former industrial site into residential and commercial uses that will be compatible with the surrounding neighborhood.
2. The proposed building improvements will enhance the image of the area.
3. The request is consistent with the *Plan for the 21st Century:New Orleans 2030 Land Use Plan*.
4. The proposal has received conceptual approval from the Historic District Landmarks Commission.

SUBDIVISION DOCKET 023-15 – Request by THEODORE W. NASS, III to resubdivide Lot 11-A into Lots 11-A-1 and 11-A-2, Square 121, in the Sixth Municipal District, bounded by Annunciation, Upperline, Tchoupitoulas and Lyons Streets. The municipal addresses are 4856 4858 ANNUNCIATION STREET. (PD 3)

Proposal: Subdivision of Lot 11-A into Lots 11-A-1 and 11-A-2.

Location: Square 121, Sixth Municipal District, bounded by Annunciation, Upperline, Tchoupitoulas, and Lyons Streets. The municipal addresses are 4856 - 4858 Annunciation Street. (PD 3)

Zoning: RM-2 Multiple-Family Residential District

Current

Land Use: The existing Lot 11A is currently developed with a two-family dwelling with a significant amount of open space to the west of the structure. This open space is the planned site of a two-story single-family residence.



Required: Lots developed with single-family or two-family residences in the RM-2 Multiple-Family District area required to measure a minimum of 30 feet in width and 90 feet in depth. Single-family residences are required a minimum lot area of 3,125 square feet per dwelling unit and two-family dwellings are required a lot area of 1,750 square feet per dwelling unit, or a total area of 3,500 square feet.

Lot 11-A-1 is proposed to have a width of 30 feet seven-inches, depth of 100 feet, and a lot area of 3,160 square feet. The proposed lot would meet the lot width and depth requirements of the RM-2 District, but would be 340 square feet deficient in lot area.

Lot 11-A-2 is proposed to have a width of 30 feet ten-inches, depth of 100 feet, and a lot area of 3,090 square feet. The proposed lot meets the requirements for lot depth and width, but is deficient in lot area by 35 square feet.

The Commission has classified all Minor and Major Subdivisions into seven categories, based on the particular aspects of the proposal. This proposed subdivision is to be reviewed under *Policy B: In Compliance With Regulations or Constituting General Improvements to the Existing Plat*. These cases are to be considered for approval or denial based upon review of three criteria. First, no lot is to be reduced in area below the minimum lot size required by the Zoning Ordinance. Second, the new condition is to create a general improvement of the original plat by increased lot width, etc., although the proposed lots may be slightly below the minimum lot dimensions and area standards required by the regulations. Third, improvements exist that predate the May, 1950 original adoption of the Subdivision Regulations. Cases that clearly meet these three criteria are eligible for administrative approval, but cases that are doubtful, are to be referred to the City Planning Commission.

CITY PLANNING COMMISSION MEETING (APRIL 28, 2015)

The Principal City Planner summarized the request and recommendation.

The applicant spoke in favor of the request. No one spoke in opposition. Commissioner Steeg made a motion for approval which was seconded by Commissioner Marshall and adopted.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 023/15 IS HEREBY GRANTED **TENTATIVE APPROVAL**, WITH FINAL APPROVAL SUBJECT TO FOUR (4) PROVISOS:

Provisos

1. The applicant shall apply for and secure a variance from the Board of Zoning Adjustments for insufficient lot area for proposed Lots 11-A-1 and 11-A-2.
2. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records, and the Department of Safety and Permits.
3. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable) and tax certificates for the petitioned site.
4. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final resubdivision survey in dwg., dxf, or ESRI compatible file format.

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

NAYS: None

ABSENT: Duplessis, Hughes

SUBDIVISION DOCKET 024-15 – Request by BADINE LAND, LTD. to resubdivide former Clay Street and Lots X, 3 through 10, Pt. 11 and Pt. 12 into Lots C1, C2 and C3, Square 3B, in the Second Municipal District, bounded by the Mississippi River, Iberville, Bienville and North Peters Streets. The municipal address is 111 IBERVILLE STREETS. (PD 1B)

Proposal: Re-Subdivision of the former Clay Street and Lots X, 3 through 10, Pt. 11 and Pt. 12 on Square 3A into Lots C1, C2, and C3 on Square 3B.

Location: Second Municipal District, bounded by Iberville Street, North Peters Street, Bienville Street, and the Mississippi River. All lots comprising the site are located

within the Vieux Carré Historic District. The municipal address is 111 Iberville Street. (PD 1B)

Zoning: VCS-1 Vieux Carré Service District

Current

Land Use: The re-subdivision includes the former Clay Street and Lots X, 3 through 10, Pt. 11 and Pt. 12 located on Square 3A between Iberville Street, North Peters Street, Bienville Street, and the Mississippi River on the edge of the Vieux Carré.

Existing Lot X is a parallelogram-shaped lot with 120.18 feet of frontage on Iberville Street, measuring 53.12 feet along the property line abutting the former Clay Street, 52.98 feet along the Mississippi River-side of the property, and 120.22 feet along the Bienville Street-side property line. The lot has an area of 6,126.80 square feet. Lot X is developed with 111 Iberville Street, a seven-story, 43,842 square foot masonry structure which covers virtually the entire lot. The structure is currently vacant; however it was last used as an office, according to the applicant.

The former Clay Street and Lots 3 through 10 and Pts. 11 and 12 are currently being utilized as a surface-level parking lot. The former Clay Street was revoked and transferred from the City of New Orleans to Badine Land, Ltd. on July 21, 1999.⁴ The previous street is parallelogram-shaped and is located between the existing Square 3 and Square 3A. The street has 60.04 feet of frontage on Iberville Street, 60 feet of frontage on Bienville Street, and measures 308.33 feet on the North Peters Street-side of the property, and 308.48 feet on the Mississippi River-side of the property for a total area of 17,794.97 square feet.

Lots 3 through 10 are parallelogram-shaped and generally measure 25.8 feet in width and 119.10 feet in depth, although there is slight variation between the lots. Combined the lots have a total area of approximately 47,156.88 square feet.

Pts. 11 and 12 were originally approximately the same size of Lots 3 through 10, however Lot F, developed with a four-story masonry structure, occupies the corner of the former Clay Street and Bienville Street, causing Pt. 11 to have an irregular shape and Pt. 12 to have a smaller lot depth than the adjacent lots. Pt. 11 measures 25.8 feet along the Mississippi River-side of the property, 119.10 feet along the Iberville Street-side of the property, 60.76 feet along the existing four-story masonry structure, and 56.11 feet along the Bienville Street-side. Pt. 12 measures 26.2 feet along the Mississippi River-side of the property, 56.11 feet along the Iberville Street-side of the property, approximately 26.2 feet along the existing masonry structure, and 56.92 feet along the Bienville Street-side of the property. Combined the parts have a total area of approximately 5,993.93 square feet.

⁴ Revoked per Ordinance No. 19175 M.C.S

Reason for

CPC Action: The applicant is proposing to expand the existing Lot X to include existing Lot 3 and a small portion of the former Clay Street and Lot 4 to create the proposed Lot C1. The lot would be parallelogram-shaped with 149 feet of frontage along Iberville Street, and would measure 80.16 feet along the Mississippi River-side of the property, 120.18 feet along the Bienville Street-side of the property, and 80.16 feet along former Clay Street.

Proposed Lot C1 would have a lot area of 11,478.4 square feet. The applicant proposes to convert the building into an 80 room hotel with ground floor and penthouse additions. The proposal received approval from the City Council on February 5, 2015, a requirement of approval was that the applicant must resubdivide the lots forming the site into a single lot of record.⁵ At the time of the writing of this report, the exterior design of the proposal has not received approval from the Vieux Carré Commission.

The remainder of Former Clay Street will be re-designated as proposed Lot C2. The proposed lot would have 31.22 feet of frontage on Iberville Street, 60 feet of frontage along Bienville Street and a width of 308.33 feet. The lot's shape would be irregular, due to the unusual lot line between proposed Lot C1 and proposed Lot C2. Proposed Lot C2 would have a lot area of 15,574.2 square feet.

The remainder of Lots 4 through 10 and Pts. 11 and 12 would be consolidated into proposed Lot C3. The proposed lot would have 56.92 feet of frontage along Bienville Street and would measure 308.79 feet along the Mississippi River-side of the property, 120.18 feet along the Iberville Street-side of the property, and 228.33 feet along the North Peters Street side of the property. The lot would be irregularly-shaped as it excludes the existing Lot 4, which is developed with a four-story masonry building. The proposed Lot C3 would have a lot area of 23,886 square feet.

The re-subdivision would add the former Clay Street to existing Square 3A, to create proposed Square 3B, which includes all proposed lots.

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 (APRIL 28, 2015)

The City Planner summarized the request, stating the staff's recommendation for tentative approval. The applicant spoke in favor of the request.

⁵ Zoning Docket 115/14 received approval from the City Planning Commission on December 9, 2014, the City Council approved the request on February 5, 2015, subject to 13 provisos.

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

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 024/15 IS HEREBY GRANTED **TENTATIVE APPROVAL**, WITH FINAL 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, Bryan, Marshall, Mitchell, Mora, Steeg, Wedberg

NAYS: None

ABSENT: Duplessis, Hughes

DESIGN REVIEW 039-15 – Request by the SEWERAGE AND WATER BOARD OF NEW ORLEANS to appeal **Article 10, Section 10.2.11** *Special Site Design Conditions* and **Article 4, Section 4.3.7 (Table 4.C)** *Height, Area and Yard Requirements* of the Comprehensive Zoning Ordinance in an RS-2 Single Family Residential District and the Eastern New Orleans Renaissance Corridor District, on Square 2, Lot -1, in the Third Municipal District, bounded by Marywood Court, Morrison, Berg and Curran Roads. The municipal address is 11501 MORRISON ROAD. (PD 9)

Applicant: Sewerage and Water Board of New Orleans (SWBNO)

Request: This request is an after the fact appeal of the Eastern New Orleans Renaissance Corridor District **Article 10, Section 10.2.11--Special Site Design Conditions** of the Comprehensive Zoning Ordinance to omit a required landscaped area and a request for a waiver of **Article 4, Section 4.3.7 (Table 4.C) - Height, Area and Yard Requirements**, to permit a fifty (50) foot front yard and a two (2) foot side yard.

Zoning: RS-2 Single-Family Residential
ENORC -- Eastern New Orleans Renaissance Corridor District

Location: The petitioned property is located on Square 2, Lot -1, in the Third Municipal District, bounded by Morrison, Berg and Curran Roads and Marywood Court. The municipal address is 11501 Morrison Road. (PD 9)

Proposal: The petitioned site is designated Lot -1 and is a regular rectangular shaped corner lot with frontage along Morrison Road at the intersection of Berg Road. The site measures fifty (50) feet in width by one hundred (100) feet in depth with a lot area of approximately five thousand (5,000) square feet. In 2006, the applicant improved the site by constructing a new above-ground electrical panel mounted on a raised platform to replace equipment that was damaged in post-Katrina flooding. According to information submitted by the applicant's representative, the lot has been owned and operated as an underground sewer lift station since the creation of the subdivision. The lot currently contains the underground lift station equipment, the raised platform and electrical panel, an electrical access box and a valve all of which is enclosed with a chain link fence.



The applicant has requested variances for the already incorporated improvements, to permit a substandard fifty (50) foot front yard and a two (2) foot side yard to accommodate the raised platform and electrical panels⁶. The applicant is also appealing landscaping requirements in the Eastern New Orleans Renaissance Corridor District in order to retain existing concrete paving on the site. The waivers are necessitated by the location of subsurface utilities onsite and the need for an expansive vehicular use area.

CITY PLANNING COMMISSION MEETING (ARIL 14 2015)⁷

The Public Hearing Speaker sheet is attached to this report.

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

The applicant's representative spoke in support of the request.

⁶ In 2011, the Sewerage and Water Board applied for waivers for several sites for which a determination was made by the then Director of Safety and Permits that the raised platform and electrical panel are subject to setback requirements for main structures for the zoning district in which the lot is located . See attached email attached to this report.

⁷ 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 026-15.

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

MOTION

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT DESIGN REVIEW DOCKET 039/15 IS HEREBY RECOMMENDED FOR APPROVAL, SUBJECT TO THREE (3) WAIVERS. 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 4.3.7 (Table 4.C) Height, Area and Yard Requirements**, which requires a ten (10) foot side yard, to permit a two (2) foot side yard on the Marywood Court side of the property.
2. The applicant shall be granted a waiver of **Article 10, Section 10.2.11.1 Landscape Buffer**, which requires a landscape buffer of twenty (20) feet, and prohibits pavement within the front yard setback, to permit no landscaping and to allow pavement within the front yard setback.
3. The applicant shall be granted a waiver of **Article 10, Section 10.2.11.4-Required Screening**, which requires an opaque six (6) foot opaque screen along vehicular use areas, including access ways and service areas, and a continuous planting between the vehicular use areas and the abutting public right-of-way, to permit a minimum six (6) foot tall metal picket fence along the Morrison Road and Berg Road sides and a seven (7) foot tall opaque wooden fence on the Curran Street residential side property line and landscaping along the fence abutting the Morrison Road and Berg Road rights-of-way, excluding the entrance/exit gate areas, subject to review and approval of the staff of the City Planning Commission.

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

Nays: None

Absent: Duplessis, Hughes

Recused: Mitchell

REASONS FOR RECOMMENDATION

1. The proposed waivers will protect underground utilities, create a low maintenance facility, and enhance access for service vehicles for an existing lift station.
2. The location of the lift station warrants the upgrading of the fencing and landscaping to provide a minimal visual buffer from adjacent properties.

CONSIDERATION - Ratification of Actions Relative to Certified Subdivisions.

There were no actions to ratify.

Adoption of minutes of the April 14, 2015 meeting.

The minutes were received as written.

Committee Reports.

There were none.

Announcements.

There were none.