

# **CPC MINUTES**

**May 12, 2015  
Meeting**

**ZONING DOCKET 041-15** – Request by TRACY B. JEFFERSON, VALERIE B. RANDALL, CAROLYN B. REDDIEX, ET AL for a Zoning Change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business District, on Square 457, Lot A-1 or A, in the Sixth Municipal District, bounded by Edinburgh and Olive Streets, Audubon and Bloomingdale Courts. The municipal address is 6901 OLIVE STREET. (PD 4)

**Applicant:** TRACY B. JEFFERSON, VALERIE B. RANDALL AND CAROLYN B. REDDIEX, ET AL

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

**Location:** The property is located on Square 457, Lot A-1 or A, in the Sixth Municipal District, bounded by Edinburgh and Olive Streets, Audubon and Bloomingdale Courts. The municipal address is 6901 Olive Street. (PD 4)

**Description:** The petitioned site is located at the corner of Olive Street and Bloomingdale Court, approximately two (2) blocks from Earhart Blvd. and three blocks from Washington Ave. The site consists of one lot measuring twenty-three feet in width along Olive St., fourteen feet in width at the rear property line and sixty feet in depth for a total lot area of approximately one thousand one hundred and ten (1,110) sq. ft. The lot is occupied by a single story structure which frames the corner and occupies nearly the entirety of the site with a floor area of approximately one thousand sixty two (1,062) sq. ft. No off –street parking is provided.

Documentation secured by the applicant and data from the Sanborn maps indicates that the structure has been used as mixed use commercial/residential or as a commercial use historically. The use was most recently a grocery store until Hurricane Katrina. The vacant structure has since lost its legal non-conforming use status, necessitating this request for a zoning change to permit the reestablishment of a grocery store at the site. The applicant intends to initially use approximately 500 sq. ft. facing Olive St. for the grocery store.

#### **CITY PLANNING COMMISSION MEETING (May 12, 2015)**

The Planning Administrator summarized the request, stating the staff’s recommendation of approval.

No speakers were present to speak in support or in opposition of the request.

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

**Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 041-15 IS HEREBY RECOMMENDED FOR **APPROVAL**. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

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

NAYS: None

ABSENT: Hughes, Wedberg

**REASONS FOR RECOMMENDATION**

1. The request is consistent with the historic use of the property.
2. The property meets most of the criteria of the Historic Non-conforming Use Policy.
3. The request is consistent with the *Plan for the 21<sup>st</sup> Century: New Orleans 2030 Land Use Plan*.
4. The reestablishment of a small grocery store should generate a positive impact on the neighborhood.

**ZONING DOCKET 042-15** – Request by M.J. FALGOUST INC. for a Conditional Use to permit the expansion of an existing school in an RM-2A Multiple-Family Residential District, on Square 212, Lot 9 or Lot 9 and Pt. Lot C, in the Fourth Municipal District, bounded by Saint Charles Avenue, Philip, Prytania, and First Streets. The municipal addresses are 2308-2318 SAINT CHARLES AVENUE. (PD 2)

**Applicant:** M.J. Falgoust Inc.

**Request:** This is a request for a conditional use to permit the expansion of an existing school in an RM-2A Multiple-Family Residential District.

**Location:** The petitioned property is located on Square 212, Lot 9 or Lot 9 and Pt. Lot C, in the Fourth Municipal District, bounded by Saint Charles Avenue and Philip, Prytania, and First Streets. The municipal address is 2318 Saint Charles Avenue. The property is within the Saint Charles Avenue Local Historic District. (PD 2)

**Description:** The subject site is a trapezoidal property, Lot 9 or Lot 9 and Pt. Lot C, that fronts Saint Charles Avenue between Philip and First Streets in the Lower Garden District neighborhood. The property measures approximately 71 feet 5 inches wide along Saint Charles Avenue and 81 feet 7 inches wide in the rear. The

property has a depth of 144 feet 5 inches on the Philip Street side and 145 feet 10 inches on the First Street side. The property has a total area of approximately 11,030 square feet. The property is owned M.J. Falgoust Inc, but the Louise S. McGehee School has secured a long-term lease to expand their campus into the existing structures on the property, which requires a conditional use. Since the property is under separate ownership from the rest of the campus, this is a separate conditional use application and not an amendment of the existing conditional use permit that applies to the rest of the school campus.<sup>1</sup>

This conditional use request would create 8 classrooms, office space, administration space, and storage space by converting an existing two-family dwelling and an adjacent accessory structure into the proposed Mathilde Hall. These 8 classrooms would replace existing classroom elsewhere on the McGehee Campus, so there would be no net increase in the number of classrooms, the student population, or the staff at the school.<sup>2</sup>

The existing structure is an irregularly shaped building that is a contributing building in the Saint Charles Avenue Local Historic District and is subject to Historic District Landmarks Commission review.<sup>3</sup> The building is a two-story structure with a maximum width of 42 feet, depth of 96 feet, and a total area of approximately 5,500 square feet. There is no proposed increase to the footprint the structure. The applicant is proposing to increase the size of balconies to meet building codes, add a ramp to make the structure ADA accessible, and add a new rear porch. There is an adjacent two-story accessory structure that measures 22 feet 9 inches wide by 9 feet 4 inches deep that will be used for administration space and storage. There is an existing garage and carport on the rear property line which are proposed to be demolished.

## **CITY PLANNING COMMISSION MEETING (MAY 12, 2015)**

The Senior City Planner summarized the request, stating the staff's recommendation for approval. Two people spoke in favor of the request, and the applicant expressed concern about a few of the proposed provisos. The speakers at the public hearing are listed on the attached public hearing speaker sheet.

Commissioner Steeg asked if provisos 5, 12, and 13 could be modified so that the applicant could provide these amenities elsewhere on campus and not on the subject property. The staff agreed to those changes to the provisos. Commissioner Steeg made a

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<sup>1</sup> The rest of the campus is operating under a previous conditional use Ordinance No 20,106 MCS (ZD 05/01, a Conditional Use to permit a school with an increase in land area). There were two other conditional uses approved to expand the campus under ZD 53/05 and ZD 20/11. While these conditional uses were approved by City Council, the final site plans were not submitted to City Planning Commission and the conditional uses were never completed and recorded.

<sup>2</sup> As indicated in a letter from the Louise S. McGehee School that was included with the application materials.

<sup>3</sup> The applicant has not yet filed for a building permit with the Department of Safety and Permits, but has applied for a Certificate of Appropriateness from the Historic District Landmarks Commission (Permit # 14-36134-HDLC) which is currently under review by HDLC staff.

motion to adopt the staff's recommendation subject to the modifications, which was seconded by Commissioner Marshall. The motion was adopted unanimously.

### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 042/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO FIVE (5) WAIVER AND FOURTEEN (14) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

### *Waivers*

1. The applicant shall be granted a waiver of **Article 11, Section 11.37.1(a) - Schools, Public/Private Elementary Schools** of the Comprehensive Zoning Ordinance, which requires a minimum lot area of two (2) acres to allow a lot area of eleven thousand thirty (11,030) square feet.
2. The applicant shall be granted waivers of **Article 11, Section 11.37.1(b) - Schools, Public/Private Elementary Schools** of the Comprehensive Zoning Ordinance, which requires a twenty-five (25) foot front yard and fifty (50) foot side and rear yards to allow for front yard setback of nineteen (19) feet and side yard setbacks of two (2) feet and thirty (30) feet and a rear yard setback of twelve (12) feet.
3. The applicant shall be granted a waiver of **Article 4, Section 4.10.7., Table 4.J – Minimum Lot Width (Nonresidential)** of the Comprehensive Zoning Ordinance, which requires a minimum lot width of 100 feet to allow for a lot width of 71 feet 5 inches.
4. The applicant shall be granted a waiver of **Article 15, Section 15.2.1., Table 15.A** of the Comprehensive Zoning Ordinance, which requires eight (8) off-street parking spaces for the expanded school facility, to allow zero (0) off-street parking spaces to be provided.
5. The applicant shall be granted a waiver of **Article 15, Section 15.3.1., Table 15.G** of the Comprehensive Zoning Ordinance, which requires one (1) off-street loading spaces for the expanded school facility, to allow zero (0) off-street parking spaces to be provided.

### *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 resubdivide all lots within the petitioned site into one lot of record prior to the issuance of the Certificate of Use and Occupancy or demonstrate that the parcel has been already resubdivided into one lot of record.
3. The applicant shall submit an overall campus plan to City Planning Commission staff for review indicating the location of all on campus parking, detailed uses and capacities of all buildings, circulation paths on to and through the campus and the location of trash storage.
4. The applicant shall submit a revised site plan and a landscape plan prepared by a licensed Louisiana landscape architect to the staff of the City Planning Commission for review and approval. The landscape plan shall indicate the genus, species, size, location, quantity, and irrigation of all existing and proposed plant materials within the site with applicable remarks and details.
5. The trash disposal/storage area shall be indicated on the campus site plan and enclosed with an opaque fence with a minimum height of six (6) feet.
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 owner/operator of the development shall be included in this letter to be kept on file in case of any violation.
7. Any proposed exterior signage shall be subject to **Article 4, Section 4.10.6 Permitted Signs** of the Comprehensive Zoning Ordinance.
8. The applicant shall secure the approval of the Department of Public Works for the installation/restoration of all public sidewalks, curbs, and curb cuts adjacent to the site, if required.
9. The applicant shall submit to the City Planning Commission a traffic circulation plan for the entire campus during drop-off and pick-up times.
10. The applicant shall indicate on the site plan that the garage and carport are proposed to be demolished. Any demolitions require the approval of the Historic District Landmarks Commission.
11. The applicant shall indicate the location of off-street parking if any parking spaces are proposed.

12. The applicant shall indicate the installation of a minimum of four (4) bicycle parking spaces on the campus plan submitted to the review of the City Planning Commission staff.
13. The applicant shall revise the campus plan to show the location of one (1) off-street loading space that meets **Article 15, Section 15.3.4. Design Standards.**
14. The applicant shall secure the approval of the Historic District Landmarks Commission for the exterior design of all structures on the site, prior to the final approval of the development plan by the staff of the City Planning Commission.

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

NAYS: None

ABSENT: Hughes, Wedberg

#### **REASONS FOR RECOMMENDATION**

1. The proposed school expansion will not result in an increase in the number of classrooms, students, and staff and will have minimal impacts on the surround area.
2. The proposal is consistent with the *Plan for the 21<sup>st</sup> Century*.

**ZONING DOCKET 043-15** – Request by ST. GEORGE’S EPISCOPAL SCHOOL for an Amendment to Ordinance No. 17,393 M.C.S. (Zoning Docket 001/96, which granted a Conditional Use to permit the expansion of an existing school) to permit the expansion of an existing school in an RD-2 Two-Family Residential District and a B-1A Neighborhood Business District, on Square 229, Lots 7-X, 5, 6, and 11 or C, in the Sixth Municipal District, bounded by General Pershing, Camp, Milan and Magazine Streets. The municipal addresses are 917-939 GENERAL PERSHING STREET AND 4220 CAMP STREET. (PD 2)

**Applicant:** St. George’s Episcopal School

**Request:** This is a request for an amendment to Ordinance No. 17,393 M.C.S. (Zoning Docket 001/96, which granted a Conditional Use to permit the expansion of an existing school) to permit the expansion of an existing school in an RD-2 Two-Family Residential District and a B-1A Neighborhood Business District.

**Location:** The petitioned property is located on Square 229, Lots 7-X, 5, 6, and 11 or C, in the Sixth Municipal District, bounded by General Pershing, Camp, Milan, and Magazine Streets. The municipal addresses are 917 - 939 General Pershing Street and 4220 Camp Street. (PD 2)

**Description:** The site of the proposed expansion of the existing school is comprised of Lot 7-X and 5. Lot 7-X is a square-shaped corner lot with frontages on Camp and General Pershing Streets. This lot measures 120 feet on all sides, and contains a total of 14,400 square feet. Lot 7-X is developed with St. George's Boh Early Childhood Care Center. Lot 5 is a rectangular interior lot that measure 30 feet in width, 120 feet in depth, and contains a total of 3,600 square feet in area. This lot is currently developed with a one-story shotgun double that was recently purchased by St. George's in 2013. The applicant is currently proposing to move the existing residence off-site to another lot in order to construct the proposed addition to the school.

In 1996, the City Council granted the property a conditional use under Ordinance No. 17,393 MCS (Zoning Docket 001/96) to permit the expansion of its facilities. This expansion included an increase to the total classroom, administrative, and play space by expanding into two existing building and demolishing a third building. St. George's currently has 370 students, 58 faculty members, and 50 classrooms.

The proposed expansion of the school involves the construction of a 10,000 square foot addition that will front on General Pershing Street where the two-family dwelling is currently located. The proposed expansion would increase the student body by 45 students, faculty members by 6, and would add 3 classrooms.

#### **CITY PLANNING COMMISSION MEETING (May 12, 2015)**

The Principal City Planner summarized the request and recommendation.

The applicant and two people spoke in favor of the request. The applicant discussed the desire to remove one of the buildings on the project site instead of demolishing it. He then spoke about the challenges this would present given the utility pole in front of the building, and because of the narrow width of the General Pershing Street right-of-way. Commissioner Mora asked if the Commission could recommend a proviso that would require the deconstruction of the home so its architectural features and building materials could be salvaged. The Executive Director responded that the request to demolish this structure would need to be reviewed by the Neighborhood Conservation District Committee, which could require the deconstruction of the building.

A representative from the Touro Bouligny Neighborhood Association then commented on the neighborhood organization's initial concerns with parking and the design of the new building. She stated that the applicant's willingness to work with the neighborhood has alleviated both concerns.

No one spoke in opposition.

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



Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 043/15 IS HEREBY RECOMMENDED FOR **APPROVAL** SUBJECT TO TWO (2) WAIVERS AND FIFTEEN (15) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

*Waivers*

1. The developer shall be granted a waiver of Article 11, Section 11.37.1(b) - *Schools, Public/Private Elementary Schools* of the Comprehensive Zoning Ordinance, which requires a minimum setback of twenty-five (25) feet from the abutting street right-of-way to allow a front yard setback of zero (0) feet.
2. The applicant shall be granted a waiver of Article 15, Section 15.2.1 and Table 15.A of the Comprehensive Zoning Ordinance, which requires three (3) off-street parking spaces for the new school facility, to allow zero (0) off-street parking spaces to be provided.

*Provisos*

1. The applicant shall be required to mark a six (6) foot wide area across General Pershing Street as a "school crossing zone", establish a "no parking zone" along the Camp Street drop off area, and extend the existing school zones in accordance with the regulations of the Department of Streets;
2. The applicant shall provide adequate staff to direct the traffic flow both at pick up and drop off times.
3. Should applicant acquire the adjacent vacant lot on Camp Street, trees shall be planted along the Milan Street lot line, as per City Planning Commission staff recommendations;
4. Large shade trees. 3 1/2 inch calipers, shall be planted within the play area, as per City Planning Commission staff recommendations;
5. The replacement of the existing trees and the planting of new trees within the public right-of-way on Camp and General Pershing Streets shall be subject to the approval of the Parkway and Park Commission;
6. A minimum six (6) foot high opaque fence shall be provided along each property line that abuts a residential use, unless there is an agreement among the owners which excludes fencing;

7. The trash disposal area shall be indicated on the plans. The area shall be screened from view and the trash cans/dumpster shall be placed within the public right-of-way on pick up days only;
8. 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.
9. The applicant shall consolidate school property within Square 229 into a single lot of record. The subdivision shall be completed and recorded in the Office of Conveyances prior to the issuance of a Certificate of Occupancy for the project.
10. The applicant shall plant street trees within the General Pershing Street right-of-way to maintain the continuity of tree planting along the block face. The type, size and location of trees shall be subject to review and approval by the Department of Parks and Parkways.
11. Any new trash disposal/storage area shall be indicated on the site plan and enclosed with an opaque fence with a minimum height of six (6) feet.
12. The applicant shall provide to the City Planning Commission staff a litter abatement program letter, approved by the Department of Sanitation, inclusive of the location of trash storage, the type and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.
13. Any proposed exterior signage shall be subject to Article 4, Section 4.5.6 *Permitted Signs* of the Comprehensive Zoning Ordinance.
14. The applicant shall restore the curb in front of the site and repair or reconstruct the sidewalk adjacent to the site, subject to the review and approval of the Department of Public Works.
15. 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.

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

NAYS: None

ABSENT: Hughes, Wedberg

## REASONS FOR RECOMMENDATION

1. The proposed renovation is to accommodate the expansion of Saint George's Episcopal School in order to expand its Early Childhood Care Center. The expansion is relatively small and is not expected to be detrimental to the surrounding neighborhood.
2. Any increase in the levels of traffic in the area is expected to be controlled by school staff that currently directs traffic during peak drop-off and pick-up hours. The slight increase in parking demand will be managed by the school.
3. The request is consistent with the *Plan for the 21<sup>st</sup> Century* because the proposed addition is designed to complement the surrounding neighborhood and the use is consistent with the Residential Low Density Pre-War Future Land Use category.

**ZONING DOCKET 045-15** – Request by BROTHERS NEWTON, LLC for a Conditional Use to permit an auto service center in a B-1 Neighborhood Business District, on Square 173, Lots 1-4 or 12-15, in the Fifth Municipal District, bounded by L.B. Landry Avenue, Newton, Le Boeuf, and Diana Streets. The municipal address is 1531 NEWTON STREET. (PD 12)

**Applicant:** BROTHERS NEWTON, LLC

**Request:** This is a request for a Conditional Use to permit an automobile service center in an existing structure in a B-1 Neighborhood Business District.

**Location:** The petitioned property is located on Square 173, Lots 1-4 or 12-15, in the Fifth Municipal District, bounded by L.B. Landry Avenue and Newton, Le Boeuf, and Diana Streets. The municipal address is 1531 Newton Street. (PD 12)

**Description:** The petitioned property is a rectangular parcel consisting of four lots measuring one hundred seventy-five (175) feet in width by approximately one hundred sixteen (116) feet in depth, for a total area of 20,300 square feet (0.47 acre). The property is occupied by a one story structure constructed with a combination of masonry and metal materials with a total floor area of approximately two thousand, four hundred (2,400) square feet. Two (2) standard parking spaces and one (1) handicapped parking space are shown on the site plan along with two (2) existing non-functional gas pump islands. The applicant proposes to use the existing structure, formerly an auto service center, to establish a new auto service center.

## CITY PLANNING COMMISSION MEETING (MAY 12, 2015)

The Senior City Planner summarized the request, stating the staff's recommendation for approval. A representative for the applicant spoke in favor of the request, and the applicant expressed concern about the proviso requiring the site be resubdivided. One person spoke in opposition to the request. The person objecting was concerned about jobs being offered to neighborhood residents. The applicant's representative stated that he would be speaking to the owner about the concerns. The speakers at the public hearing are listed on the attached public hearing speaker sheet.

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

### **Motion**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 045/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO ONE (1) WAIVER AND THIRTEEN (13) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

### *Waiver*

1. The applicant shall be granted a waiver of **Article 15, Section 15.2.3(4) – Parking in the Front Yards**, of the Comprehensive Zoning Ordinance, which requires parking in the front yard area to be covered and completely enclosed with walls and a landscaped roof, to permit front yard parking without an enclosure and landscaped roof.

### *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 resubdivide all lots into a single lot of record. The resubdivision shall be finalized prior to the issuance of a Certificate of Use and Occupancy by the Department of Safety and Permits.
3. The applicant shall adhere to all operational standards in accordance with in **Article 11, Section 11.3** and **Article 2, Section 2.2.12** of the Comprehensive Zoning Ordinance.

4. The applicant shall install a minimum six (6) foot opaque masonry or wooden fence along the site's rear and interior property lines, subject to review and approval of the City Planning Commission staff. At no time shall chain link fencing be permitted.
5. The applicant shall remove the existing concrete islands and posts, currently located in the front yard area in front of the existing structure.
6. The applicant shall submit a landscape plan prepared by a licensed Louisiana landscape architect indicating the following:
  - a. The landscaping of the front yard and installation of landscaping strips along the rear and LB Landry Avenue side of the site, with a combination of trees, shrubs, and/or groundcover. Street trees shall be planted within the Newton Street and LB Landry right-of-way in sections not used for vehicular access. The landscaping plan shall be submitted for review and approval by the staff of the City Planning Commission and the Department of Parks and Parkways for trees proposed within the public right-of-way.
  - b. The genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the site and the street rights-of-way adjacent to the site, with applicable remarks, size of planting areas, and details, subject to review and approval of the staff of the City Planning Commission and the Department of Parks and Parkways for trees proposed with the public right-of-way.
7. The applicant shall provide a continuous landscape hedge at a minimum height of thirty (30) inches along the perimeter of all vehicular use areas adjacent to the public right-of-way. Alternatively, masonry wall, metal fence and a hedge, or any combination thereof meeting the same height requirements may be substituted.
8. The applicant shall revise the site plans to indicate the location of the dumpster/trash area. Should the applicant provide a dumpster/trash area on the exterior of the site, the dumpster/trash area shall be enclosed with an opaque fence reaching a minimum of six (6) feet in height and inclusive of a gate latch. Except for pick-up times, the dumpster and/or trash bins must remain in the designated trash area.
9. The applicant shall provide to the City Planning Commission a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.
10. The lighting of the parking lot and outdoor entry areas shall be directed in such a way as to reduce glare on nearby properties. In addition, all light poles and wall-mounted

fixtures should be designed with fully shielded luminaries and should not exceed twenty-five (25) feet in height.

11. All signage shall comply with **Article 5, Section 5.4.6** *Permitted Signs* of the Comprehensive Zoning Ordinance.
12. The applicant shall secure the approval of the Department of Public Works for any new curb cuts along Newton Street and LB Landry Avenue. Any unused existing curb cuts shall be restored with curbs and the extension of a landscape strip along the sidewalk.
13. The applicant shall submit a revised site plan indicating the required off-street parking spaces that is in accordance with **Article 11, Section 11.3.a** – *Automobile Service Center*, of the Comprehensive Zoning Ordinance.

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

NAYS: None

ABSENT: Hughes, Wedberg

#### **REASONS FOR RECOMMENDATION**

1. The proposed automobile service center would be an appropriate use within the B-1 Neighborhood Business District along this segment of Newton Street at the intersection of LB Landry Avenue.
2. The request is consistent with the *Plan for the 21<sup>st</sup> Century's* Mixed-Use Low Density future land use category.
3. Improvements and site enhancements required through the suggested provisos will improve the conditions of the existing vacant site.

**SUBDIVISION DOCKET 029-15** – Request by CHARLES RUTLEDGE, JR. AND JONATHAN TATE to resubdivide Lots G and C-2 into Lots G1 and C2A, on Square 514, Delachaise, in the Sixth Municipal District, bounded by S. Saratoga, Amelia, Loyola and Foucher Streets. The municipal addresses are 3609-3613 SOUTH SARATOGA STREET. (PD 3)

**Proposal:** Subdivision of Lots G and C-2 into Lots G1 and C2A.

**Location:** Square 514, Delachaise, Sixth Municipal District, bounded by S. Saratoga, Amelia, Loyola and Foucher Streets. Municipal addresses are 3609 -3613 S. Saratoga Street. (PD 3)

**Zoning:** RD-2 Two-Family Residential District

**Current Land Use:** Lot G – Vacant Land (recently demolished single family home)  
Lot C-2 – Vacant Land (lot vacant since 2004)

**Lot size**

**Required:** All lots are zoned RD-2 Two-Family Residential District which, according to **Article 4, Section 4.5.7 Height, Area and Yard Requirements (Table 4.E)** of the Comprehensive Zoning Ordinance requires a minimum lot width of 50 feet for residential doubles, 40 feet for singles; minimum lot depth of 90 feet, and minimum lot area of 5,000 square feet for doubles, and 4,400 for singles.

**Existing**

**Lots:** **Lot G** measures 17'-6" to 19' in width, 75'-4" in depth, and has an area of approximately 1,372 square feet.

**Lot C-2** measures 30'-1 in width, 75'-4" in depth, and has an area of approximately 2,332 square feet.

Both lots front on S. Saratoga Street.

**Proposed**

**Lots:** **Lot C2A** would measure 24'-7" in width, 75'-4" in depth, and will contain an area of 1,852 square feet. The width of the existing Lot C-2 will be reduced by approximately 5.5 feet and its area by 480 square feet. This reduction in lot width will increase the degree of non-compliance for this already substandard lot in terms of lot width and lot area. These reductions will require variances from the Board of Zoning Adjustments (BZA) to allow the creation of the lot.

**Lot G1** would measure 24'-7" in width, 75'-4" in depth, and will contain an area of 1,852 square feet. The width of the existing Lot G will be increased by approximately 4.7 feet and its area by 480 square feet. This increase in lot width will decrease the degree of non-compliance for this substandard lot in terms of lot width and lot area. Because the extent of non-conformances will be decreased, no variances from the Board of Zoning Adjustments (BZA) will be required to create this lot. However, given the small size of Lot G1, future redevelopment of the lot will most likely require granting of the variances for off-street parking, rear yard setback and/or minimum Open Space Ratio (OSR).

**CITY PLANNING COMMISSION MEETING (MAY 12, 2015)<sup>4</sup>**

The Planning Administrator read a summary of the report. Commissioner Marshall made a motion for **tentative approval**, which was seconded by Commissioner Bryan and adopted subject to four (4) provisos.

**MOTION:**

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<sup>4</sup> The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for SD 029/15.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 029/15 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 and lot width for the proposed Lot C2A. Alternatively, the applicant can apply and secure variances for insufficient lot area and lot width for G1 and Lot C2A if they are to be developed in a form of a party-wall double.
2. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records, and the Department of Safety and Permits.
3. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable) and tax certificates for the petitioned site.
4. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final resubdivision survey in dwg., dxf, or ESRI compatible file format.

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

Nays: None

Absent: Hughes, Wedberg

**SUBDIVISION DOCKET 031-15** – Request by WININGDER ENTERPRISES, LLC to resubdivide Lots 6, 7, H, E, K, L and N into Lot 7A, on Square 149, in the First Municipal District, bounded by Magazine, Richard, Felicity, Camp and Orange Streets. The municipal addresses are 1559, 1569, 1571, 1581 and 1585 MAGAZINE STREET. (PD 2)

**Proposal:** Resubdivision of Lots 6, 7, H, E, K, L, & N into Lot 7A.

**Location:** The site is located on Square 149, in the First Municipal District, bounded by Magazine, Richard, Felicity, Camp, and Orange Streets. The municipal addresses are 1559, 1569, 1571, 1581, and 1585 Magazine Street. (PD 2)

**Zoning:** B-1A Neighborhood Business District

**Current**

**Land Use:** The site is currently vacant.



**Proposed**

**Use:** The site is proposed to be a mixed-use structure with ground floor retail and multiple-family residential above.

**Required:** The subject site consists of seven lots that form a rectangular shaped development site that has frontages on Magazine and Richard Streets, with a slight corner cut-out along Felicity Street. The site has 217.7.3 feet<sup>5</sup> of frontage on Magazine Street, 110.6.3 feet of frontage on Richard Street, 13.4.4 feet of frontage on Felicity Street, 210.6.2 feet of frontage on a rear alley on the Camp Street side of the property, and 121.10.5 feet along the Orange Street side. The total area for the site is approximately 26,482 square feet.

This is a request to resubdivide seven lots into a single lot. All of the seven lots are rectangular in shape and all vary in size. All of the lots except for one face Magazine Street.<sup>6</sup> All of the subject lots are located in a B-1A Neighborhood Business District and the Lower Garden District Local Historic District.

The applicant proposes to create a four story mixed-use structure with retail and multiple-family residences. According the plans filed with the Historic District Landmarks Commission,<sup>7</sup> the structure will have 4,100 square feet of retail, 36 residential units, and 54 off-street parking spaces. On the ground floor, the applicant proposes the retail and off-street parking. On the second floor, there are 8 residential units and common space. On the third and fourth floors, there are 14 units each. The total building height is 45 feet and the total square footage including common areas is approximately 52,000 square feet. The project is currently under review by the Historic District Landmarks Commission, so these figures are subject to change.<sup>8</sup>

For corner lot properties, like the subject property, the subdivision regulations consider the side with the lesser dimension to be the lot front. The proposed resubdivision would reverse the lot frontage, as the current lots front Magazine Street and the proposed combined lot would now front Richard Street. **Article 5, Section 5.1.8 Reversal of Lot Frontage** of the *New Orleans Subdivision Regulations* states that “the Planning Commission will look with disfavor upon proposals for reversal of lot frontages that will result in:

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

unless the existing lot pattern within 500 feet on both sides of the proposed subdivision on each affected street contains development on which 50% or more

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<sup>5</sup> Measures are shown in feet.inches.lines, with 12 inches per foot and 8 lines per inch.

<sup>6</sup> Lot N only fronts the common alley to the rear of the development site.

<sup>7</sup> The permit numbers are 15-08872-NEWC and 15-08872-HDLC.

<sup>8</sup> The proposed mixed use building is scheduled to go before the HDLC Architectural Review Committee on April 28, 2015.

lots have similar frontages. Reversal of lot frontages, which will result in placing lot frontages on Major Streets, will be generally acceptable, unless such reversals result in hardship to owners of the adjoining properties.”

### **CITY PLANNING COMMISSION MEETING (MAY 12, 2015)**

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

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

#### **Motion:**

**BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 031/15 IS HEREBY GRANTED TENTATIVE APPROVAL, WITH FINAL APPROVAL SUBJECT TO FOUR (4) PROVISOS:**

#### *Provisos*

1. The applicant shall comply with any requirements deemed necessary by Department of Property Management’s Division of Real Estate and Records, the Department of Public Works, the Department of Safety and Permits, the Historic District Landmarks Commission, the Sewerage and Water Board, and Entergy.
2. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable), and tax certificates for the site.
3. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final subdivision survey in dwg., dxf, or ESRI compatible file format.
4. The applicant shall add the dimension for Lot 7 (27.5.4) on Magazine Street as required by the Division of Real Estate and Records.

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

NAYS: None

ABSENT: Hughes, Wedberg

#### **REASONS FOR ACTION**

1. The proposed subdivision is consistent with the Comprehensive Zoning Ordinance and the *Plan for the 21<sup>st</sup> Century: New Orleans 2030*.

2. While the proposed subdivision will result in a reversal of lot frontages, it does result in a situation where the City Planning Commission should look with disfavor upon the proposal.
3. For all practical matters the building will continue to front Magazine Street as its main entrances will be located there.

**SUBDIVISION DOCKET 038-15** – Request by CCW PROPERTIES LLC to resubdivide Lots 13, 23, 24, 25, 26, 27 and 28 into Lot X, on Square 21, in the Fourth Municipal District, bounded by Tchoupitoulas, Seventh, St. Thomas and Eighth Streets. The municipal address is 3033 TCHOUPITOULAS STREET. (PD 2)

**Proposal:** Re-subdivision of Lots 13, 23, 24, 25, 26, 27, and 28 into Lot X

**Location:** Fourth Municipal District, bounded by Tchoupitoulas, Seventh, Saint Thomas, and Eighth Streets. The municipal address is 3033 Tchoupitoulas Street. (PD 2)

**Zoning:** LI Light Industrial

**Current**

**Land Use:** The petitioned site consists of seven lots that form an irregularly shaped development site that is 31,642.2 square feet in area, and has frontages on Tchoupitoulas, Eighth, and Saint Thomas Streets. The site's frontage on Tchoupitoulas Street measures 52 feet, 1 inch and its frontage on Saint Thomas Street is 127 feet, 2 inches. The site has 308 feet, 11 inches of frontage along Eighth Street. The site is currently developed with a concrete-block building and attached warehouse that face Tchoupitoulas Street, and a parking area closest to Saint Thomas Street.

**Proposed**

**Use:** This is a request to subdivide seven lots into a single lot. Lots 23, 24, 25, 26, 27, and 28 currently face Eighth Street, and Lot 13 faces Tchoupitoulas Street. All of the subject lots are zoned LI Light Industrial.

The applicant is proposing to renovate a vacant concrete-block building and add an addition that extends the first and second floors into a portion of the attached warehouse. The proposed use for this space is a bar/tap room for NOLA Brewery which occupies the warehouse structures on the adjacent site on Tchoupitoulas. Plans show that the renovated first floor space will be expanded from 1,803 square feet to 2,702 square feet.<sup>9</sup> The first floor will house the kitchen, walk-in cooler, and a bar and tap room. The second floor mezzanine currently measures 574 square feet and will be part of the second floor renovation which will include a 1,360 square foot addition and 1,027 square foot roof deck. This second floor space will also contain a bar and tap room with roof-deck seating. Twenty-eight parking spaces are proposed in the rear of the site, mostly along the Eighth Street

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<sup>9</sup> This proposal has been reviewed by the Historic Districts Landmarks Commission and plans were approved on December 10, 2014

frontage with another parking aisle in the interior of the site. The off-street parking spaces are currently fenced-in with a sliding gate and trees surrounding the side and rear of the property. One off-street loading space and a new dumpster and enclosure are also proposed for the site.

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

The proposed lot would also result in the reversal of lot frontages for Lots 23 through 28 from Eighth Street to Tchoupitoulas and Saint Thomas Streets. **Article 5, 5.1.8 Reversal of Lot Frontage** of the *New Orleans Subdivision Regulations* states that the Planning Commission will look with disfavor upon proposal(s) for reversal of lot frontages that will result in:

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

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

#### **CITY PLANNING COMMISSION MEETING (May 12, 2015)**

The Principal City Planner summarized the request and recommendation.

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

#### **Motion:**

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 038/15 IS HEREBY GRANTED **TENTATIVE APPROVAL**, WITH FINAL APPROVAL SUBJECT TO THREE (3) PROVISOS:

*Provisos*

1. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records, the Historic District Landmarks Commission and the Department of Safety and Permits.
2. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable) and tax certificates for the site.
3. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final subdivision survey in dwg., dxf, or ESRI compatible file format.

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

NAYS: None

ABSENT: Hughes, Wedberg

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

There were no actions to ratify.

**Adoption of minutes of the April 28, 2015 meeting.**

The minutes were received as written.

**Committee Reports.**

There were none.

**Announcements.**

The Executive Director introduced recently hired planners to the Commission.