

**PLANNING DISTRICT 4 FUTURE LAND USE MAP AMENDMENT REQUESTS
STAFF REPORT RECONSIDERATION**

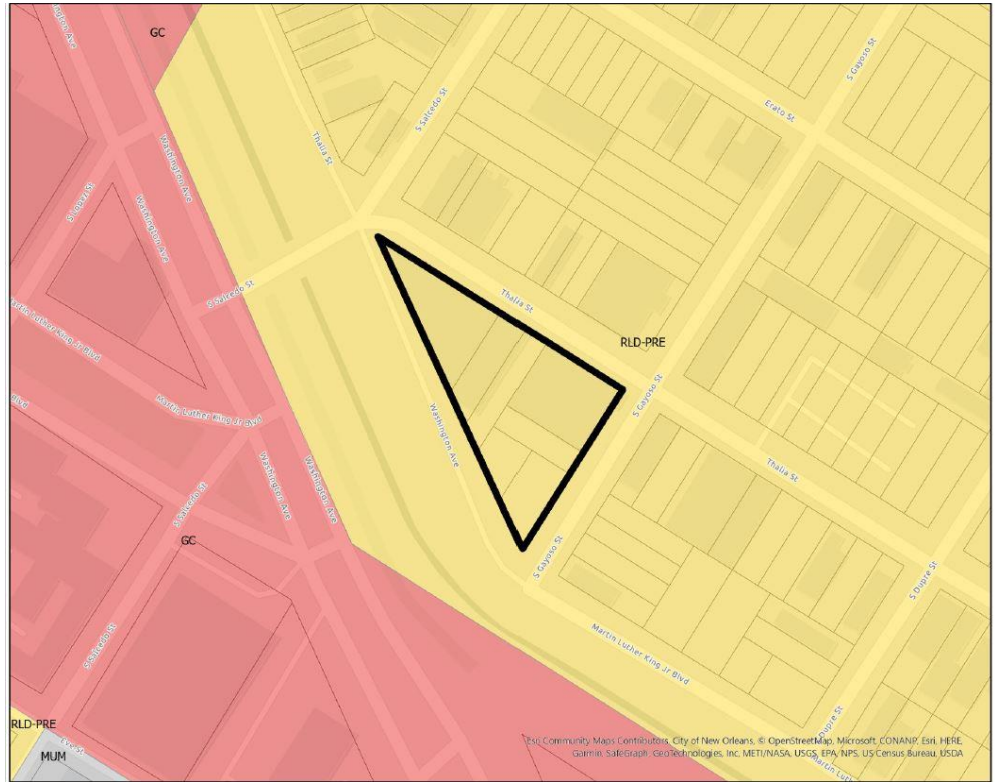
Reconsideration: Planning District 4, item 6 (PD04-6)

Applicant: Council District B

Request: *To change the FLUM designation from RLD-PRE Residential Low Density Pre-War to IND Industrial*

Location: The petitioned site encompasses all of Square 507 located in the First Municipal District in the Broadmoor neighborhood. The square is bounded by Thalia Street, S. Gayoso Street and Washington Avenue.

FLUM Map:



Current Zoning: HU-RD2 Historic Urban Two-Family Residential District

Current Land Use: The land uses on this square include outdoor storage of recyclable material, indoor processing, and warehousing.

Purpose: The applicant stated the request comes from the fact that the landowners and tenants on Square 507 plead relief from the current zoning of HU-RD2, as the buildings have historically been used for industrial purposes.

Staff Analysis:

Site Description & Land Use: The subject site is triangular in shape and encompasses seven parcels with approximately 29,687.83 combined square feet of property. The site is bounded by South Gayoso Street, Thalia Street, South Salcedo Street, and Washington Avenue in the Broadmoor neighborhood and is zoned HU-RD2 Two-Family Residential District. Prior to the Comprehensive Zoning Change in 2015, the parcels included in this petitioned site had been zoned LI Light industrial and have been, and are all currently still used as warehousing or industrial purposes.



Figures 1. & 2. Subject Site

Surrounding Land Use Trends: The proposed site is directly adjacent to an open-air canal that is used to push water from the neighborhood to Lake Pontchartrain via the Melpomene Pumping station located four blocks south on South Broad Street. The eastern part of the proposed site is part of a small area that is approximately four blocks by three blocks which is all zoned HU-R2 Historic Urban Two-Family Residential.

The surrounding zoning districts are along major thoroughfares including Earhart Boulevard and South Broad Street. These areas are mostly zoned C2 Auto-Oriented Commercial District, C-1 General Commercial District, MU-1 Medium Intensity Mixed-Use District, and LI Light Industrial District. The land use patterns in these areas accommodate businesses that are mostly used for warehousing, small to medium sized box retail, construction, and manufacturing.

Surrounding FLUM Designations: The areas around the subject site are designated primarily as GC General Commercial, MUM Mixed-Use Medium Density, and IND Industrial.

The GC General Commercial FLUM designation restricts zoning to just commercial zoning districts, which only allows for the conditional approval of residences above the ground floor of buildings. The other zoning districts in the GC FLUM designation accommodate land uses that are more auto-centric. The IND Industrial FLUM designation similarly restricts the type

of zoning to just light, heavy, maritime, or business-industrial park districts, and does not allow for any new residential zoning districts.

The nearby MUM Mixed-Use Medium Density FLUM designation allows for a wider range of zoning districts, including two- and multi-family residential districts, but is more focused on a compact urban environment where people can easily walk or take transit to access retail or jobs.

Impacts: The subject area has historically been zoned LI Light Industrial and re-zoned to the HU-RD2 Historic Urban Two-Family Residential District as part of the comprehensive re-zoning of the entire city in 2015. The surrounding nearby blocks consists of a primarily single- and two-family development pattern, which is compatible with the HU-RD2 zoning district. While the zoning district and the current FLUM designation on the petitioned site are compatible with one another, they are not compatible with the historic and existing land-use on the petitioned site, creating a situation where the existing land-use is legally non-conforming, but subject parcels have historically been used for industrial purposes.

Changing the FLUM designation to IND Industrial would grant the existing business the at-right opportunity to modify or expand the structures on their properties. However, there is already a process by which the property owners can continue to operate their non-conforming industrial businesses. In a residentially zoned district, such as HU-RD2 District, the landowner can apply for expansion through a participatory process under **Article 25, Section 25.3.G.2 – EXPANSION OF CERTAIN EXISTING NONCONFORMING INDUSTRIAL USES** in the CZO. This is a more appropriate avenue than changing the FLUM and zoning district for a small set of parcels that could be used for a multitude of industrial uses in the future situated near a larger residentially zoned area.

The change in FLUM to IND would also ultimately remove the ability for these parcels to build new residences as well in the future.

Original Staff

Recommendation: **Denial** of the FLUM Designation Change to **IND Industrial**

Reasons for Recommendation:

1. The recommendation creates a non-compatible FLUM designation that could have long term negative impacts for the nearby residentially zoned area.
2. The landowners have an ability to continue to operate and expand a non-conforming industrial business at this location by applying through participatory process under **Article 25, Section 25.3.G.2 – EXPANSION**

**OF CERTAIN EXISTING NONCONFORMING INDUSTRIAL USES
in the CZO.**

CITY PLANNING COMMISSION MEETING (December 5, 2023)

The City Planning Commission hosted a meeting in the City Council Chambers of City Hall. Staff presented the case to the commission. The City Planning Commission heard public comment from Elbert Weinberger, who is one of the landowners of this subject site, and requested the Commissioners consider the original request to approve the FLUM change to Industrial. He explained that he had known when he purchased his building it was non-conforming but finds his particular area very industrial and surrounded by industrial uses. The long-standing uses of these parcels have been industrial and he feels like there is access on roads that would not impact residential neighbors. He also stated that the conditional use process of non-conforming uses is a barrier to continue to expand his land. Commissioner Stewart asked if there was a particular reason to rezone the whole triangle. Mr. Weinberger stated that the other landowner feels that the same way about the industrial use of the proposed site. MJ Sauer also spoke in dissent of staff's recommendation of denial, explaining that these parcels, despite it being in an HU-RD2 district, are warehouses. Commissioner Brown asked staff what the non-conforming process was like and asked if someone could be put out of business if they were not approved through that process. Staff stated that could be the case.

Commissioner Brown made a motion to go against the staff recommendation of denial and moved to go with the original proposal to approve the FLUM designation change to Industrial. Commissioner Steeg seconded. Commissioner Stewart further asked the staff what the Industrial FLUM district would allow if these warehouses were to be demolished in the future. Staff explained that there are three industrial zoning districts that would be applicable for this site, Light Industrial being the primary zoning district the property owners could request to change to.

Commissioner Brown made a motion for approval of PD4-06 going against the staff recommendation of denial which was seconded by Commissioner Brown. However, there was a 4-1 vote resulting in no recommendation from the board.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT PLANNING DISTRICT 4-06 IS HEREBY RECOMMENDED FOR APPROVAL OF THE REQUEST OF THE FLUM DESIGNATION CHANGE TO INDUSTRIAL.

YEAS: Alexander, Brown, Jordan, Steeg

NAYS: Stewart

ABSENT: Flick, Joshi-Gupta, Lunn, Witry

Motion Fails because it did not obtain a majority of 5 votes out of the 9 member Commission, resulting in a vote without a recommendation.

Request moves forward to City Council without a recommendation from the City Planning Commission.

What does the Council Motion ask the CPC to reconsider?

The City Council asks the City Planning Commission to consider the original request to change the FLUM designation from Residential Low Density Pre-War to Industrial as no legal majority was reached during the City Planning Commission hearing.

Have any issues been raised relative to the potential impacts of the CPC's original recommendation that may change or modify the analysis and recommendation?

This request was transmitted to the City Council without a recommendation from the City Planning Commission because it failed to receive a legal majority when it was considered at the December 5, 2023, City Planning Commission hearing.

Because there is no new information and the City Planning Commission did not have a recommendation, the logic and reasoning for staff's original recommendation remains. Staff does not support the request to change the FLUM designation for this site from Residential Low-Density Pre-War FLUM Designation to Industrial due to potential long-term negative impacts to the surrounding residentially zoned areas. Moreover, Article 25 of the Comprehensive Zoning Ordinance contemplates this situation and provides an avenue for non-conforming industrial uses to expand.

Therefore, the staff recommends denial of the reconsideration request to change the FLUM designation from Residential Low Density Pre-War to Industrial.

Recommendation: Denial of the reconsideration of FLUM Designation Change from Residential Low-Density Pre-War to Industrial.

Reasons for Recommendation:

1. The recommendation to change the FLUM to Industrial could have long term negative impacts for the nearby residentially zoned area.
2. The landowners have an ability to continue to operate and expand a non-conforming industrial business at this location by applying through participatory process under **Article 25, Section 25.3.G.2** in the CZO.

City Planning Commission Hearing (January 7, 2025)

The staff presented the case to the commission with the recommendation of denying the request to change the FLUM from Residential Low Density Pre-War to Industrial. The property owner and neighbor spoke in support of the reconsideration request and no one spoke in opposition.

Commissioner Brown made a motion to approve the reconsideration to change the FLUM to Industrial. Commissioner Johnson seconded the motion, but the motion did not pass, instead resulting in a vote of four (4) in favor and two (2) opposed.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT THE RECONSIDERATION OF PLANNING DISTRICT 4-06 IS RECOMMENDED FOR APPROVAL OF THE REQUEST OF THE FLUM DESIGNATION CHANGE TO INDUSTRIAL.

YEAS: Brown, Flick, Johnson, Witry

NAYS: Stewart, Joshi-Gupta

ABSENT: Jordan, Lunn, Steeg

Motion Fails because it did not obtain a majority of 5 votes out of the 9-member Commission, resulting in a vote without a recommendation.

Request moves forward to City Council without a recommendation from the City Planning Commission.