

MOTION
(AS CORRECTED)
NO. M-18-256

CITY HALL: June 21, 2018

BY: COUNCILMEMBERS NGUYEN, GISLESON PALMER AND MORENO

WHEREAS, there are a significant number of smaller stores in the City of New Orleans that conduct retail sales of consumer goods at a discount price, but fail to offer fresh fruits and vegetables – hereafter called small box discount stores; and

WHEREAS, the number of currently existing small box discount stores exceed twenty in the New Orleans area, with many being in close proximity to another; and

WHEREAS, a concentration of small box discount stores may negatively impact the plans of conventional grocery stores, which offer full food choices including a variety of fresh fruits and vegetables, within a community; and

WHEREAS, communities desire a greater diversity of retail shopping choices, including but not limited to conventional grocery stores, and

WHEREAS, the City Council desires to study recommendations regarding the establishment and regulation of this use, to encourage balanced development and greater diversity of retail options – including conventional grocery stores and other retail establishments that offer fresh produce; **NOW THEREFORE**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission (CPC) is hereby directed to conduct a study to appropriately classify, define and regulate “small box discount stores”, including but not limited to: recommended use-standards – including requirements to provide fresh food and limitations on the sale of alcohol, proper restrictions (spacing/block-face), and recommendations as to the appropriate zoning

districts whereby said use is to be permitted by-right, conditional, and prohibited. For purposes of this study, “small box discount stores” include businesses that have a floor area of 5,000 to 10,000 square feet, which sells at retail physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods, with the majority of items being offered for sale at lower than the typical market price, but does not: dedicate at least 15% of floor area to fresh foods and vegetables, contain a prescription pharmacy or offer for sale gasoline or diesel fuel. In the course of the study, CPC is encouraged to review similarly situated cities, like Tulsa, Oklahoma to determine appropriate standards to govern this use and any necessary restrictions to assist in curbing the proliferation of small box discount stores in New Orleans that fail to offer fresh fruits and vegetables.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct and complete the study within 150 days of the passage of this motion and conduct the public hearing within 90 days of the passage of this motion.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of conducting a public hearing and study on defining and regulating “small box discount stores” in the City of New Orleans as provided herein, the City Planning Commission and staff are directed and granted the flexibility to expand the scope of the study and make any and all legal and appropriate recommendations deemed necessary in light of study, review, and public testimony resulting from this motion.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Banks, Giarrusso, Gisleson Palmer, Moreno, Nguyen, Williams - 6

NAYS: 0

ABSENT: Brossett - 1

AND THE MOTION WAS ADOPTED.

g:\docs\cccl\council\motions\2018\motion\m-18-256 as corrected.docx

**THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY**
Lera W. Johnson
CLERK OF COUNCIL