City Planning Commission Staff Report

Executive Summary

Zoning Docket: 032/18

Applicant: City Council Motion M-17-620

Request: Request by City Council Motion No. M-17-620 for a zoning change from an HU-RM2 Historic Urban Multi-Family Residential District and a C-1 General Commercial District to an MU-2 High Intensity Mixed-Use District.

Location: 1201-1219 South Rampart Street and 1210-1218 South Saratoga Street

Summary of Proposal:

Zoning Docket 032/18 is a request for a zoning change from an HU-RM2 Historic Urban Multi-Family Residential District and a C-1 General Commercial District to an MU-2 Mixed-Use High District. The applicant proposes to rezone the subject site consisting of thirteen lots (Lots 5, X, 8, F, and R-8 through R-16). Currently the site is developed with a standard restaurant, Central City BBQ, with an outdoor seating area in a former warehouse type structure. The applicant has placed shipping containers around the outdoor space. The City Council Motion proposes to rezone the subject property to facilitate the restaurant’s expansion, which is proposed to include outdoor live entertainment. Neither the HU-RM2 Historic Urban Multi-Family Residential District nor C-1 General Commercial District allows live outdoor entertainment as a permitted or conditional use.

Documents submitted by the property owner show that the owner has recently purchased property from the Louisiana Department of Transportation and Development (LA DOTD) adjacent to the restaurant. This parcel was once intended to serve as the Dryades St. Ramp accessing the Pontchartrain Expressway. As the ramp was never constructed, it was sold to the owner of the subject property and is now considered part of the site. It has been the policy to establish boundary lines to the Future Land Use Map (FLUM) of the Master Plan by drawing the dividing line down the center of roadways to separate land use designations. In this instance, the former DOTD property was the dividing line...
between a Mixed Use High Density designation and a Residential Multifamily Pre-War designation. In accordance with Article 4, Section 4.7.D.1 of the Comprehensive Zoning Ordinance (CZO), the applicant applied for a minor map adjustment of the FLUM to include the entirety of the former DOTD parcel, which would include parts of Lots R-9, R-13, R-14, R-15, and R-16, as well as Lot 5, Lot 8, and Lot R-11 in the adjacent Mixed-Use High Density designation.

As is the process outlined in Article 4, Section 4.7.D.2 - Action on Application, of the CZO, the Executive Director reviewed the request for the minor map adjustment for the parts of lots included in the former DOTD parcels and Lot 5, Lot 8, and Lot R-11 based on the Approval Standards in Article 4.7.E of the CZO, which requires that the application meets both of the following:

1. The minor map adjustment does not constitute a substantive change in zoning or land use that would adversely affect adjacent property.

2. The minor map adjustment does not grant a less restrictive classification to a lot of sufficient size or configuration as to constitute a building site, unless the lot is separated from property within a more restrictive zoning district or land use category by a street, canal, or similar public right-of-way.

On March 6, 2018, the Executive Director considered the applicant’s request finding that the minor map change request failed to meet the requirements of Article 4, Section 4.7.E –Approval Standards of the CZO, in that the proposed amendment would constitute a substantive change in land use and would grant a less restrictive classification to a lot of sufficient size and configuration as to constitute a building site. For these reasons, the minor map change request was denied.

Therefore, the staff recommends modified approval of the request to change the zoning from an HU-RM2 Historic Urban Multi-Family Residential District and a C-1 General Commercial District to an MU-2 Mixed Use High Intensity District to change the zoning classification to an MU-2 Mixed Use High Intensity District on lots currently contained within the Mixed-Use High Density future land use designation (Lots F, 8, X, and parts of Lots R-9, R-13, R-14, R-15, and R-16) finding that the request meets most of the approval standards contained in Article 4, Section 4.2.E Approval Standards of the Comprehensive Zoning Ordinance. Also, for those lots contained within the Mixed-Use High Density future land use designation, the request is consistent with the Master Plan.

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1 A Master Plan Amendment to change the Future Land Use Map (FLUM) designation from Neighborhood Commercial to Mixed Use High Density was approved by the City Council on February 22, 2018.

2 The Executive Director’s March 6, 2018 Notice of Decision is attached to the end of this report.
The proposal to change the zoning classification from a C-1 General Commercial District to an MU-2 Mixed Use High Intensity District on Lots X, 8, and F is consistent with the Master Plan designation of General Commercial; however, the proposal to change the zoning classification from an HU-RM2 Historic Urban Multi-Family Residential District to an MU-2 Mixed Use High Intensity District on Lots 5, R-8, R-9, R-10, R-11, R-13, R-14, R-15, and R-16 is not consistent with the Master Plan.

Recommendation:

The staff recommends Modified Approval of Zoning Docket 032/18, a request for a zoning change from an HU-RM2 Historic Urban Multi-Family Residential District and a C-1 General Commercial District to an MU-2 Mixed Use High Intensity District, to change the zoning to an MU-2 Mixed Use High Intensity District only on lots located within the Mixed-Use High Density Future Land Use Map designation.

V. REASONS FOR RECOMMENDATION

1. As recommended by staff, the request meets most of the applicable approval standards found in Article 4, Section 4.2.E Approval Standards of the Comprehensive Zoning Ordinance.

2. The request, as recommended by staff, would be compliant with the Master Plan FLUMs designation of the site.
City Planning Commission Meeting
March 13, 2018

CPC Deadline: 04/28/2018
CC Deadline: 60 days from receipt
Council District: B - Cantrell

PRELIMINARY REPORT

Zoning Docket: 032/18

To: City Planning Commission

From: Robert Rivers, Executive Director
Stephen Kroll, Planning Administrator

Prepared by: Kelly Butler

Date: March 6, 2018

I. GENERAL INFORMATION

Applicant: City Council Motion M-17-620

Request: This is a request for a zoning change from an HU-RM2 Historic Urban Multi-Family Residential District and a C-1 General Commercial District to an MU-2 High Intensity Mixed-Use District.

Location: The petitioned site is located on Square 289, Lots 5, R-8, R-9, R-10, 8, R-11, R-13, R-14, R-15, R-16, X, 8, and F, in the First Municipal District, bounded by South Rampart Street, Clio Street, South Saratoga Street, and Erato Street. The municipal addresses are 1201-1219 South Rampart Street and 1210-1218 South Saratoga Street. (PD 2)

Description: The site is comprised of thirteen lots located on the corner of S. Rampart and Clio Streets in the Central City neighborhood. Each lot is irregularly shaped with varying lot widths, depths, and areas. The total area of the site would be approximately 75,675 square feet. Lot F is developed with a one-story standard restaurant that formerly operated as a seafood market. The remaining twelve lots are surrounded by shipping containers encompassing a large gravel parking lot.

Why is City Planning Commission action required?

The City Planning Commission is required to make a recommendation on all zoning map amendment requests prior to City Council action, in accordance with Article 4, Section 4.2.D.3 Action by the City Planning Commission of the Comprehensive Zoning Ordinance.
II. ANALYSIS

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

Figure 2. Map of subject site located within an HU-RM2 and C-1 District

The portion of the site containing Lots X, 8, and F and a portion of a former right-of-way previously owned by the Louisiana Department of Transportation and Development (Lot R-10 and parts of Lots R-8, R-9, R-10, R-13, R-14, R-15, R-16) frames the corner of S. Rampart and Clio Streets and is located within a C-1 General Commercial District. This C-1 District encompasses properties with frontage along Calliope St. under the Pontchartrain Expressway between S. Rampart and S. Roman Streets. Lot F, included in the proposal, contains the existing structure while Lots X, 8, and the undesignated former right-of-way contain the outside seating and parking areas.

The remaining lots, Lot 5 and R-11 and parts of Lots R-8, R-9, R-13, R-14, R-15, and R-16 included in the proposal are located within an HU-RM2 Historic Urban Residential Multifamily District that is generally bordered by S. Rampart St, Martin Luther King Boulevard, Clara St., and Clio St. A large square containing the Guste Homes and designated as an MU-1 Medium Intensity Mixed-Use District is located within the boundaries of the HU-RM2 District. This MU-1 District also contains the Martin Luther King Head Start Center. Across from the subject site on the riverside of S. Rampart St. is a large MU-2 Mixed Use High Intensity District.
B. What is the zoning and land use history of the site?

The zoning and land use history of the site are taken from maps located in CPC. The zoning history for the subject site has been industrial for the lots currently classified as a C-1 District and residential for the lots currently classified as an HU-RM1 District since zoning was first established in 1929.

Zoning:
- 1929 – “J” Industrial
- 1953 – “J” Light Industrial District
- 1970 – LI Light Industrial District (Lots X, 8, F, R-10 and parts of Lots R-8, R-9, R-13, R-14, R-15, R-16) and RM-4 for all other lots
- 2015 – LI Light Industrial District (Lots X, 8, F, R-10 and parts of Lots R-8, R-9, R-13, R-14, R-15, R-16) and RM-4 for all other lots

Land Use:
- 1929 – Commercial Building (Lot F)
- Residential – Two Family (All other lots)
- 1949 – Multiple-Family Residential (Lot F)
- Three or Four Family Residential (All other lots)
- 1999 – Residential Single and Two Family and Parkland/Recreation/Open Space

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

In the past five years, there have been requests for conditional use permits for properties within approximately five blocks of the site. The requests include two applications to allow the retail sale of packaged liquor. There was also a request to permit a parking lot for a main use within 300 feet. However, the staff does not consider any of these recent applications to be similar to or relevant to the current application, based on the specific characteristics of those applications compared to the current application.

D. What is the purpose of the rezoning?

The City Council Motion to change the zoning on the site to an MU-2 High Intensity Mixed Use District indicates that the operator of the site completed the requirements of the Neighborhood Participation Program for the zoning change proposal to allow outdoor live music. Currently, the site operates a standard restaurant with an outdoor seating area. There is a large gravel covered parking lot next to the outdoor seating area and a raised stage toward the rear of the site. Based on the motion, the staff understands that the request is to allow the restaurant to continue operating while adding outdoor live entertainment.

The petitioned site’s current zoning is designated as an C-1 District on Lots X, 8, and F and a part of Lots R-9, R-10, R-13, R-14, R-15, and R-16, and an HU-RM2 District on

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3 The 1999 Land Use Plan presented a generalized indication of land uses, and was not lot-specific.
Lots 5, R-8, and R-11, and a part of Lots R-9, R-10, R-13, R-14, R-15, and R-16. Neither the HU-RM2 District nor the C-1 District permits outdoor live entertainment as a permitted or conditional use (see Article 11, Section 11.2, Table 11-1 and Article 15, Section 15.2.A, Table 15-1, Permitted and Conditional Uses in the CZO). The requested zoning would allow residential uses and more than 50 commercial and institutional uses (Article 15, Section 15.2.A, Table 15-1, Permitted and Conditional Uses in the CZO)). Some of these commercial and institutional uses permitted by right under the requested zoning change would include indoor and outdoor amusement facilities, commercial short term rentals, micro-brewery, bars, and standard restaurants. Some of these commercial uses that would be permitted as a conditional use include a drive-through facility, gas station, retail sales of package alcohol, and retail sales of packaged alcohol.

E. What impact will the proposed zoning change have on the transportation system, if any?

Traffic

The subject site fronts S. Rampart and Clio Streets. S. Rampart Street is a two-way street with on-street parking on both sides while Clio Street is a one-lane one-way street with on-street parking on both sides. The site is two blocks west from the Pontchartrain Expressway, and Earhart Boulevard, which turns into Calliope Street at Simon Bolivar Avenue. Earhart Boulevard and Calliope Street are one-way two-lane ground level streets that traverse parallel to the expressway. Oretha Castle Haley Boulevard is two-way four-lane boulevard that runs parallel to S. Rampart Street and is situated two blocks south of the subject site. Martin Luther King Boulevard contains two-way one lane traffic traversing in north-south directions and acts as major arterial serving as a major thoroughfare.

While the commercial use of the proposed zoning district is generally similar to the current C-1 District and would generate similar levels of traffic, the zoning change would allow a range for commercial uses that would generally generate larger volumes of vehicular traffic. The potential increase in traffic congestion on the surrounding streets during commercial operating hours would vary depending on the commercial use. For example, vehicular traffic generated by a restaurant would be greater than that for an office, both of which would be permitted under the MU-2 District zoning designation. In general, the commercial uses allowed under MU-2 zoning would most likely result in increased traffic on the surrounding streets. However, this increase would likely be accommodated by Calliope Street and O.C. Haley and Martin Luther King Boulevards, which act as major street arteries.

The proposed zoning district is not similar to the portion of the site located within the residential district. Though the area is surrounded by the similar major arteries, the interior bounding streets, Clio and Erato, are narrower one-way streets with parking lanes on each side. The uses allowed in the MU-2 District are significantly more intense than the uses permitted in the HU-RM2 District and would most likely result in an increase of traffic depending on the use.
Parking

The applicant will be required to provide off-street parking in accordance with Article 22, Section 22.4.A (Table 22-1) Off-Street Vehicle and Bicycle Parking Requirements. Parking is required based on the number of residential dwelling units and the floor area and use classification of the non-residential uses. A large portion of the existing site is currently parking and vehicular use areas, so the applicant should be able to accommodate the required parking onsite. Compliance with the off-street parking requirements will be reviewed by the Department of Safety and Permits during the building permit review and/or by the City Planning Commission during any design review, planned development, or conditional use application review.

F. Can the request be considered a spot zone? Does it fall within the Historic Non-Conforming Use Policy?

The request would not be considered a spot zone. The terms “spot zone” and “spot zoning” refer to zoning changes which have the effect of singling out a lot or other relatively small tracts of land for treatment different from similar surrounding parcels. These zoning changes have the effect of granting preferential treatment to those spot zoned parcels which is not also granted to similarly-situated surrounding properties. Due to this preferential treatment, the Commission is generally not supportive of spot zoning.

In this case, the applicant is proposing to rezone the subject property from an HU-RM1 Historic Urban Multifamily Residential District and a C-1 General Commercial District. This would involve extending the large MU-2 High Intensity Mixed-Use District located across S. Rampart Street to include the subject property.

**Figure 3. Zoning Map**
As recommended by staff, this request is not considered a spot zone because it does not single out a lone small property for treatment that is different from similar surrounding properties. Rather, it would rezone a substantial amount of property – several lots that extend about a half-block in length with a history of industrial and commercial use.

G. Evaluation of approval standards

The City Planning Commission recommendation and the City Council decision on any zoning text or map amendment are matters of legislative discretion. In making their recommendation and decision, the City Planning Commission and the City Council shall consider the standards contained in Article 4, Section 4.2.E Approval Standards of the Comprehensive Zoning Ordinance. In this section, the staff evaluated the application using those standards.

The proposed amendment is compatible with the Master Plan and Future Land Use Map.

The Home Rule Charter of the City of New Orleans requires all land use actions to be consistent with the Master Plan. A land use action is consistent with the Plan for the 21st Century, commonly known as the Master Plan, if it furthers, or at least does not interfere with, the goals, policies, and is compatible with the proposed future uses, densities, and intensities designated in the Land Use Element of the Plan. Chapter 14 of the Master Plan (the Land Use Plan) designates the future land use of the petitioned site as “Residential Multifamily Pre-War”. The goal, range of uses and development character for that designation are provided below.

RESIDENTIAL MULTIFAMILY PRE-WAR

Goal: Preserve the character and scale of existing multifamily residential areas in older areas of the city and encourage new multifamily development at nodes along transit routes that can support greater densities.

Range of Uses: Multifamily residential structures allowed. Limited neighborhood-serving commercial uses on the ground floor allowed.

Development Character: Taller high-rise structures could be allowed where appropriate with design guidelines. Allow the adaptive reuse of historic non-residential structures with densities higher than the surrounding neighborhood through the planned development process. Allow higher residential densities when a project is providing significant public benefits such as longterm affordable housing. Incorporate risk reduction and adaptation strategies in the built environment.

44 The Residential Multifamily Pre-War designation applies to Lot 5 and R-11 and parts of Lot R-8, R-9, R-10, R-11, R-13, R-14, R-15, and R-16 of the subject site.
MIXED-USE HIGH DENSITY\textsuperscript{5}

Goal: Encourage compact, walkable, transit-oriented (or transit-ready) neighborhood centers with medium-to-high density multifamily residential, office, and commercial services at key, underutilized, centrally located parcels within neighborhoods and along edges.

Range of Uses: Medium- to high-density multifamily residential, office, hotel and commercial retail. Limited light industrial uses (small food manufacturers, craft and value added industry and passive warehousing and storage) may be allowed in some areas. Agricultural, stormwater management, and supporting public recreational and community facilities are allowed. Transit and transportation facilities are allowed.

Development Character: These areas will provide proper transitions to surrounding areas with lower densities/heights. Many structures will require ground-floor retail with residences or offices or both on upper floors. Allow the adaptive reuse of historic non-residential structures with densities higher than the surrounding neighborhood through the planned development process. Allow higher residential densities when a project is providing significant public benefits such as long-term affordable housing. Incorporate risk reduction and adaption strategies in the built environment.

The proposed MU-2 District map change request would be consistent with the criteria for the range of uses for the lots located within the Mixed-Use High Density designation, as the range of uses in the Mixed-Use High Density designation include commercial retail, limited light industrial, offices, and residential uses all of which are permitted in the MU-2 District. Thus, the proposed MU-2 District map change request for lots located within the Mixed-Use High Density designation would be consistent with the Master Plan.

The proposed MU-2 District would not be consistent with the Residential Multifamily Pre-War designation. The Master Plan FLUM description states that neighborhood serving commercial uses are permitted on the ground floor in the Residential Multifamily Pre-war designation. This requested zoning change, to the proposed MU-2 District, would allow new constructed buildings to have commercial use as standalone structures which by the staff’s interpretation would be in conflict with the Master Plan’s designation of the site of Residential Medium Density Pre-War. Therefore, the proposed MU-2 District map change request for lots located within the Residential Multifamily Pre-war designation would not be consistent with the Master Plan.

\textsuperscript{5} The Mixed-Use High Density designation applies to Lots F, X, and 8 and parts of Lots R-9, R-10, R-13, R-14, R-15, and R-16 of the subject site.
The proposed amendment is compatible with the place designations of this Ordinance.

As recommended by staff, this standard is met. The proposed MU-2 High Intensity Mixed-Use District is intended to encourage walkable neighborhood centers and corridors with a mix of residential and commercial uses. Development may be built vertically and located in neighborhood centers and along major arterial corridors. The lots included in the proposal that are located within the Commercial Center and Institutional Campus Districts place designation. Commercial Center and Institutional Campus Districts represent the major destination areas within the city. They contain districts that address areas of commercial concentration and institutional campuses, and range from areas that are more pedestrian in orientation to those designed to accommodate significant parking demand. The lots located within this place designation are considered compatible with the place designation.

The existing place designation for a portion of the proposal that includes lots that are located in the Historic Urban Neighborhoods place designation are not considered compatible. Historic Urban Neighborhoods are those areas of the city that were developed predominantly in the mid to late 19th century. The development pattern of Historic Urban Neighborhoods is characterized by a higher density and pedestrian scale environment with limited accommodation for the automobile. Within Historic Urban Neighborhoods, many of the residential neighborhoods contain traditional corner stores that serve the immediate residents and are in proximity to commercial clusters of local businesses.

The proposed amendment is compatible with existing use and zoning of nearby property.

This standard, as recommended by staff, is met. The proposed MU-2 District would allow various commercial uses on the site, including the site’s current restaurant use, as permitted uses. They are generally considered more impactful to the surrounding residential uses and could negatively affect the surrounding residential uses in the HU-RM2 and HU-RM1 Districts. More specifically, as previously discussed, the current zoning is primarily residential with only 2 permitted commercial uses (see Article 11, Section 11.2, Table 11-1 - Permitted and Conditional Uses in the CZO) compared to the rezone request, which would allow more than 50 commercial uses (Article 15, Section 12.2, Table 15-1 - Permitted and Conditional Uses in the CZO). Some of these commercial uses that would be permitted by right include commercial short term rental, micro-brewery, and standard restaurant. Some of these commercial uses, permitted as a conditional use, would be a bar, drive-through facility, gas station, and Live Entertainment – Secondary use.


7 Conditional Uses - Drive-Through Facility, Car Wash, Gas Station, Hostel, Kennel, Motor Vehicle Dealership, Retail Sales of Packaged Alcoholic Beverages.
The proposed amendment promotes the public health, safety and welfare of the City.

This standard is met. The proposed zoning change, as recommended by staff, is intended to allow a commercial development on property that is already designated as commercial, which would not harm the public health, safety and welfare of the City.

The proposed amendment is a more suitable zoning classification for the property than the current classification.

As proposed by staff, this standard is met. The existing land use pattern in this portion of Central City is mixed-use with a variety of high intensity commercial uses. Prior to the new Comprehensive Zoning Ordinance taking effect in August 2015, the lots included in the current C-1 District were classified as Light Industrial. Within two blocks of the property, there are multiple existing uses including, bars, churches, an automobile service station, a public market, and residential dwellings all of which would be permitted in the MU-2 District. Though the current zoning aligns with the Master Plan and is also consistent with the zoning in the vicinity, the proposed MU-2 District would expand and existing MU-2 District across S. Rampart Street and would be a suitable zoning classification for the property.

Based upon the length of time that the property in question has been vacant, the proposed amendment is a more suitable zoning classification for the property than the current classification considered in the context of development in the area where the property is located.

This standard is met as proposed by staff. A restaurant is currently operating on the site and the site is not considered vacant.

The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

The proposed amendment does not correct an error, or reflect a change in current policy, so this standard does not apply.

The proposed amendment benefits the citizens of the City as a whole.

The proposed amendment would not have a significant impact on the City as a whole.

The proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Master Plan.

This standard is met. The proposed amendment, as recommended by staff, would be consistent with the intent of this Ordinance and the Master Plan, as the site would be consistent with the Mixed-Use High Intensity future land use. Under the MU-2 zoning
classification, the subject site will be permitted to provide a number of commercial uses as outlined in the “range of uses” of the Future Land Use Map (FLUM) designation.

**The proposed amendment does not create a significant number of nonconformities.**

This standard is met. The staff recommendation is for a modified approval to change the zoning on the lots located within the Mixed-Use High Density FLUM designation to an MU-2 District which would not create a non-conformity. Also, since the restaurant is situated on a lot with an existing development that is permitted in the MU-2 District, the proposed amendment would neither create nor eliminate nonconformities.

**The proposed amendment is compatible with the trend of development, if any, in the general area of the property in question.**

As recommended by staff, this standard is met. There has been a trend for commercial development on land already zoned to allow permitted commercial uses in the vicinity, particularly along higher intensity commercial corridors (St. Charles Avenue and O.C. Haley Boulevard). The immediate surrounding residential areas show a trend of new residential construction and renovation of existing residential structures, which are reflective of the strong real estate market for residential uses.

### III. SUMMARY

Zoning Docket 032/18 is a request for a zoning change from an HU-RM2 Historic Urban Multi-Family Residential District and a C-1 General Commercial District to an MU-2 Mixed-Use High District. The applicant proposes to rezone the subject site consisting of thirteen lots (Lots 5, X, 8, F, and R-8 through R-16). Currently the site is developed with a standard restaurant, Central City BBQ, with an outdoor seating area in a former warehouse type structure. The applicant has placed shipping containers around the outdoor space. The City Council Motion proposes to rezone the subject property to facilitate the restaurant’s expansion, which is proposed to include outdoor live entertainment. Neither the HU-RM2 Historic Urban Multi-Family Residential District nor C-1 General Commercial District allows live outdoor entertainment as a permitted or conditional use.

Documents submitted by the property owner show that the owner has recently purchased property from the Louisiana Department of Transportation and Development (LATDOTD) adjacent to the restaurant. This parcel was once intended to serve as the Dryades St. Ramp accessing the Pontchartrain Expressway. As the ramp was never constructed, it was sold to the owner of the subject property and is now considered part of the site. It has been the policy to establish boundary lines to the Future Land Use Map (FLUM) of the Master Plan by drawing the dividing line down the center of roadways to separate land use designations. In this instance, the former DOTD property was the dividing line between a Mixed Use High Density designation\(^8\) and a Residential Multifamily Pre-War

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\(^8\) A Master Plan Amendment to change the Future Land Use Map (FLUM) designation from Neighborhood Commercial to Mixed Use High Density was approved by the City Council on February 22, 2018.
designation. In accordance with Article 4, Section 4.7.D.1 of the Comprehensive Zoning Ordinance (CZO), the applicant applied for a minor map adjustment of the FLUM to include the entirety of the former DOTD parcel, which would include parts of Lots R-9, R-13, R-14, R-15, and R-16, as well as Lot 5, Lot 8, and Lot R-11 in the adjacent Mixed-Use High Density designation.

As is the process outlined in Article 4, Section 4.7.D.2 - Action on Application, of the CZO, the Executive Director reviewed the request for the minor map adjustment for the parts of lots included in the former DOTD parcels and Lot 5, Lot 8, and Lot R-11 based on the Approval Standards in Article 4.7.E of the CZO, which requires that the application meets both of the following:

1. The minor map adjustment does not constitute a substantive change in zoning or land use that would adversely affect adjacent property.

2. The minor map adjustment does not grant a less restrictive classification to a lot of sufficient size or configuration as to constitute a building site, unless the lot is separated from property within a more restrictive zoning district or land use category by a street, canal, or similar public right-of-way.

On March 6, 2018, the Executive Director considered the applicant’s request finding that the minor map change request failed to meet the requirements of Article 4, Section 4.7.E – Approval Standards of the CZO, in that the proposed amendment would constitute a substantive change in land use and would grant a less restrictive classification to a lot of sufficient size and configuration as to constitute a building site. For these reasons, the minor map change request was denied (the Executive Director’s March 6, 2018 Notice of Decision is attached to the end of this report).

Therefore, the staff recommends modified approval of the request to change the zoning from an HU-RM2 Historic Urban Multi-Family Residential District and a C-1 General Commercial District to an MU-2 Mixed Use High Intensity District to change the zoning classification to an MU-2 Mixed Use High Intensity District on lots currently contained within the Mixed-Use High Density future land use designation (Lots F, 8, X, and parts of Lots R-9, R-13, R-14, R-15, and R-16) finding that the request meets most of the approval standards contained in Article 4, Section 4.2.E Approval Standards of the Comprehensive Zoning Ordinance. Also, for those lots contained within the Mixed-Use High Density future land use designation, the request is consistent with the Master Plan.

IV. PRELIMINARY STAFF RECOMMENDATION (FEBRUARY 27, 2018)

A Master Plan Amendment to change the Future Land Use Map (FLUM) designation from Neighborhood Commercial to Residential Multifamily Pre-War for a portion of the subject site on Lots X, 8, and F on Square 289 underwent review from the City Planning Commission at the October 10, 2017 public hearing. The Commission recommended approval, but upon receipt, the City Council included the amendment request in its list of
amendments to be reconsidered by the City Planning Commission. The City Council requested that the area be designated as Mixed-Use High Density. In its reconsideration review, the City Planning Commission agreed with the proposal and recommended the subject site’s and the selected adjacent properties’ FLUM designation be changed to Mixed-Use High Density.

The City Planning Commission’s reconsidered recommendation is scheduled to be considered by the City Council for final action at the February 22, 2018 City Council meeting. Once the City Council votes on the FLUM revisions, the new language will have the force of law. This designation change could make this zoning change request consistent with the Master Plan for a portion of the subject site. Other portions of the site are unaffected by the potential Master Plan change. The staff would like to wait until after the City Council hearing to make a recommendation. Therefore, the staff recommends DEFERRAL of Zoning Docket 032/18 to the March 13, 2018 City Planning Commission meeting.

V. CITY PLANNING COMMISSION MEETING (FEBRUARY 27, 2018)

The Principal Planner presented the project and explained the reason for the recommendation of deferral. One person filled out a comment card in support of the project and one person filled out a comment in opposition to the request. No speakers spoke. Commissioner Wedberg made a motion to defer consideration of the request to the March 13, 2018 meeting. Commissioner Green seconded the motion, which was passed unanimously.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 032/18 IS HEREBY RECOMMENDED FOR DEFERRAL.

YEAS: Brown, Green, Steeg, Stewart, Wedberg

NAYS: None

ABSENT: Isaacson, Lunn

VI. FURTHER CONSIDERATION (MARCH 13, 2018)

As mentioned earlier in this report, the staff wanted to wait until after the City Council acted at its hearing on the reconsidered Master Plan Amendments to make a recommendation on the zoning change request. The City Planning Commission’s reconsidered recommendation was approved by the City Council at the February 22, 2018 City Council meeting. The new language has the force of law making this zoning change request consistent with the Master Plan for a portion of the subject site. The staff has completed its review and analysis of the request in this report based on this information.
VII. PRELIMINARY STAFF RECOMMENDATION

The staff recommends Modified Approval of Zoning Docket 032/18, a request for a zoning change from an HU-RM2 Historic Urban Multi-Family Residential District and a C-1 General Commercial District to an MU-2 Mixed Use High Intensity District, to change the zoning to an MU-2 Mixed Use High Intensity District only on lots located within the Mixed-Use High Density Future Land Use Map designation.

VIII. REASONS FOR RECOMMENDATION

1. As recommended by staff, the request meets most of the applicable approval standards found in Article 4, Section 4.2.E Approval Standards of the Comprehensive Zoning Ordinance.

2. The request, as recommended by staff, would be compliant with the Master Plan FLUMs designation of the site.

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9 Subject to modification by the City Planning Commission
City of New Orleans Property Viewer

February 5, 2018

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ZONING DOCKET 032-18
MOTION
NO. M-17-620

BY: COUNCILMEMBER CANTRELL
SECONDED BY: COUNCILMEMBER RAMSEY

CITY HALL: December 14, 2017

BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS,
That the City Planning Commission is directed to conduct a public hearing to consider a zoning
change from an HU-RM2 Historic Urban Multi-Family Residential District and a C-1 General
Commercial District to an MU-2 High Intensity Mixed-Use District for property located on
Square 289, Lots 5, R-8, R-9, R-10, 8, R-11, R-13, R-14, R-15, R-16, X, 8, and F, in the First
Municipal District, bounded by S. Rampart, Clio, S. Saratoga, and Erato (Municipal Addresses:
1201-1219 S. Rampart, 1210-1218 S. Saratoga, and additional unassigned addresses). The
applicants have submitted evidence of complying with the Neighborhood Participation Program
for the zoning change and proposal of outdoor live entertainment. Therefore, the requirements of
the Neighborhood Participation Program are waived. The applicant shall be required to comply
with any applicable fees to effectuate the request herein.

BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW
ORLEANS, That in the process of reviewing the proposed amendment, the City Planning
Commission and staff are directed and granted the flexibility to make any and all legal and
appropriate changes and adjustments deemed necessary in light of public testimony resulting
from this review.

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

YEAS: Brossett, Cantrell, Gray, Guidry, Head, Ramsey, Williams - 7
NAYS: 0
ABSENT: 0

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

Lena W. Johnson
CLERK OF COUNCIL
March 6, 2018

J. Nicole Webre, J.D.
Webre Consulting, LLC
Via E-mail: nicole@webreconsulting.com

Re: Request for Minor Map Adjustment of the Future Land Use Map (FLUM)
1201-1219 South Rampart Street and 1210-1218 South Saratoga Street
Submitted in connection with Zoning Docket 032/18 (Council Motion M-17-620)

Dear Ms. Webre:

This is in response to your request to change the land use designation for the portion of the subject site currently designated Residential Multifamily Pre-War to Mixed-Use High Density, so as to be consistent with the designation on the remainder of the subject site. Specifically, you are requesting that a minor map adjustment be granted to shift the boundary between the two classifications so that the Mixed-Use High Density district encompasses the entirety of the subject site.

For the following reasons, I do not find that the request meets the approval standards set forth in the Comprehensive Zoning Ordinance (CZO), and therefore I must deny the request.

Section 4.7.E of the CZO sets forth the following approval standards for an application for a minor map adjustment:

When considering an application for a minor map adjustment, the Board of Zoning Adjustments or the Executive Director of the City Planning Commission, as appropriate, shall find that the application meets both of the following standards:

1. The minor map adjustment does not constitute a substantive change in zoning or land use that would adversely affect adjacent property.

2. The minor map adjustment does not grant a less restrictive classification to a lot of sufficient size or configuration as to constitute a building site, unless the lot is separated from property within a more restrictive zoning district or land use category by a street, canal, or similar public right-of-way.

With respect to the first standard, the proposed adjustment would constitute a substantive change in land use that could adversely affect the adjacent property. In this case, the adjacent property is currently designated as a residential district. The proposed adjustment would expand an existing Mixed Use High Density district further into this residential neighborhood. In doing so, a number of potentially-disruptive uses would be enabled which would adversely affect the residential nature of the adjacent property. Indeed, the very purpose of the underlying zoning docket is to enable outdoor live entertainment on the subject site. Because the proposed adjustment
would be a substantive change in land use that would adversely affect the adjacent residential property, the application cannot meet the first approval standard.

With respect to the second standard, the proposed adjustment would grant a less restrictive classification to a lot of sufficient size and configuration as to constitute a building site. In this case, you are proposing a "minor" map adjustment that would encompass approximately 1/3 of Parcel R-15, ½ of Parcel R-14, 3/4 of Parcel R-13 (an oversized lot), ½ of Parcel R-9, and ½ of Parcel R-8. While admittedly, the configuration of the added property is not typical, it is easily large enough to constitute a separate building site. The ¼ portion of Parcel R-13 by itself could easily be developed on its own, as it is larger than most of the surrounding residential lots.

Additionally, the proposed adjustment does not qualify for the sole exception included in the second approval standard. The property that would be granted a less restrictive classification would not be separated from the adjacent property by a street, canal or similar right-of-way. Because the proposed adjustment would grant a less restrictive classification (Mixed Use High Density) on a lot of sufficient size and configuration as to constitute a building site, and because it is not separated from the adjacent more restrictive classification (Residential Multifamily Pre-War) by any sort of right of way, the application cannot meet the second approval standard.

Because the application does not meet either standard, it cannot be considered a "minor" map adjustment, and must be denied.

In your request, you made an argument that the adjustment should be granted because doing so would incorporate all of the property conveyed to your client by the Louisiana Department of Transportation. This argument does not take into account two important facts. First, the approval standards set forth in Section 4.7.E of the CZO (which are the sole basis upon which a determination can be made) do not provide that an adjustment can be granted based on the fact that it would extend a less restrictive classification to all property acquired in a single transaction. In fact, the plain language of the above approval standards, combined with the provisions of Section 1.4.G of the CZO regarding conflicts of law, suggest that the resulting adjustment, if any, would need to be towards a more restrictive classification – not a less restrictive one.

Moreover, the survey you provided does not show all of the subject site as a single parcel that has been "split" by the current FLUM boundary. Instead, it shows a number of smaller individual parcels, some of which have been split, and some of which have not. Looking at the individual parcels on the survey you provided, the only ones that are "split" by the current FLUM boundary are Parcels R-9, R-13, R-14, R-15, and R-16. Parcels R-8 and R-11 are not affected in any way by the current FLUM boundary. Also, as described above, Parcel R-13 on its own could not meet the approval standards contained in Section 4.7.E and would not be eligible for inclusion. Accordingly, using the survey you provided, the entirety of the property included in the Act of Sale could not be eligible for an adjustment – only portions of four of the parcels could.

In any event, this decision is not based upon the configuration you presented, but instead is based upon the configuration shown on the City's Official Map, which shows the right of way as a distinct parcel, as well as on your application requesting that all of the property included in the Act of Sale be included in the adjustment. For the reasons explained above, the request is denied.
This decision is appealable to the City Planning Commission pursuant to Section 2.5.E. of the Comprehensive Zoning Ordinance.

Please let me know if you have any questions.

Regards,

[Signature]

Robert D. Rivers
Executive Director

cc: Zoning Docket 032/18 file