

CITY ORDINANCE NO. CO-134-2021

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING THE LAFAYETTE DEVELOPMENT CODE SO AS TO RECLASSIFY CASE NO. ZON2021-0032 115 & 205 MCKINLEY STREET REZONING, AND TO APPROVE A CUP (CONDITIONAL USE PERMIT) FOR A “RESTAURANT”, LOCATED GENERALLY NORTH OF GENERAL MOUTON AVENUE, WEST OF ROOSEVELT STREET, AND SOUTH OF JEFFERSON STREET; THE PARTICULAR PARCELS BEING REZONED FROM MN-1 (MIXED-USE NEIGHBORHOOD) CUP TO MN-2 (MIXED-USE NEIGHBORHOOD) CUP

BE IT ORDAINED by the Lafayette City Council, that:

SECTION 1: The Lafayette Development Code is hereby amended so as to reclassify Case No. ZON2021-0032 115 & 205 McKinley Street Rezoning and CUP (Conditional Use Permit), located generally north of General Mouton Avenue, west of Roosevelt Street, and south of Jefferson Street; the particular parcels being rezoned from MN-1 (Mixed-Use Neighborhood) (CUP) to MN-2 (Mixed-Use Neighborhood)(CUP); the said parcels being shown and identified by a rezoning map titled “A Map showing 0.45 acres and 0.87 acres to be rezoned from MN-1 (CUP) to MN-2 (CUP) Located in the city of Lafayette Section 67, T-09-S, R-04-E; Lafayette Parish, Louisiana”, prepared by Lowe Engineers, Professional Land Surveyors Planners Consultants, a copy of which is attached hereto and made a part hereof .

SECTION 2: Said Rezoning and CUP is subject to the following condition:

1. The required frontage buildout requirement will be on McKinley Street not on General Mouton Avenue.

SECTION 3: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall become effective upon signature of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

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**LAFAYETTE ZONING COMMISSION
RECOMMENDATION OF ACTION**

TO: Lafayette City Council

FROM: Lafayette Zoning Commission and Community Development & Planning Dept.

SUBJ: ZON2021-0032 115 & 205 McKinley Street Rezoning and CUP

PETITIONER: Carlos Riera

DATE PETITION FILED: August 5, 2021

DATE OF PUBLIC HEARING: September 20, 2021

DATES OF PUBLICATIONS: September 5, 2021
September 15, 2021
September 19, 2021

DATE OF ZONING COMMISSION RECOMMENDATION: Month Day, 2021

RECOMMENDATION: Approve the ordinance that would rezone property from MN-1 (Mixed-Use Neighborhood) to MN-2 (Mixed-Use Neighborhood) and a CUP for a restaurant use.

Motion: Dural
Second: Green
Vote: 3-0-2-0
Ayes: Hebert, Dural, Green,
Nays: None
Absent: Doise, Pritchard
Abstain: None

ATTACHMENTS: Executive Summary and Preliminary Staff Report

REASONS FOR RECOMMENDATION: Executive Summary including Zoning Commission Recommendation

Sincerely,



Mary Sliman, Director
Community Development and Planning Dept.

Lafayette Consolidated Government

Zoning Commission

Community Development and Planning Staff Report

EXECUTIVE SUMMARY

Drafted 8/5/2021
Amended 9/20/2021

ZON2021-0032**City Council District:** 5 – Glenn Lazard**Parish Council District:** 5 – AB Rubin**Applicant:** Carlos Riera**Request:** This is a request for a rezoning of a property from MN-1 (Mixed-Use Neighborhood) CUP to MN-2 (Mixed-Use Neighborhood), with a CUP (Conditional Use Permit) for a restaurant.**Location:** 115 & 205 McKinley Street**Summary of Proposal:**

The purpose of the proposed rezoning is to allow for a greater density in the number of residential living units than are allowed in the current zoning. A MN-2 (Mixed-Use Neighborhood) designation increases the density from 17 units to 25 units per acre (maximum 4 stories if "A" Development Type). The existing bar/lounge at 115 McKinley will remain for now, but will eventually be torn down and replaced with residential apartments. The current zoning does have a CUP for bars and restaurants but the applicant is requesting a CUP (Conditional Use Permit) for a restaurant.

Recommendation:

Staff recommends approval of the request to rezone the property from MN-1 (Mixed-Use Neighborhood) CUP to MN-2 (Mixed-Use Neighborhood) with CUP. Staff recommends approval with the following condition: The required frontage buildout requirement will be on McKinley Street not General Mouton Avenue.

Reasons for Recommendation:

The proposed project is a mixed-use development with housing units and office/small retail with the ability to have small restaurants. The Freetown Port-Rico neighborhood worked with staff in 2016/17 to rezone the neighborhood. The MN (Mixed-Use Neighborhood) zoning designation was desirable because of the neighborhood friendly uses. Bars and restaurants were left as allowed uses recognizing the existing bars on what was called "The Strip". The adjacency to UL and the downtown area makes this area desirable for increased density with the limited uses allowed in MN.

Summary of Public Comment:

At the time of publication of the preliminary report, staff has received one phone call, regretting the loss of the parking lot at 205 McKinley.

ZONING COMMISSION RECOMMENDATION

The Zoning Commission held a public hearing regarding this matter at its September 20, 2021, meeting and approved a motion to recommend that the City Council approve the request to rezone this property from MN-1(Mixed-Use Neighborhood) to MN-2 (Mixed-Use Neighborhood), with a CUP (Conditional Use Permit).

Summary of Public Comment:

Public Comment before the Zoning Commission meeting

Support: 0

Opposition: 0

Neutral: 1

Public Comment during the Zoning Commission meeting

Support: 0

Opposition: 0

Neutral: 0

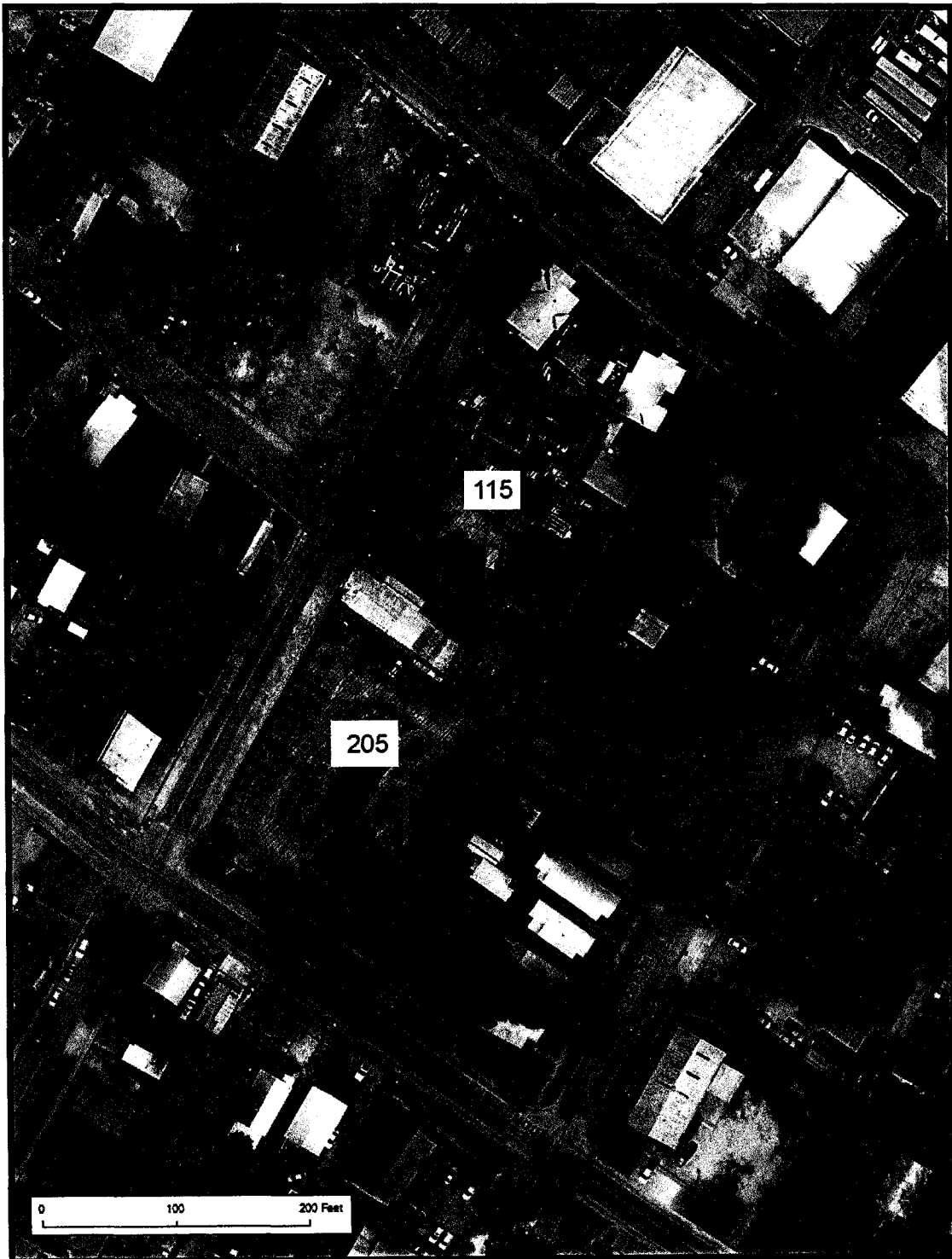
Zoning Commission Meeting**September 20, 2021****ZON2021-0032****To:** City Zoning Commission**From:** Mary Sliman, Director
Cathie Gilbert, Planning Manager**City Council District:** 5 – Glenn Lazard**Parish Council District:** 5 – AB Rubin**Prepared by:** Carol Vermillion Robbins

PRELIMINARY STAFF REPORT

I. GENERAL INFORMATION**Applicant:** Carlos Riera**Request:** This is a request for a rezoning of properties from MN-1 (Mixed-Use Neighborhood) to MN-2 (Mixed-Use Neighborhood), and for a CUP (Conditional Use Permit) for a restaurant.**Location:** 115 & 205 McKinley Street**Description:** The property is located generally north of General Mouton Avenue, west of Roosevelt Street, and south of Jefferson Street, and is 1.23 acres. (115 McKinley Street is .45 acres, and 205 McKinley Street is .78 acres.)**Why is Zoning Commission action required?**

The Zoning Commission is required to make a recommendation on all applications for amendments to the zoning map to the City Council prior to council action, in accordance with Article 4 of the Lafayette Development Code.

The LDC establishes procedures for making land development decisions. In order to obtain a certificate of occupancy, building permit or to subdivide the property, the zoning district must permit the proposed land use and development standards. The city of Lafayette is divided into zoning districts that can be generally categorized by agricultural, residential, mixed-use, commercial and industrial land uses. Each zoning district has a set of permitted and/or conditional uses.



Subject Property

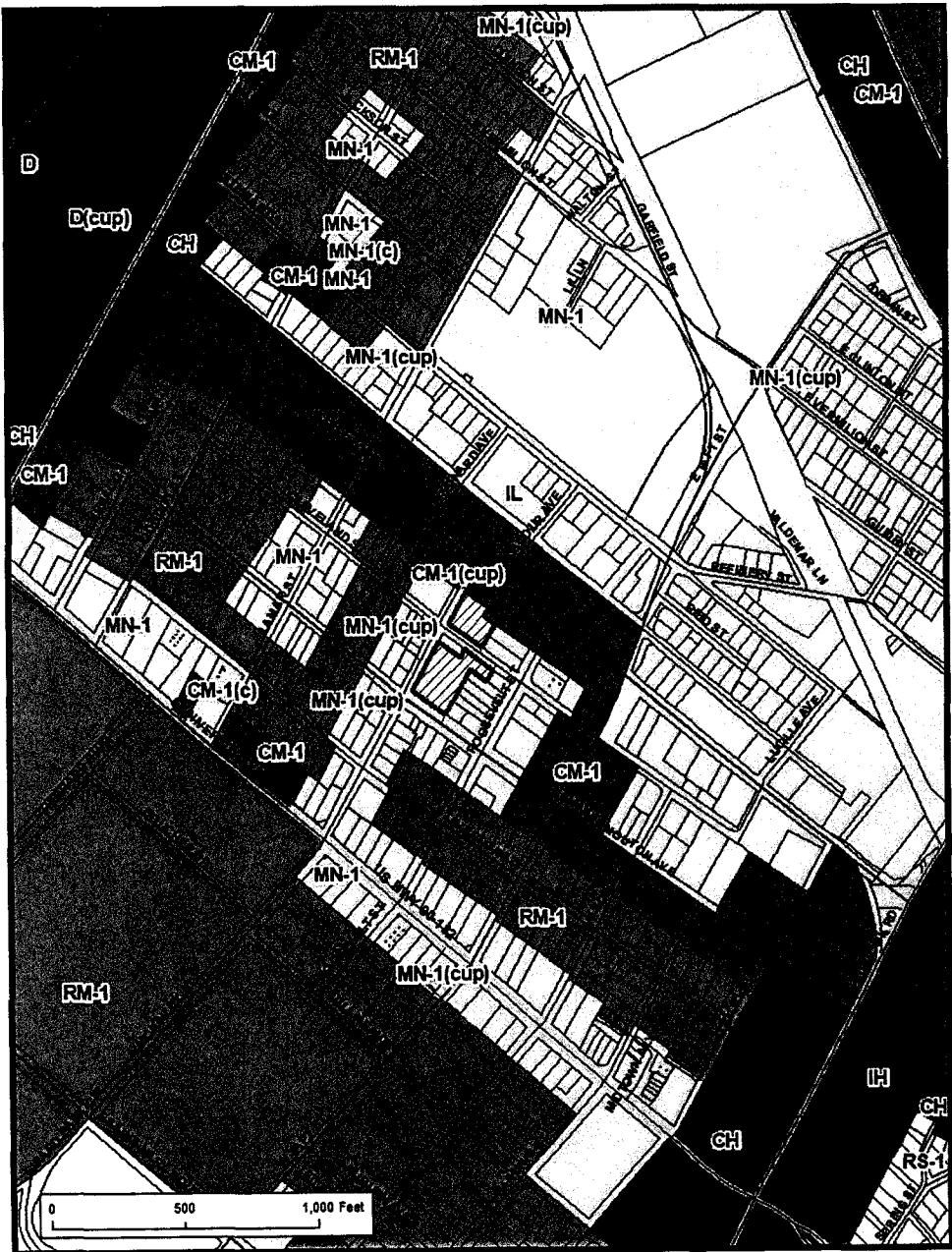


Vicinity Map

II. ANALYSIS

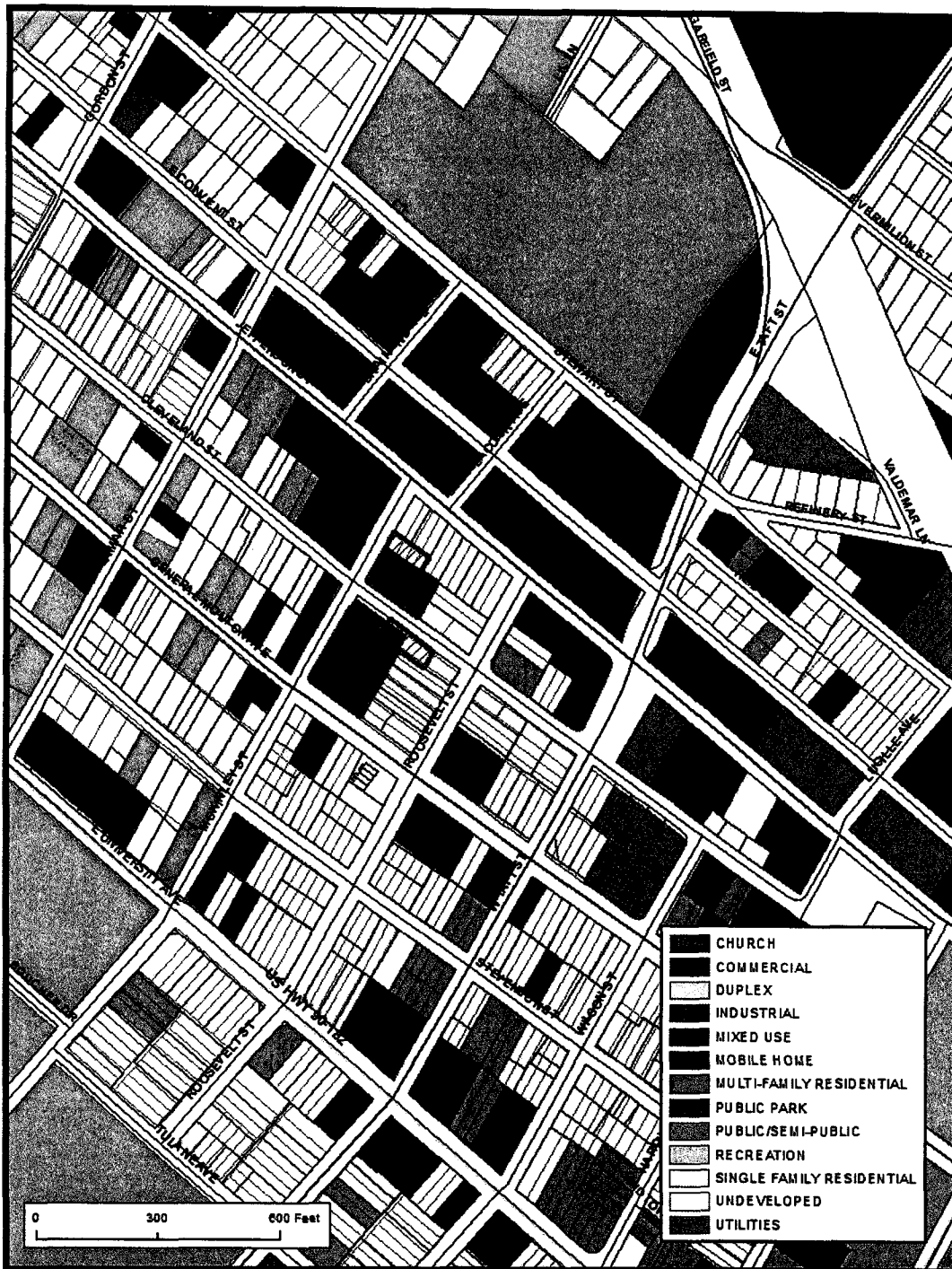
A. Existing conditions

Zoning



Zoning Map of the Area Surrounding the Petitioned Site

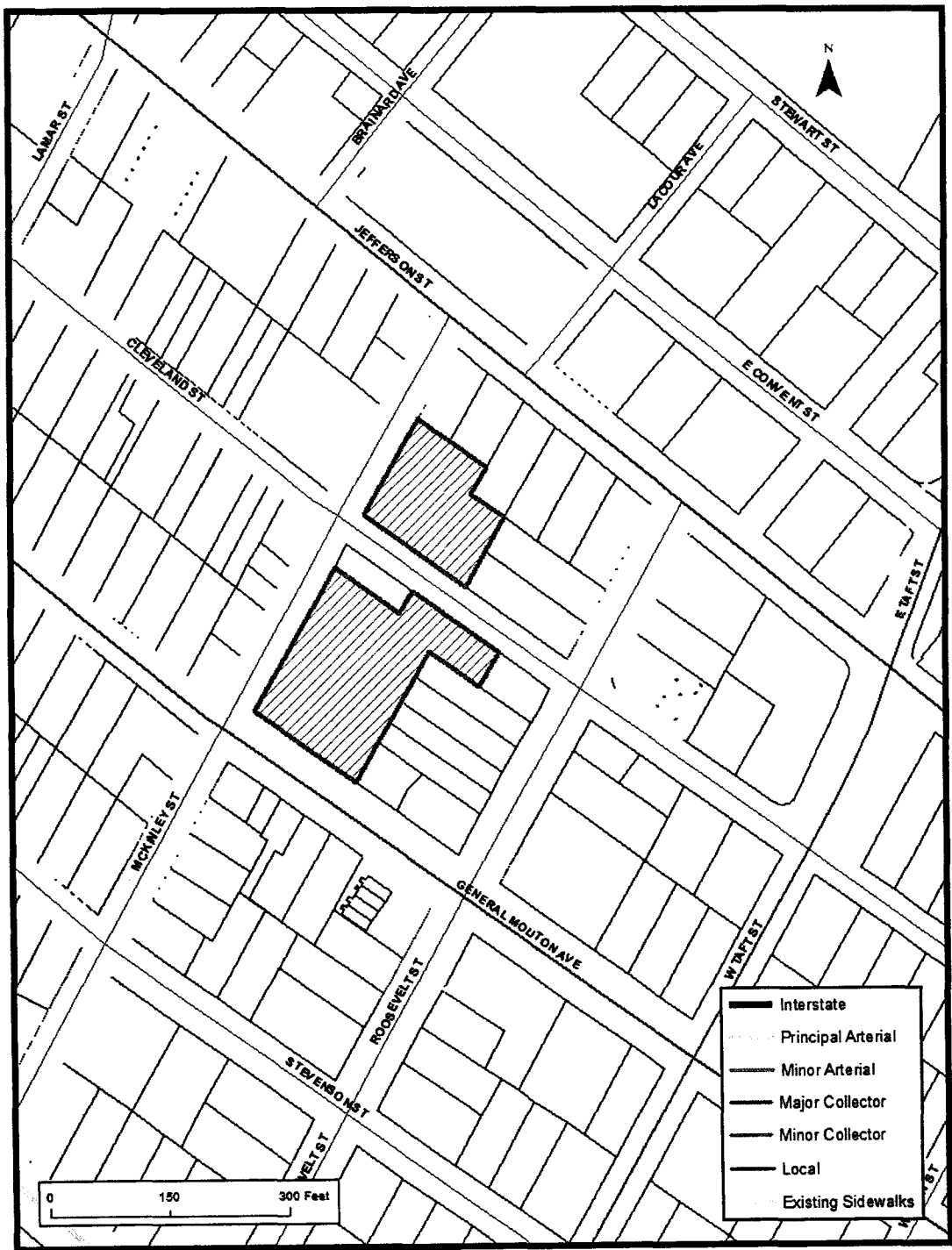
The subject properties are both in MN-1 (Mixed-Use Neighborhood) zoning districts. They are part of a large MN-1 district within the Freetown Port Rico neighborhood. The other main zoning district is RM-1 (Residential Mixed). CM-1 (Commercial Mixed) zoning districts follow Jefferson Street then turn south to follow General Mouton Avenue. Commercial properties line both Johnston Street and Pinhook Road, but there are no CH zoning districts within this neighborhood. Large areas of IL (Industrial-Light) properties lie to the east.



Land Use Map

The Land Use map shows that there is a fairly even amount of residential uses compared with commercial uses. The residential uses vary from RS-1 (Residential Single-Family) to RM-1 (Residential Mixed). There are a very large amount of commercial properties following Jefferson Street, with industrial uses further east.

Infrastructure



Street Classification and Sidewalk Inventory

Jefferson Street, a half block away from the subject property, is a major collector, as is General Mouton Avenue, and West Taft Street. The rest of the roads around the subject properties are local roads. The sidewalk system in this area is fairly consistent, but is missing in a few areas.

A. Recent cases and relevant trends

There was a recent and similar case in the same neighborhood as the subject property, Freetown Port Rico, but located on a major corridor, Johnston Street. This was Case No. **ZON2018-0020, 611 Johnston Street Rezoning**. This case also requested a different zoning district in order to increase density on the property. The property was rezoned from CH (Commercial-Heavy) to CM-1 (Commercial Mixed). This allowed the applicant to increase the units for a multi-family development from 5 units to 10 units.

There were several recent rezoning cases in the neighborhood near SLCC that are similar to this current case (**ZON2018-0030 305 Ella Street** and **ZON2017-0004 311 Devalcourt Street Rezoning**). The purpose of these rezoning cases was to allow for the development of townhouses and apartments at a higher density than before, to accommodate development to house the SLCC student population.

B. Purpose of rezoning and effect on adjacent land uses

The purpose of rezoning is to achieve a greater density of the apartments. There are already properties with similar densities throughout this area. The CUP will add another feature to these apartments; they will allow restaurants or small businesses for a mixed-use property.

C. Evaluation of approval standards

The proposed use is consistent with the comprehensive plan.

Yes. The comprehensive plan considers that there is a lack of housing choice in the city and “encourages compact development within existing activity centers and along corridors that include a mix of uses supportive of vibrant daily patterns” (Policy 2.11)

There was a mistake in the original zoning map or text.

N/A.

The proposed amendment is compatible with current development trends, if any, in the vicinity of the subject property.

This neighborhood is a mixture of single-family homes, apartment complexes, small commercial properties, and a few bars and small restaurants or take-out businesses. This area is convenient for UL students, and a great many apartments in this neighborhood cater to them.

The proposed amendment promotes the public health, safety, morals, and general welfare.

N/A.

The proposed amendment is compatible with surrounding land uses.

This proposed amendment would allow a residential development into an area that has long been valued for its close proximity to UL. Apartment units are always in demand in the Freetown Port Rico neighborhood. Freetown Port Rico is close to the university, but it is also close to the Downtown area, which makes this area even more desirable.

The 2017 Comprehensive Neighborhood Rezoning of Freetown Port-Rico reduced excessive CH (Commercial-Heavy) and IL (Industrial-Light) properties, while encouraging urban zoning districts more conducive to a historic neighborhood in the urban core. These are important guidelines for this area in the future.



RECEIVED

SEP 20 2021

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Community Development and Planning Department
Office of the Director (Route 9010)

TO: Cydra Wingerter

DATE: September 21, 2021

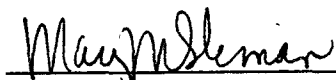
FROM: Mary Sliman

SUBJECT: Case No. ZON2021-0032
115 & 205 McKinley Street Rezoning and Conditional Use Permit

The attached ordinance would rezone properties from a MN-1 (Mixed-Use Neighborhood) to a MN-2 (Mixed-Use Neighborhood) and approve a Conditional Use Permit (CUP) for a "restaurant" located generally north of General Mouton Avenue, west of Roosevelt Street, and south of Jefferson Street.

The Zoning Commission, at its Monday, September 20, 2021, meeting, recommended that the City Council approve the attached ordinance. We request that Council Introduction be scheduled for Tuesday, October 5, 2021, with Final Adoption Tuesday, October 19, 2021.

Please call if you have any questions or require additional information in this matter.



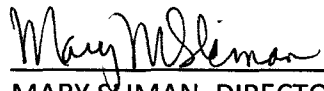
Mary Sliman
Director

LAFAYETTE CITY COUNCIL MEETING

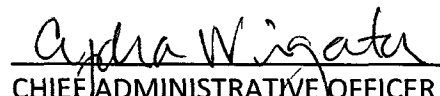
ZONING AGENDA ITEM SUBMITTAL FORM

- 1) **JUSTIFICATION FOR REQUEST:** This is a request for the adoption of an ordinance that would rezone properties located generally north of General Mouton Avenue, west of Roosevelt Street, and south of Jefferson Street.
- 2) **ACTION REQUESTED:** Adoption of the attached ordinance to reclassify the subject properties from MN-1 (Mixed-Use Neighborhood) to MN-2 (Mixed-Use Neighborhood) with a CUP (Conditional Use Permit).
- 3) **REQUEST ACTION OF COUNCIL:**
- A. INTRODUCTION: October 5, 2021
 - B. FINAL ADOPTION: October 19, 2021
- 4) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
- A. Cover Memo from Director (1 page)
 - B. Submittal Form (1 page)
 - C. Zoning Commission Recommendation of Action (1 page)
 - D. Ordinance (1 page)
 - E. Map (1 page)
 - F. Final Evaluation of Zoning Considerations (9 pages)
- 5) **FISCAL IMPACT:**
- ☐ Fiscal Impact (will be detailed in Cost-Revenue Analysis)
- ☒ No Fiscal Impact

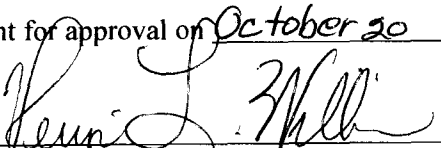
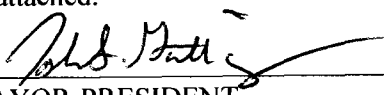
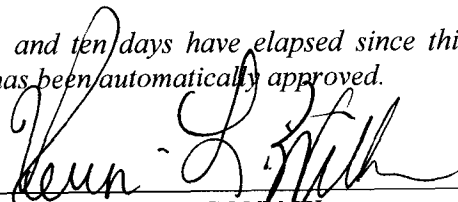
RECOMMENDED BY:


MARY SLIMAN, DIRECTOR

APPROVED FOR AGENDA:


CHIEF ADMINISTRATIVE OFFICER

DISPOSITION OF ORDINANCE NO. CO-134-2021

1. This ordinance was introduced: October 5, 2021
YEAS: Lewis, Naquin,
Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None
- Final disposition by Council:
October 19, 2021
YEAS: Lewis, Naquin,
Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None
2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on October 8, 2021.
3. This ordinance was presented to the Mayor-President for approval on October 20, 2021, at 10:30 o'clock 2.m.

CLERK OF THE COUNCIL
4. Disposition by Mayor-President:
I hereby:
A. Approve this ordinance, the 27 day of OCTOBER, 2021, at 3:05 o'clock P.m.
B. Veto this ordinance, the _____ day of _____, 2021, at _____ o'clock _____m., veto message is attached.
C. Line item veto certain items this _____ day of _____, 2021, at _____ o'clock _____m., veto message is attached.

MAYOR-PRESIDENT
5. Returned to Council Office with veto message on October 27, 2021, at 4:16 o'clock P.m.
6. Reconsideration by Council (if vetoed):
On _____, 2021, the Council did/refused to adopt this ordinance after the Mayor-President's veto.
7. Returned to the Council Office without signature of Mayor-President (*unsigned*) on _____, 2021, at _____ o'clock _____m.
If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.

CLERK OF THE COUNCIL
8. Full publication of this ordinance was made in the Advertiser on October 22, 2021.