

CITY ORDINANCE NO. CO-152-2021

**AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL APPROVING A
CONDITIONAL USE PERMIT TO ALLOW A BAR/LOUNGE IN A D (DOWNTOWN)
ZONING DISTRICT, CASE NO. ZON2021-0034, 110 POLK STREET CONDITIONAL
USE PERMIT, LOCATED GENERALLY SOUTH OF GARFIELD STREET, NORTH OF
EAST CONGRESS STREET, AND EAST OF JEFFERSON STREET**

BE IT ORDAINED by the Lafayette City Council, that:

SECTION 1: The Lafayette City Council hereby approves a Conditional Use Permit (CUP) to allow a bar/lounge in a D (Downtown) Zoning District, Case No. ZON2021-0034, 110 Polk Street Conditional Use Permit, located generally south of Garfield Street, north of East Congress Street, and east of Jefferson Street.

SECTION 2: The following conditions are to apply:

1. The business shall remain open to the public for business not less than four (4) days per week.
2. The business shall continue to serve food on all days of operation.
3. All doors and windows shall remain closed at all times.
4. No external speakers with the exception of the private courtyard.

SECTION 3: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.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 comes 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: ZON2021-0034 110 Polk Street CUP
PETITIONER: Legends Annex, LLC

DATE PETITION FILED: September 8, 2021

DATE OF PUBLIC HEARING: October 18, 2021

DATES OF PUBLICATIONS: October 3, 2021
October 13, 2021
October 17, 2021

DATE OF ZONING COMMISSION RECOMMENDATION: October 18, 2021

RECOMMENDATION: Approve the ordinance that would grant a conditional use permit (CUP) to allow a bar/lounge in the D (Downtown) zoning district.

Motion: Dural
Second: Green
Vote: 3-0-1-1
Ayes: Hebert, Dural, Green
Nays: None
Absent: Pritchard
Abstain: Doise

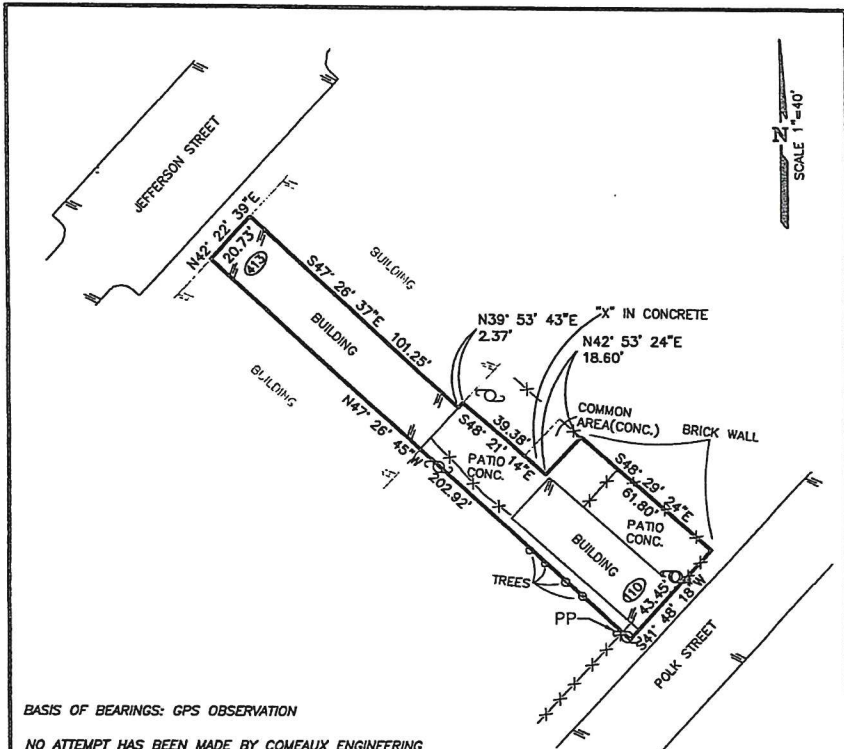
ATTACHMENTS: Executive Summary and Preliminary Staff Report

REASONS FOR RECOMMENDATION: Executive Summary including Zoning Commission Recommendation

Sincerely,



Mary Sliman, Director
Community Development and Planning Dept.



SCALE 1"=40'

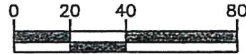
BASIS OF BEARINGS: GPS OBSERVATION

NO ATTEMPT HAS BEEN MADE BY COMEAUX ENGINEERING & CONSULTING TO VERIFY TITLE, ACTUAL LEGAL OWNERSHIP, SERVITUDES, EASEMENTS, RIGHTS OF WAY OR OTHER BURDENS ON THE PROPERTY OTHER THAN THAT FURNISHED BY THE OWNER OR HIS/HER REPRESENTATIVE.

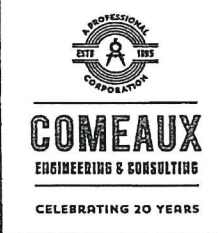
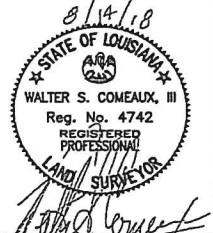
I CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL GROUND SURVEY, IN ACCORDANCE WITH THE APPLICABLE MINIMUM STANDARDS OF BOUNDARY SURVEYING, AND THAT NO ENCROACHMENTS EXIST EITHER WAY ACROSS ANY OF THE PROPERTY LINES, UNLESS OTHERWISE SHOWN.
 CLASS "B" SURVEY

THIS PROPERTY HAS BEEN DETERMINED TO BE LOCATED IN ZONE X (OUTSIDE OF 500 YEAR FLOOD PLAIN) AS INDICATED ON FLOOD INSURANCE RATE MAPS FOR LAFAYETTE PARISH, LOUISIANA. MAP NUMBER 22055C0045G EFFECTIVE DATE JANUARY 19, 1996
 REFERENCE: ACT#2001-0011676

PLAT OF SURVEY SHOWING PROPERTY TO BE ACQUIRED BY:
DOISE PROPERTIES II, LLC
 STREET ADDRESS OF 413 JEFFERSON STREET & 110 POLK STREET
 LOCATED IN SECTION 67, T-9-S, R-4-E
 CITY OF LAFAYETTE
 LAFAYETTE PARISH, LOUISIANA
 SCALE 1"=40' DATE: AUGUST 14, 2018



COMEAX ENGINEERING & CONSULTING
 A PROFESSIONAL CORPORATION
 PO BOX 452
 BROUSSARD, LOUISIANA
 PHONE 337-837-2210



JOB NUMBER
 2018026 2018026.DWG

Zoning Commission

Community Development and Planning Staff Report

EXECUTIVE SUMMARY

Drafted 9/8/2021
Amended 10/18/2021

ZON2021-0034

City Council District: 5 – Glenn Lazard

Parish Council District: 5 – AB Rubin

Applicant: Legends Annex, LLC

Request: This is a request to grant a conditional use permit to allow a bar/lounge in the D (Downtown) zoning district.

Location: 110 Polk Street, Lafayette, LA 70501

Summary of Proposal:

The purpose of the request is to allow Legends Annex, LLC to operate an establishment where alcoholic beverage sales, consumed on the premises, are the main source of revenue. This establishment will operate as a bar/lounge. The LDC recognizes that bars/lounges can be a desirable use in the Downtown district, but should be permitted on a case-by-case basis in order to mitigate any adverse effects to nearby uses. Legends Annex is currently a restaurant.

Recommendation:

Staff recommends APPROVAL of the request, with the following conditions:

1. The business shall remain open to the public for business not less than four (4) days per week.
2. The business shall continue to serve food on all days of operation.
3. All doors and windows shall remain closed at all times.
4. No external speakers with the exception of the private courtyard.

Regarding any future change in ownership, a new CUP would be required for this property because it is zoned "D" (Downtown District).

Reasons for Recommendation:

The proposed bar meets the conditions of this review. Note: Legends Annex already exists as a restaurant. However, over the last year the food: alcohol ratio has gone from 70% food with 30% alcohol sales to 30% food with 70% alcohol sales, creating the need for a CUP for a bar/lounge.

Summary of Public Comment: At the time of publication of the preliminary report, staff has not received any letters/emails in support or opposition to the rezoning.

ZONING COMMISSION RECOMMENDATION

The Zoning Commission held a public hearing regarding this matter at its October 18, 2021, meeting and approved a motion to recommend that the City Council approve the request for a conditional Use Permit (CUP) to allow a bar/lounge in a D (Downtown) zoning district.

Summary of Public Comment:

Public Comment before the Zoning Commission meeting

Support: 0

Opposition: 0

Neutral: 0

Public Comment during the Zoning Commission meeting

Support: 0

Opposition: 0

Neutral: 0

However, the 110 Polk Street address, Legends Annex, is the only establishment seeking a Conditional Use Permit (CUP). Jefferson Street, Garfield Street and East Congress Street are classified as "A" streets. An "A" street, as per LDC, "is designed at the highest standards for vibrancy as characterized by human activity and interaction, and public spaces defined by high quality outdoor rooms." Polk Street is a "B" street, which allows "for more flexibility and a limited vehicle interface."

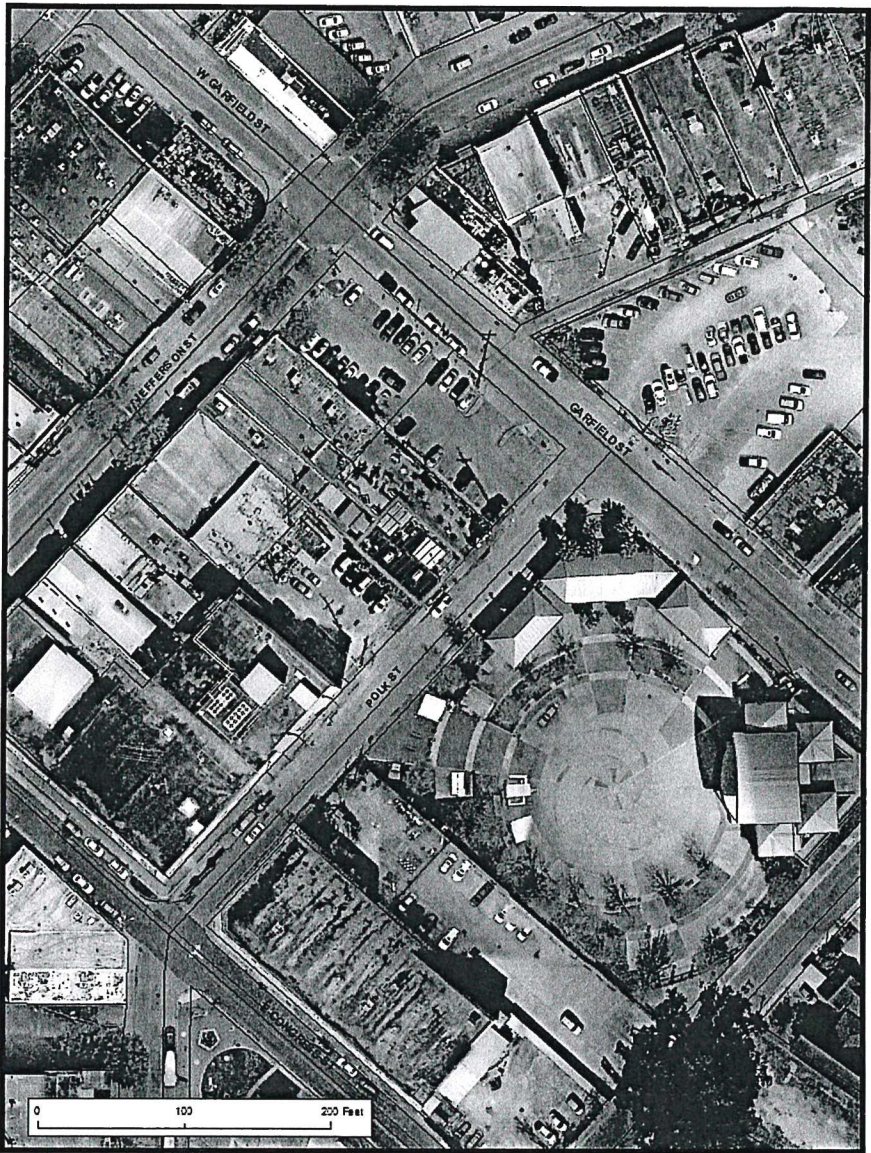
Bar/lounge is listed as a conditional use in *Table 89-21-2 Use Table* in the LDC and requires a conditional use permit. Therefore, in order to legally operate an establishment where there are alcohol beverage sales (from the use definition in the LDC) that are consumed on the premises, and are the main source of revenue, the applicant requests a conditional use permit.

Why is Zoning Commission action required?

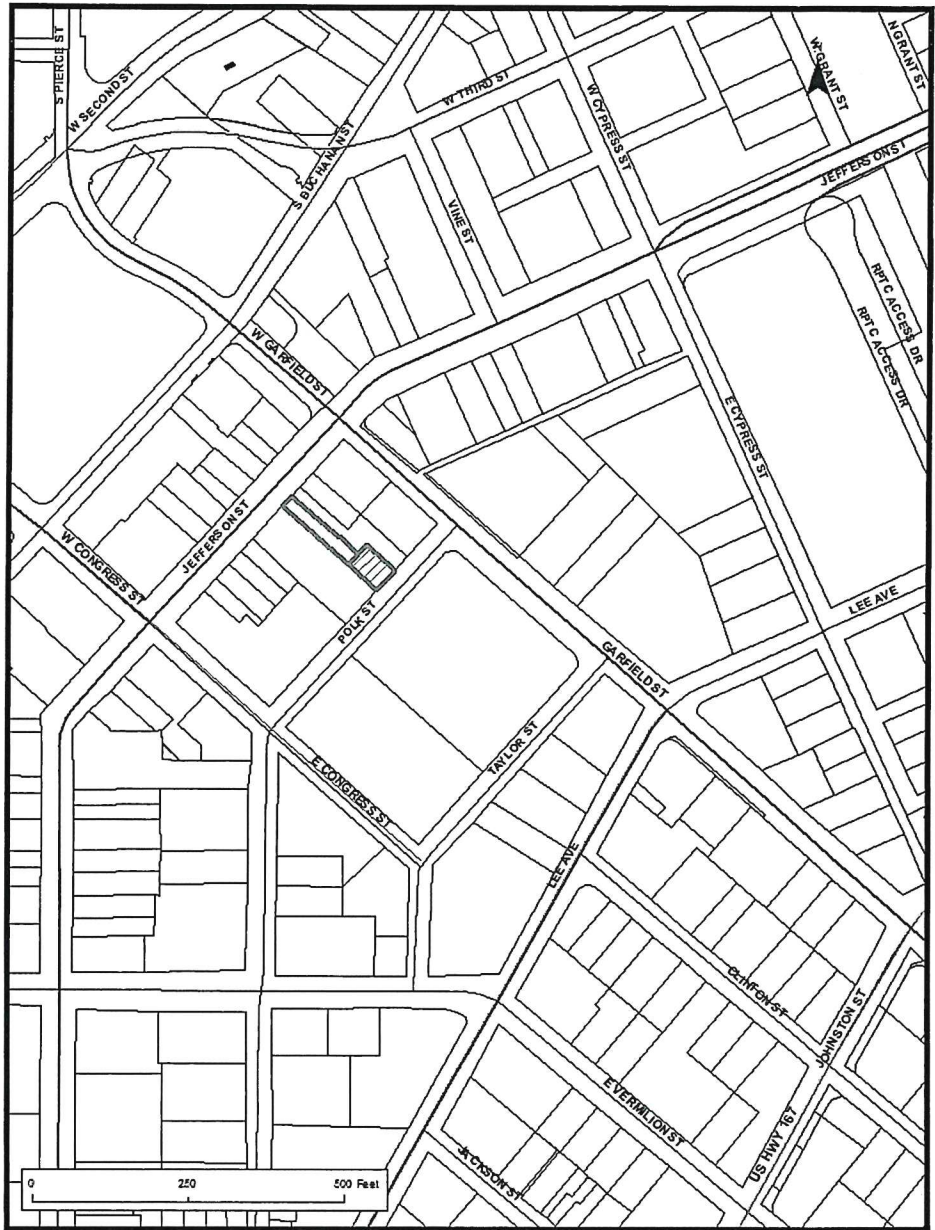
The Zoning Commission is required to make a recommendation relative to the conditional use permit, including its reasons for making the recommendation to the City Council prior to council action, in accordance with Article 4 of the Lafayette Development Code.

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.

This process applies to any use designated as a conditional use in the applicable zoning district. Article 2 states that a *bar/lounge* is a conditional use in the D (Downtown) zoning district.



Subject property

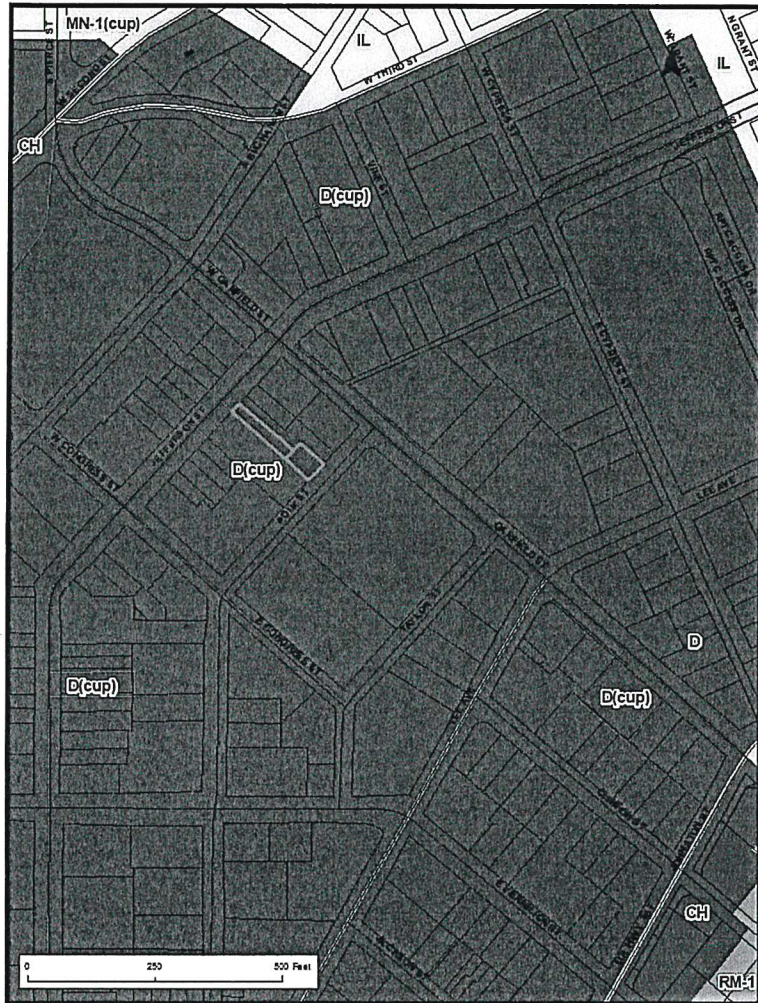


Vicinity Map

II. ANALYSIS

A. Existing conditions

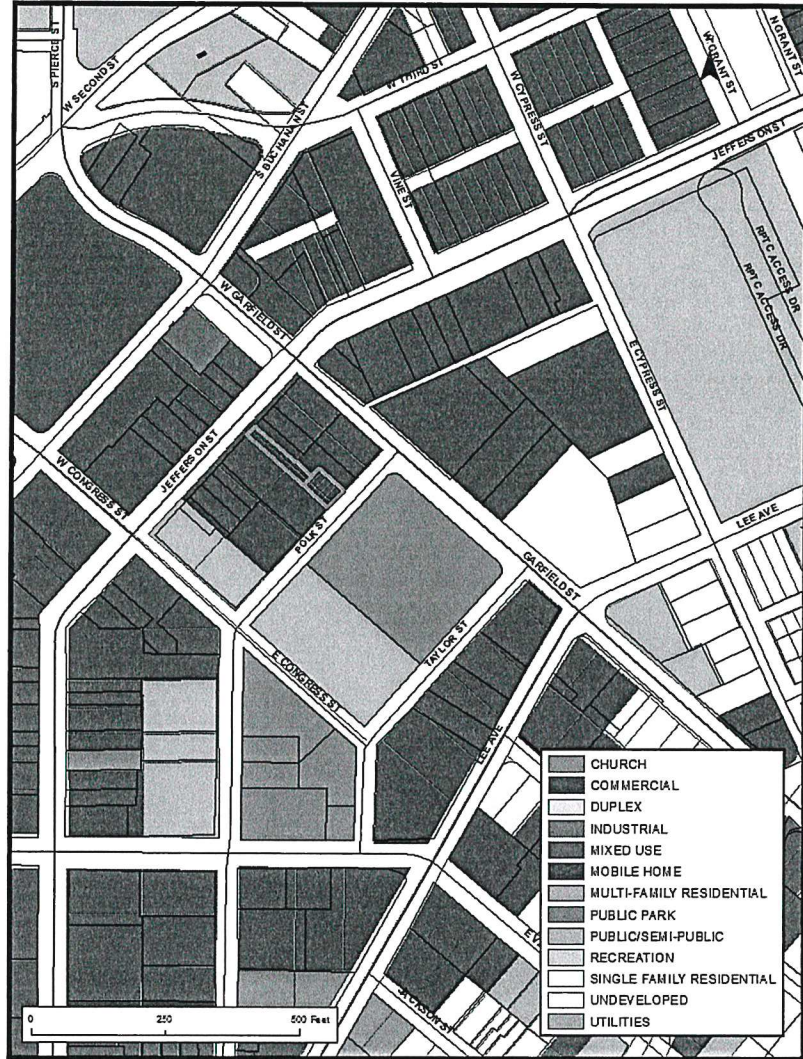
Zoning



Zoning map of the area surrounding the petitioned site

The subject property is located in the middle of the "D" Downtown District, and is classified as a restaurant, applying for a CUP in order to be classified as a bar/lounge. This zoning provides the highest density and intensity in the city and parish, preserving its unique character and function.

Land Use



Land uses surrounding the petitioned site

The subject property is located in a firmly established commercial zone in a downtown area, with a unique tradition and history. There are residential uses in the area, as there is still interest in living downtown. The Downtown District offers retail, and restaurants, live music and public events. Parc International, which is used for many music events such as Festival International, is located directly south of the subject property. Legends Annex is bordered by Marley's Bar and Right On fashions.

Infrastructure



Street classification and sidewalk inventory

The subject property is located along a local street, with a sidewalk network. Garfield Street, to the north, is a major collector. Jefferson Street is also a major collector. East Congress Street is only a local road at this point on the map. There is a good sidewalk system throughout the downtown area.

B. Recent cases and relevant trends

The ordinance to allow bars/lounges as a conditional use in the D (Downtown) zoning district became effective January 2018. Staff anticipates an increase in establishments with alcoholic beverage—and food—sales.

Jefferson Street—classified as major collector, and an “A” street—has the capacity to handle commercial land uses and includes a mix of heavy and light commercial uses. The Legends Annex actually fronts Polk Street, a “B” street; it is still considered part of “Downtown”. While potentially noxious in the wrong setting, bars such as Legends Annex are desirable near the main street of a downtown area.

A recent and nearby case was the granting of a conditional use permit to allow a bar/lounge in the D zoning district, **ZON2020-0021 Beausoleil Books**. It is located at 302A Jefferson Street, and was approved in October/November of 2020. This is a bar with the combined use of a bookstore. It was stated that the proposed use is compatible with the surrounding uses, and is consistent with urban centers such as Downtown Lafayette. Another bar/lounge, **ZON2020-0006 The Grouse Room**, located at 417 Jefferson Street, was granted a conditional use permit with three conditions in 2021.

Another case, **ZON2018-0026**, bar/lounge Sawbriar, to be located at **402 and 406 Garfield Street**, was also submitted for a conditional use permit in 2018, but was denied.

C. Proposal and effect on adjacent land uses

Hours of operation

Tuesday through Wednesday – 11:00 AM until 12:00 AM

Thursday through Friday – 11:00 AM until 2:00 AM

Saturday – 6:00 PM until 2:00 AM

Estimated building capacity

Current Fire Marshal Capacity: 70.

Parking

The applicant is not required to provide parking per the Downtown zoning district. Parking is available on street and in parking lots in the downtown area.

D. Plan review

Staff recommends that an approval of the request to grant a conditional use permit be conditioned with the understanding that the applicant will maintain compliance with the Noise Control code during all hours of operation.

Signs

All nonconforming signs must be modified to fully comply with Article 5 89-90 Signs prior to the issuance of a certificate of occupancy.

E. External comments

Miles A. Matt (Downtown Development Authority Chair):

The DDA recommends the following condition:

Legends Annex has provided a unique patio experience to the Downtown bar scene for thirteen years; its business model includes food sales, and it currently holds an alcoholic beverage permit to operate as a restaurant. Legends Annex is a separate business from the main bar, Legends Downtown, which has its frontage on Jefferson Street, but the two frequently share patrons on the Polk Street patio along with Marley's Sports Bar.

Legends Annex's current ratio of food to alcohol sales is 30% food to 70% alcohol, which is above the alcohol sales threshold to operate in good faith as a restaurant. This ratio was trending toward a greater portion of alcohol sales before the pandemic and has continued this trend over the past year. As noted in their application, the business owners do not plan to change anything about their current business model, but instead wish to bring their business into compliance and obtain the correct permit to correspond to their food-alcohol sales ratio.

In addition to supporting Legends Annex's wishes to comply with alcohol beverage permit requirements, the DDA believes that because Annex shares a patio with two other bars, clarification that only persons 18+ permitted inside the business and on the patio will cut down on instances of underage drinking in the Downtown district. This business is a long-standing, well-run establishment, and the DDA recommends approval for a conditional use permit, with the condition that Legends Annex continues to serve food on all days of operation.

Michael Brown (Captain, Patrol Support, Lafayette Police Department):
Captain Brown was sent a copy of this application.

Sally Leger (Alcohol and Noise Control):

"I have no objections to the change of use from Restaurant to a Bar. The business meets all necessary requirements to obtain a Class A Bar Permit. To apply for their Class A Bar Permit they will need an updated Certificate of Occupancy and Health Certificate and of course the approved CUP."

My recommendations for the CUP would be with the following conditions:

1. The business shall remain open to the public for business not less than four (4) days per week.
2. All doors and windows shall remain closed at all times.
3. No external speakers with the exception of the private courtyard.

F. Evaluation of approval standards

The proposed use is consistent with the comprehensive plan.

The proposed use is in a targeted area on the Future Land Use Map and is consistent with the goal for a mix of uses in these areas.

The proposed land use is compatible with the downtown area providing continued day/night activity. In addition, the size of the proposed bar/lounge is appropriately scaled for the properties along the Jefferson Streetscape.

The proposed use is consistent with all applicable requirements of the LDC, including zoning regulations, development standards, and supplemental use regulations.

Yes. The applicant has submitted an application for a certificate of occupancy.

The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.

Staff believes the proposed use is consistent with urban centers such as Downtown Lafayette. The Downtown zoning district implements the Mixed-Use Center future land use category, which provides the highest density and intensity in the city and parish and preserves its unique character and function.

The proposed use is compatible with the surrounding areas.

There is a wide range of uses within the Downtown district. The Downtown district houses several commercial/mixed-use businesses, as well as public/civic/institutional entities.

Adequate utilities are provided.

Currently, the urban core has adequate infrastructure for commercial uses.

Ingress and egress is designed as to minimize traffic hazards and congestion on public roads.

There is on-street parking along Jefferson, as well as a small parking lot at the Garfield Street end, and a few on-street parking spaces on Polk Street. There appears to be adequate parking for the establishment.

The proposed use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas.

Staff reiterates that the applicant, Legends Annex, shall maintain compliance with the Noise Control code during all hours of operation.

The proposed use does not injure the use and enjoyment of property in the immediate vicinity for purposes already permitted.

Staff does not believe the proposed use would injure the use and enjoyment of nearby property.

The proposed use does not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

Staff believes the use is appropriate.

The proposed use is not detrimental to and does not endanger the community's public health, safety, and general welfare.

Staff believes the use is appropriate.



RECEIVED

OCT 18 2021

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

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

TO: Cydra Wingerter **DATE:** October 18, 2021

FROM: Mary Sliman

SUBJECT: Case No. ZON2021-0034
110 Polk Street Conditional Use Permit

The attached ordinance would grant a conditional use permit (CUP) on property located generally south of Garfield Street, north of East Congress Street, and south of Jefferson Street.

The Zoning Commission, at its Monday, October 18, 2021, meeting, recommended that the City Council approve the attached ordinance. We request that Council Introduction be scheduled for Tuesday, November 2, 2021, with Final Adoption Tuesday, November 16, 2021.

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

A handwritten signature in cursive script that reads 'Mary Sliman'.

Mary Sliman
Director

LAFAYETTE CITY COUNCIL MEETING

ZONING AGENDA ITEM SUBMITTAL FORM


- 1) **JUSTIFICATION FOR REQUEST:** This is a request to grant a conditional use permit to allow a bar/lounge on property located generally south of Garfield Street, north of East Congress Street, and east of Jefferson Street.
- 2) **ACTION REQUESTED:** Grant a conditional use permit to allow a bar/lounge on property located in the D (Downtown) zoning district.
- 3) **REQUEST ACTION OF COUNCIL:**
 - A. INTRODUCTION: November 2, 2021
 - B. FINAL ADOPTION: November 16, 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 (1 pages)
- 5) **FISCAL IMPACT:**
 Fiscal Impact (will be detailed in Cost-Revenue Analysis)
 No Fiscal Impact

RECOMMENDED BY:



MARY SEIMAN, DIRECTOR

APPROVED FOR AGENDA:



CYNTHIA WIEGMAN, CHIEF ADMINISTRATIVE OFFICER