

CITY ORDINANCE NO. CO-024-2022

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING THE LAFAYETTE DEVELOPMENT CODE SO AS TO RECLASSIFY CASE NO. ZON2022-0005 96 BIRCH DRIVE REZONING, LOCATED GENERALLY NORTH OF BIRCH DRIVE, WEST OF IDLEWOOD BOULEVARD, AND SOUTH OF MAPLE DRIVE; THE PARTICULAR PARCELS BEING REZONED FROM CH (C) (COMMERCIAL-HEAVY, WITH CONDITIONS) TO CH (C) (COMMERCIAL-HEAVY, WITH REDUCED CONDITIONS)

BE IT ORDAINED by the Lafayette City Council, that:

SECTION 1: The Lafayette Development Code is hereby amended so as to reclassify Case No. ZON2022-0005 96 Birch Drive Rezoning, located generally north of Birch Drive, west of Idlewood Boulevard, and south of Maple Drive; the particular parcels being rezoned from CH (c) (Commercial-Heavy, with conditions) to CH (c) (Commercial-Heavy, with reduced conditions); the said parcels being shown and identified by a rezoning map titled “Zoning Map Johnston Street Acquisitions, LLC 96 Birch Drive Lafayette, LA 70503 Being Lot 21 of Idlewood Park Subdivision located in Section 63, T-10-S, R-4-E,” prepared by SPEC LLC – Engineering and Consulting; a copy of which is attached hereto and made a part hereof .

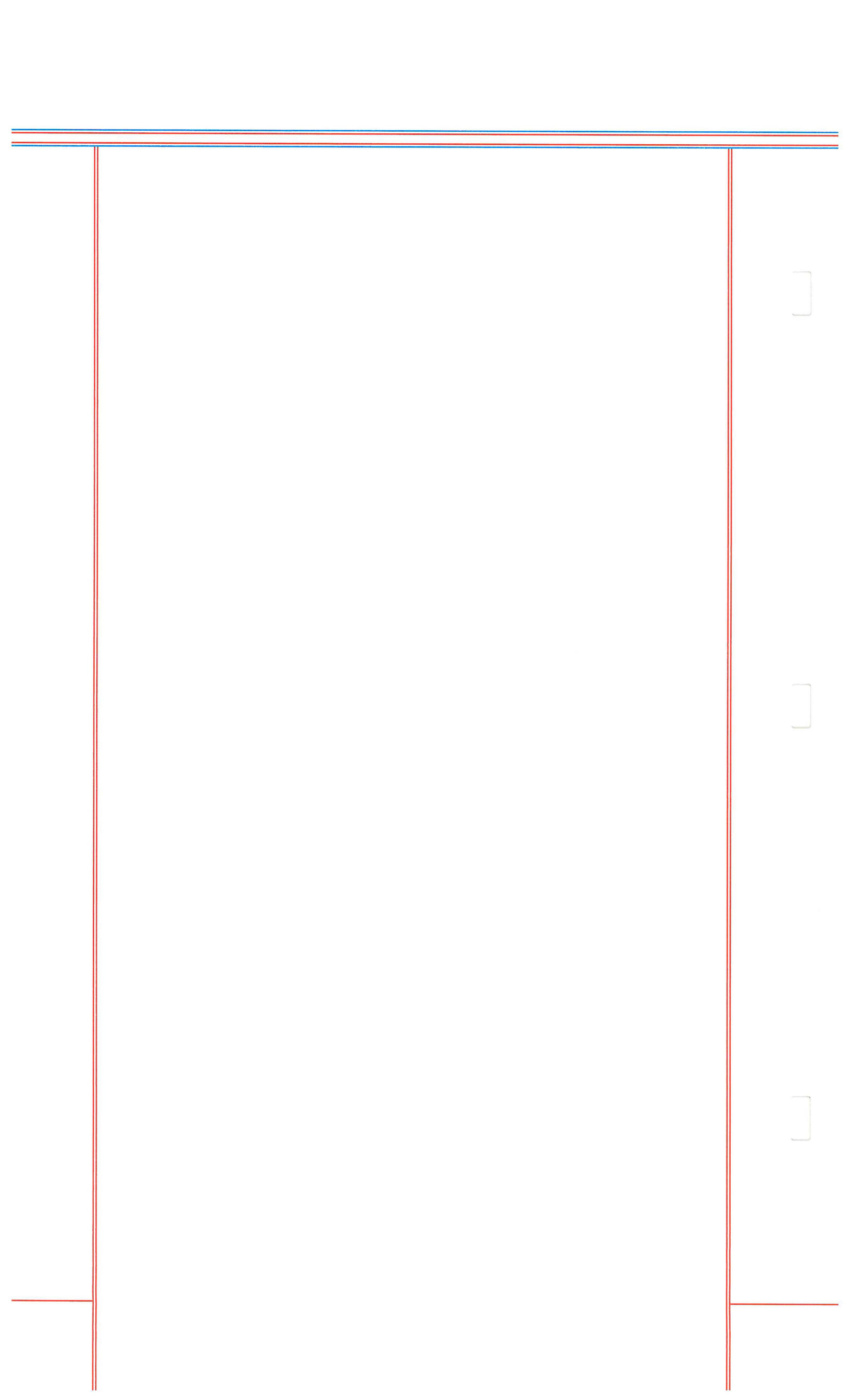
SECTION 2: The property herein is subject to the following conditions:

1. Parking shall be removed from the right-of-way and restored with grass and no access will be allowed on Birch Drive, and
2. A 15’ landscape strip, planted with no fewer than three (3) Class B evergreen trees between each of three (3) Class A trees, along Birch Drive; and
3. A ten (10’) feet Landscape strip, planted with no fewer than three (3) Class A or six (6) Class B trees, along the northeast side of the property; and
4. A sight-proof fence constructed inside the landscape strips along Birch Drive and the northeast side of the property; and
5. No sign may be installed on the property.

SECTION 3: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.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: ZON2021-0005 96 Birch Drive Rezoning

PETITIONER: SPEC, LLC

DATE PETITION FILED: January 5, 2022

DATE OF PUBLIC HEARING: February 21, 2022

DATES OF PUBLICATIONS: February 6, 2022
February 16, 2022
February 20, 2022

DATE OF ZONING COMMISSION RECOMMENDATION: February 21, 2022

RECOMMENDATION: Approve the ordinance that would rezone property from CH (c) (Commercial-Heavy with conditions) to CH (c) (Commercial-Heavy, with reduced conditions).

Motion: Dural
Second: Green
Vote: 5-0-0-0
Ayes: Hebert, Doise, Dural, Green, Pritchard
Nays: None
Absent: None
Abstain: None

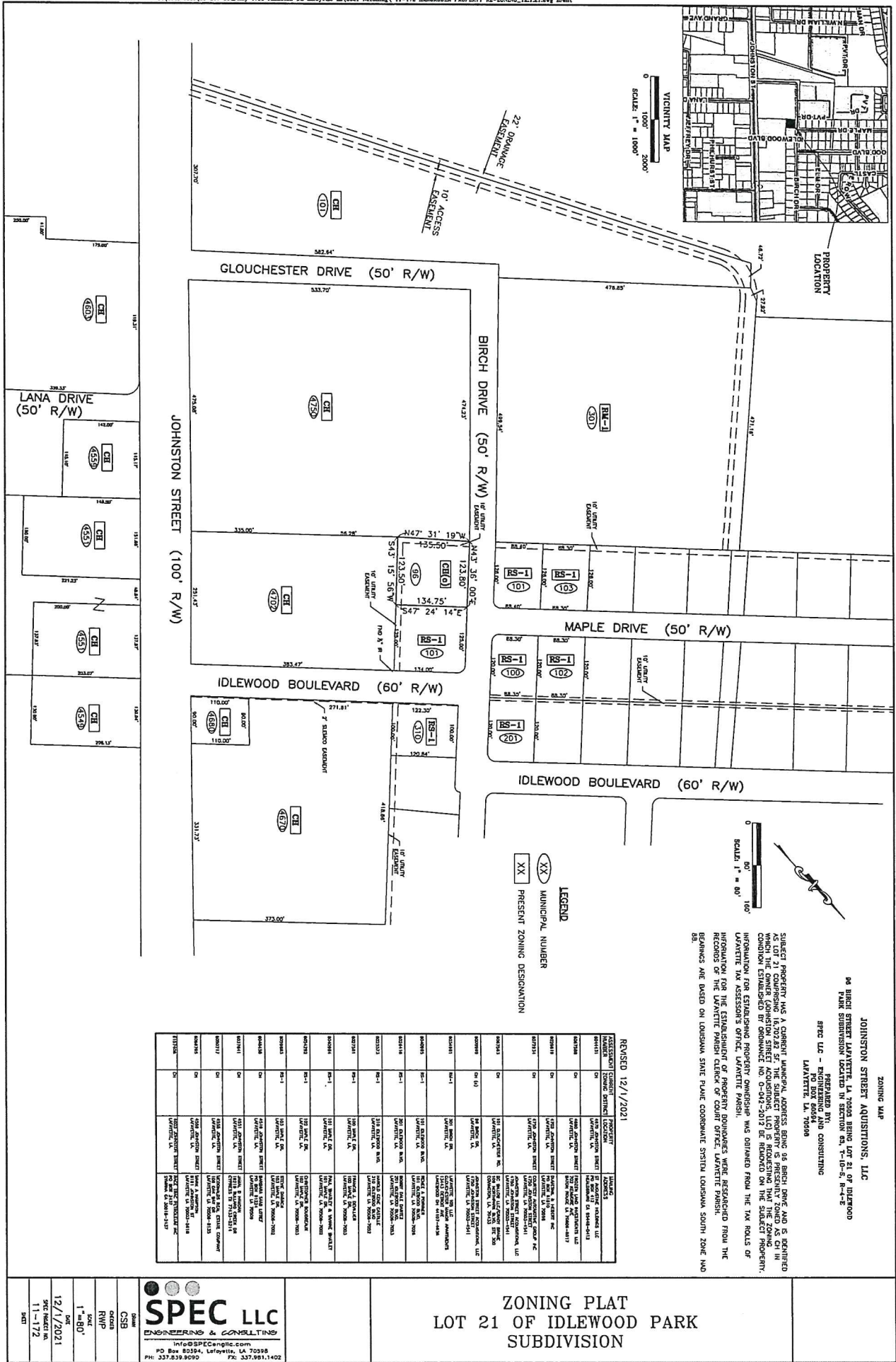
ATTACHMENTS: Executive Summary and Preliminary Staff Report

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 1/5/2022
Amended 2/21/2022

ZON2022-0005

City Council District: 2 – Andy Naquin

Parish Council District: 2 – Kevin Naquin

Applicant: SPEC, LLC

Request: This is a request to rezone property from CH (c) (Commercial-Heavy) (with conditions) to CH (c) (Commercial-Heavy, with reduced conditions), in order to build a warehouse.

Location: 96 Birch Drive

Summary of Proposal:

The purpose of this rezoning is to amend the conditions for this property. The property is zoned CH (c). The proposal is to allow for the building of a warehouse on the subject property. The purpose of the warehouse is to house employees that are working on the vehicles. One condition currently attached to the subject property would prohibit the building of a warehouse. These conditions were attached to the property in 2012. This rezoning would remove Condition 1, and part of Condition 2.

The existing conditions to be **removed or amended** as follows:

- ~~1. The use of the property shall be limited to a parking lot or uses permitted in the R-1-A Zoning District; and~~
- ~~2. A 1-foot reserve strip will be added along Birch Drive;~~ **Parking shall be removed from the right-of-way and restored with grass** and no access will be allowed on Birch Drive, and
3. A 15’ landscape strip, planted with no fewer than three Class B evergreen trees between each of three Class A trees, along Birch Drive; and
4. A 10’ Landscape strip, planted with no fewer than three Class A or six Class B trees, along the northeast side of the property; and
5. A sight-proof fence constructed inside the landscape strips along Birch Drive and the northeast side of the property; and
6. No sign may be installed on the property.

Recommendation:

Staff recommends rezoning from CH (c) (Commercial-Heavy with conditions) to CH (c) (Commercial-Heavy with reduced conditions). Condition No. 1 refers to the restriction of the use to only parking. The landscaping and a sight-proof fence have been installed as per these conditions. They will remain. The 15' landscape strip along Birch Drive has been used for parking. Parking on the right-of-way is not allowed. The right-of-way will be restored to grass. The 10' landscape strip along the northeast side of the property will remain. To sum up, Staff has recommended removing Condition 1 and part of Condition No. 2. All other conditions will remain.

Reasons for Recommendation:

This case was first heard in 2007 for rezoning, and again in 2012, when the owner of the property wanted to use this lot for a commercial use. The lot was originally zoned RS-1, and the neighboring residents preferred to keep it that way. Compromises were made; a number of conditions were attached to the property to ensure it would not negatively affect the surrounding neighborhood. However, as time has passed, conditions have changed. 96 Birch Drive is now between a warehouse and a vet clinic. There is a large apartment complex across the street, and there are more commercial properties in the area. Staff recommends that the conditions be amended in order to be able to build a warehouse. The sight proof fence and any landscaping will remain, and continue to screen the property from the residential area.

Summary of Public Comment:

At the time of publication of the preliminary report, staff has received 2 phone calls asking for more details, and then were neutral about the case.

ZONING COMMISSION RECOMMENDATION

The Zoning Commission held a public hearing regarding this matter at its February 21, 2022, meeting and approved a motion to recommend that the City Council approve the request to rezone this property from CH (c) (Commercial-Heavy, with conditions) to CH (c) (Commercial-Heavy, with reduced conditions).

Summary of Public Comment:

Public Comment before the Zoning Commission meeting

Support: 0
Opposition: 0
Neutral: 2

Public Comment during the Zoning Commission meeting

Support: 0
Opposition: 0
Neutral: 0

Zoning Commission Meeting

February 21, 2021

ZON2022-0005

To: City-Parish Zoning Commission

From: Mary Sliman, Director
Cathie Gilbert, Planning Manager

City Council District: 2 – Andy Naquin

Parish Council District: 2 – Kevin Naquin

Prepared by: Carol Vermillion Robbins

PRELIMINARY STAFF REPORT

I.GENERAL INFORMATION

Applicant: SPEC, LLC

Request: This is a request to rezone property from CH (c) (Commercial-Heavy, with conditions) to CH (Commercial-Heavy, with reduced conditions), in order to build a warehouse.

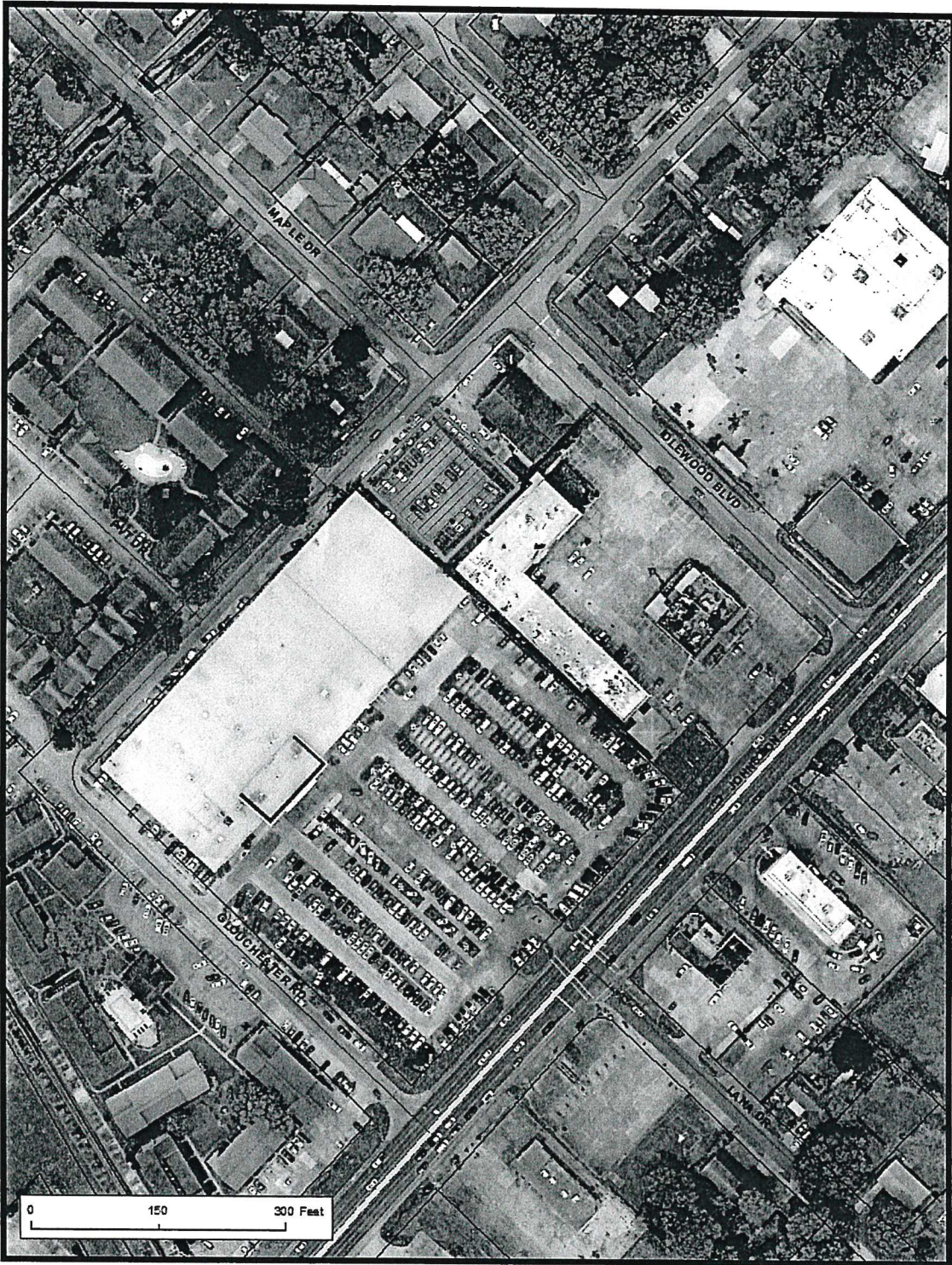
Location: 96 Birch Drive

Description: The subject property is located generally north of Birch Drive, west of Idlewood Boulevard, and south of Maple Drive, and is 0.383 acres.

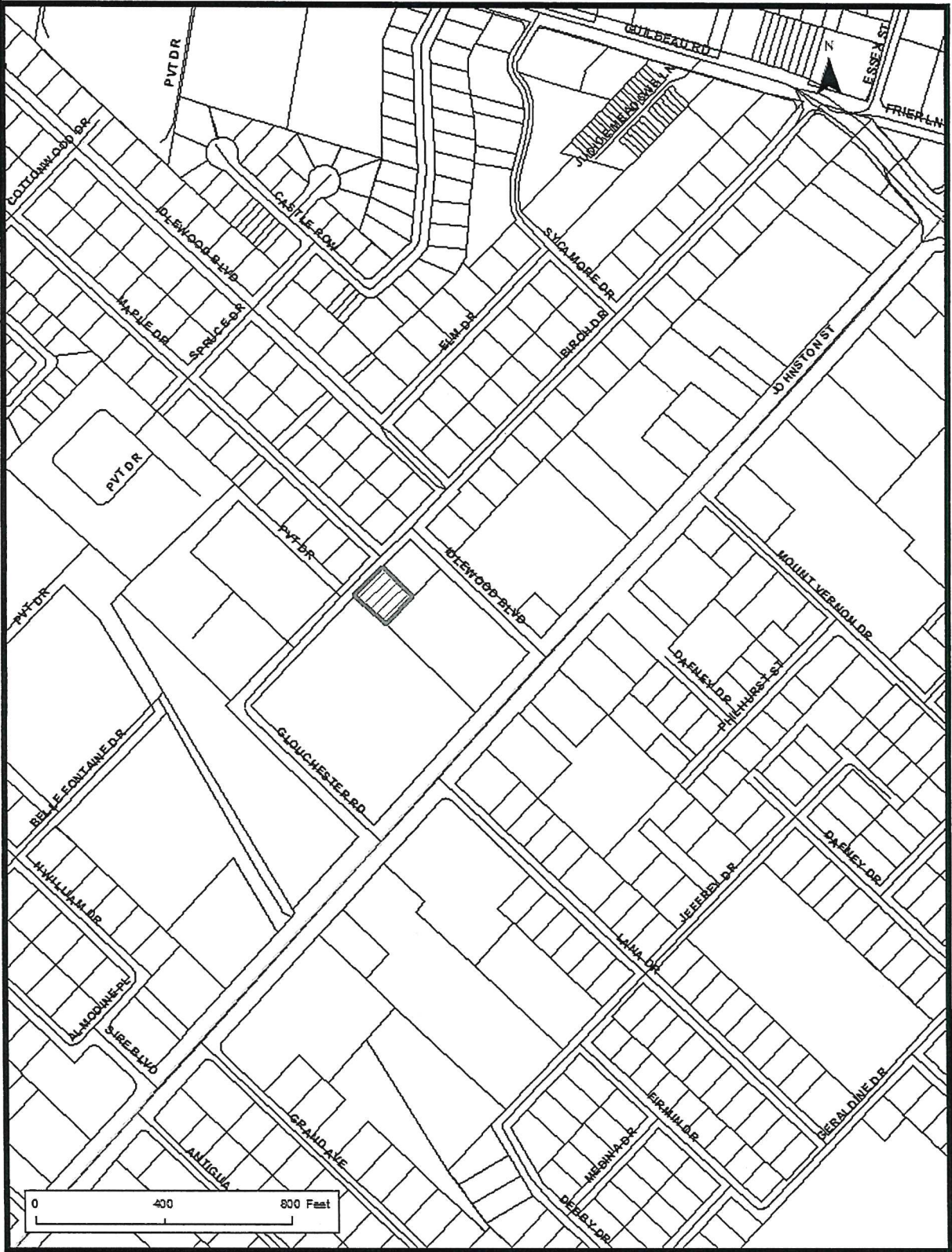
Why is Zoning Commission action required?

The Zoning Commission is required to make a recommendation on all applications for amendments to the zoning map to the City-Parish 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 Map

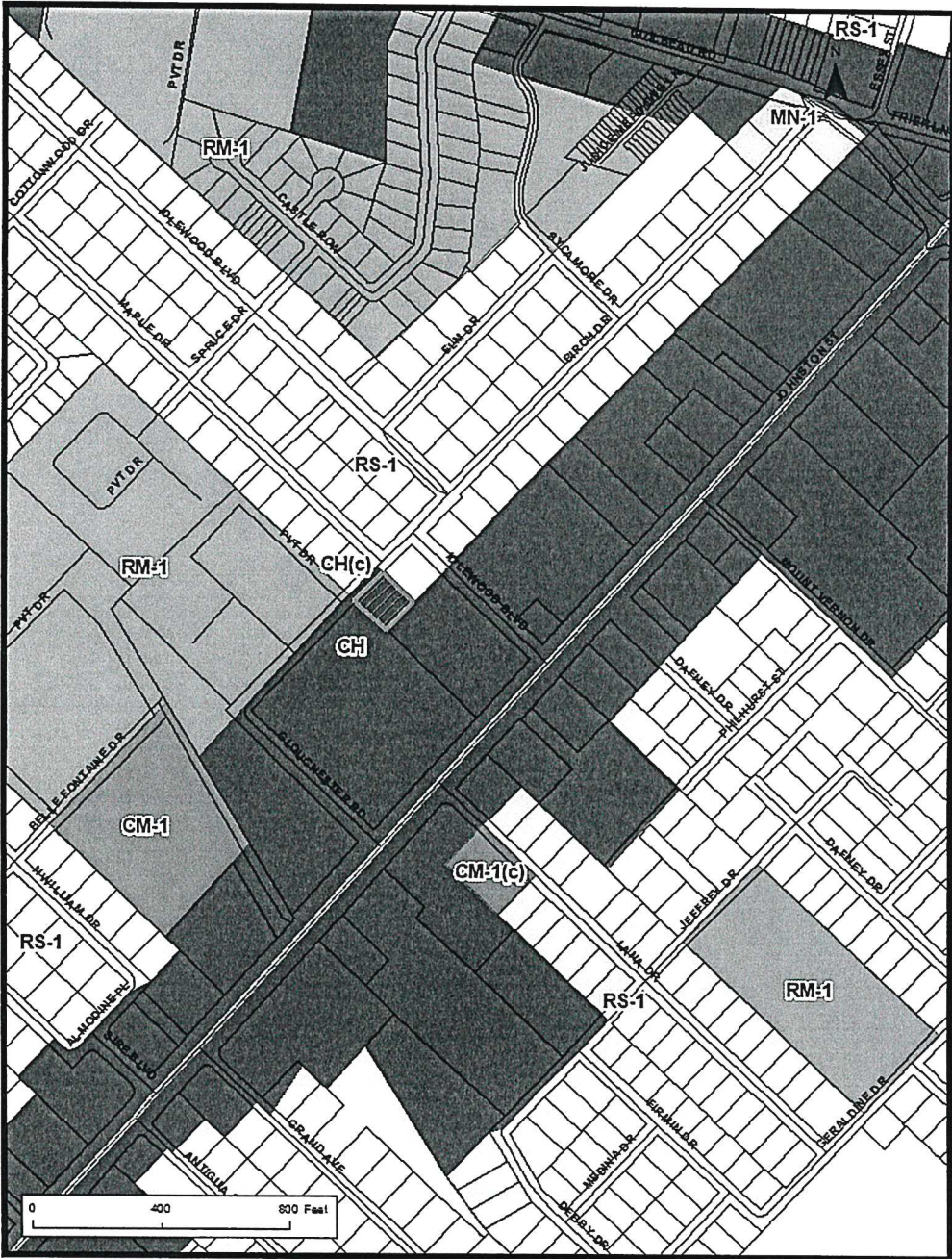


Vicinity Map

II. ANALYSIS

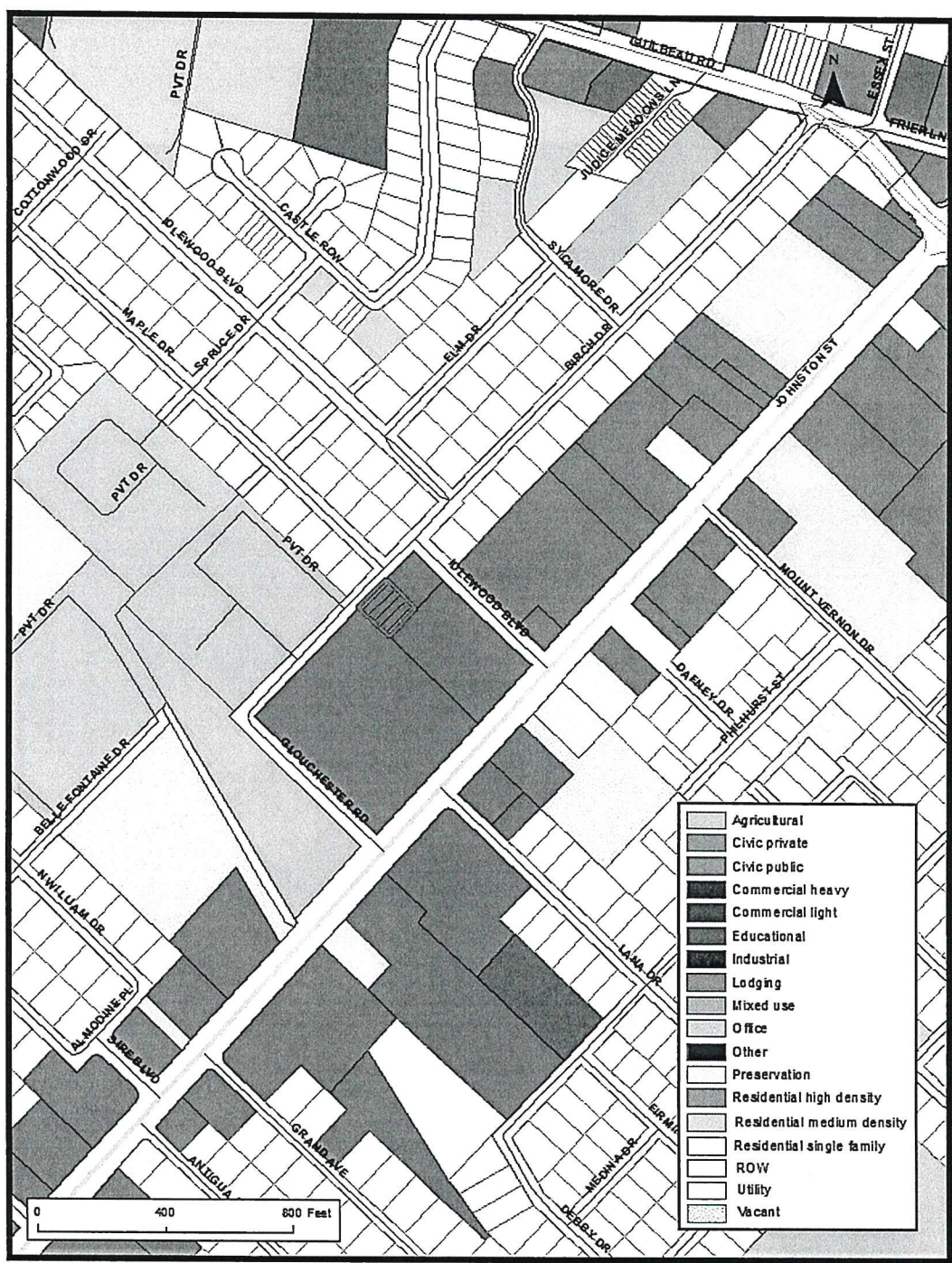
A. Existing conditions

Zoning



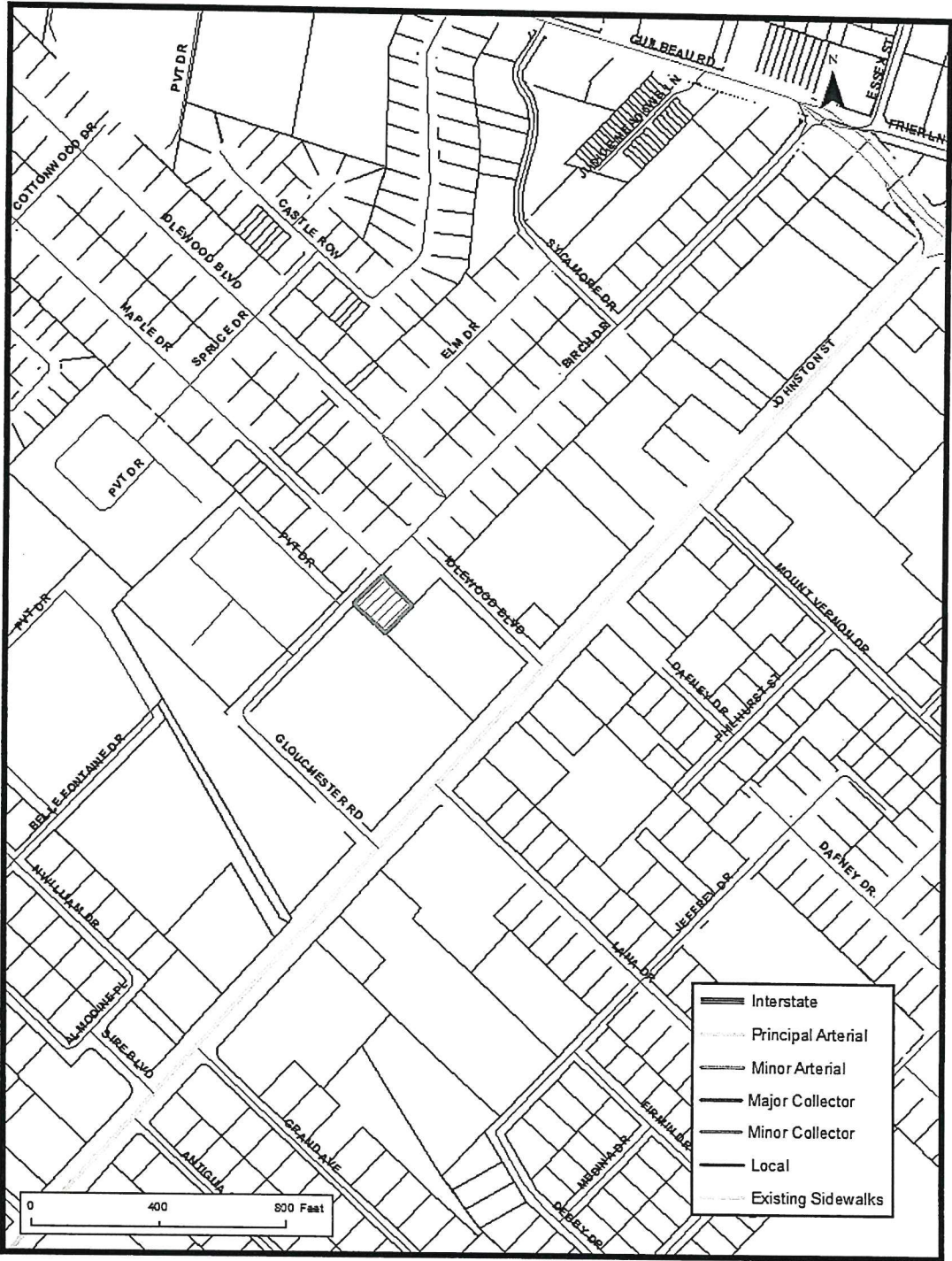
Zoning map of the area surrounding the petitioned site

This zoning map shows the CH (Commercial-Heavy) properties that follow Johnston Street and Guilbeau Road. There are areas of RM (Residential Mixed) zoning districts within a large area of RS-1 (Residential Single-Family) zoning districts. There are a few buffer areas of MN-1 (Mixed-Use Neighborhood) and CM-1 (Commercial Mixed).



Land Use Map

96 Birch Drive is within a strong border of commercial uses that follow Johnston Street. It is part of an automobile dealership. There are more commercial uses bordering Johnston Street, including office space, restaurants, fast food restaurants, beauty parlors and nail salons, and bars and lounges. Beyond this commercial border along Johnston are established residential properties, both low density and high density.



Street Classification and Sidewalk Inventory Map

The subject property borders a local road, Birch Drive. Gloucester Road and Idlewood Boulevard are both local roads that lead back to a principal arterial, Johnston Street. Guilbeau Road is a minor arterial, and the rest of the roadways in this area are local roads. There is an incomplete sidewalk system around Birch Street.

B. Recent cases and relevant trends

This property was rezoned in 2007(**ZON2007-0041 Johnston Street Acquisitions, LLC Property Rezoning**), then rezoned again and assigned conditions in 2012, with Case No. **ZON2012-0001 96 Birch Drive Property Rezoning**. The subject property at that time was a residential lot bordered on three sides by commercial developments, mainly by Courtesy Automotive. With the continued commercial development along Johnston Street corridor and the pressures of adjacent commercial uses, it was determined that the subject property was no longer best suited for residential use. The Zoning Commission did agree that the nearby residential properties needed to be protected from additional commercial use fronting, so the 6 conditions at the beginning of this report were added, and the subject property was rezoned to CH (c) (Commercial-Heavy, with conditions). Since that time, the character and make-up of the area around 96 Birch Street has become even more commercial. Staff still recommends that there be no access from Birch Street into the lot, and that the landscaping and sight proof fence remain. But staff does recommend that the condition restricting this site to a parking lot be removed.

C. Purpose of rezoning and effect on adjacent land uses

The applicant is asking that the use condition added in the 2017 project be removed, in order for a small warehouse to be built. The first condition is really the only condition that has to be removed in order to build a warehouse; the other conditions deal with landscaping and signage. Some of these conditions have been completed, as in No. 5 where a sight-proof fence was added. There are other landscaping requirements that were not completed, such as No. 3, where a 15’ landscape strip was to be planted. This area is being used for parking instead. The sight-proof fence will help with the effect of adding a warehouse on adjacent land uses. An entry drive from Birch Street will not be permitted. Therefore, Condition No.1, and part of Condition No. 2 has been modified to ensure compliance.

D. Evaluation of approval standards

The proposed rezoning is consistent with the comprehensive plan.

N/A.

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

N/A.

The proposed rezoning is compatible with current development trends, if any, in the general area of the property in question.

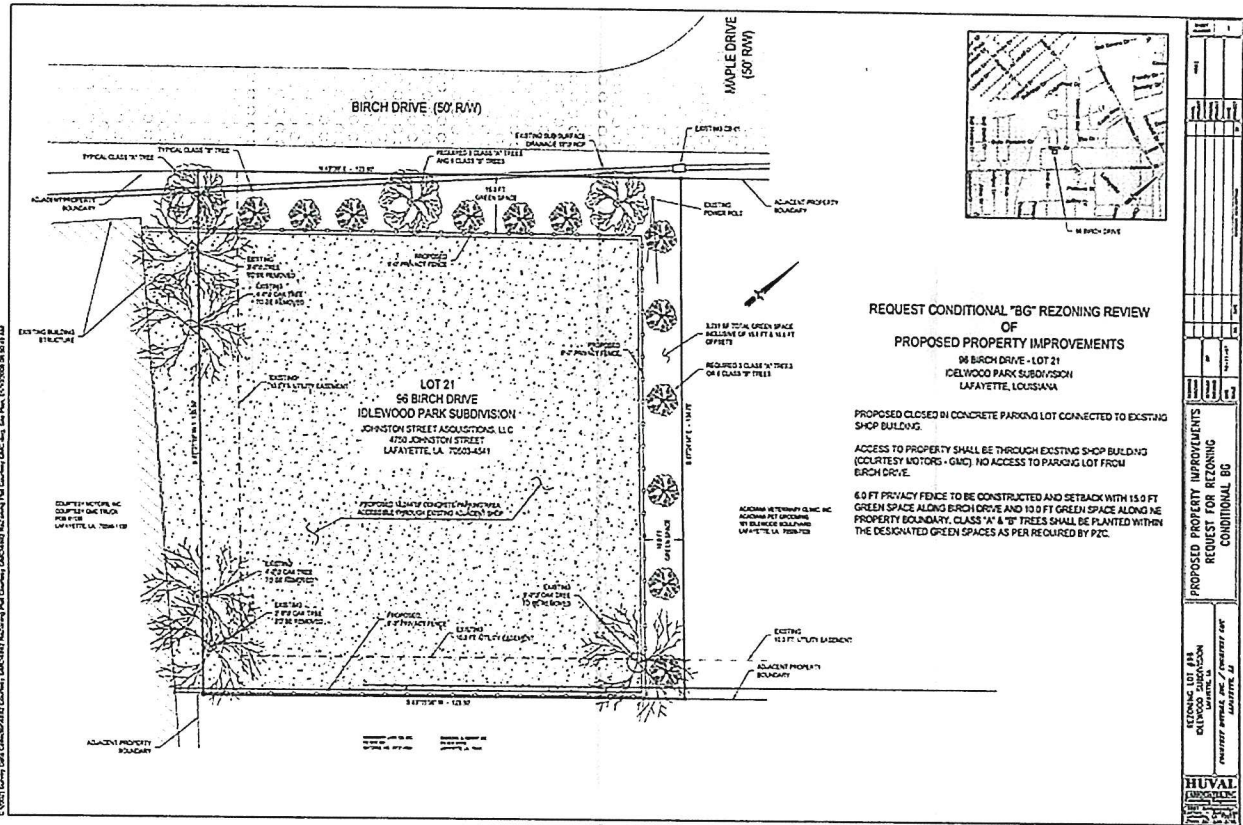
The general area of the subject property is a longtime established neighborhood and a longtime business (Courtesy Automotive). There have been attempts (as in **ZON2012-0001 90 Birch Drive Rezoning**, above) to balance these two uses. The area along Birch Drive is definitely commercial, and has gotten to be more commercial as time has passed. Additional commercial use appears to be the only development trend here.

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

N/A.

The proposed amendment is compatible with surrounding land uses.

The proposed amendment is part of a balance between the commercial and the residential in this area. This balance has been a concern to the residents of the area, at least back in 2012, when these conditions were added. Staff does not know what the neighborhood response to this current proposed removing of conditions will be. This may no longer be an issue. Staff will monitor emails and calls in order to determine the neighborhood response. Staff has gotten only two calls asking about the case, and the caller was neutral. We have not, at this time, received any negative calls or emails.



Conditions Map from 2012

Items to remain:

- No access from Birch Drive
- No parking at 15' strip on Birch Street
- Landscaping and fencing to remain, restore ROW at Birch Street to grass

FEB 22 2022

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Community Development and Planning Department
Office of the Director (Route 9041)

TO: Cydra Wingerter

DATE: February 21, 2022

FROM: Mary Sliman

SUBJECT: Case No. ZON2022-0005
96 Birch Drive Rezoning

The attached ordinance would rezone, from a CH (c) (Commercial-Heavy, with conditions) to CH (c) (Commercial-Heavy, with reduced conditions), property located generally north of Birch Drive, west of Idlewood Boulevard, and south of Maple Drive.

The Zoning Commission, at its Monday, February 21, 2022 meeting, recommended that the City Council approve the attached ordinance. We request that Council Introduction be scheduled for Tuesday, March 8, 2022, with Final Adoption Tuesday, March 22, 2022.

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

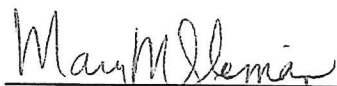


Mary Sliman
Director

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 property located generally north of Birch Drive, west of Idlewood Boulevard, and south of Maple Drive.
- 2) **ACTION REQUESTED:** Adoption of the attached ordinance to reclassify the subject property from CH (c) (Commercial-Heavy with conditions) to CH (c) (Commercial-Heavy, with reduced conditions).
- 3) **REQUEST ACTION OF COUNCIL:**
- A. INTRODUCTION: March 8, 2022
- B. FINAL ADOPTION: March 22, 2022
- 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 (11 pages)
- 5) **FISCAL IMPACT:**
- ☐ Fiscal Impact (will be detailed in Cost-Revenue Analysis)
- ☒ No Fiscal Impact

RECOMMENDED BY:



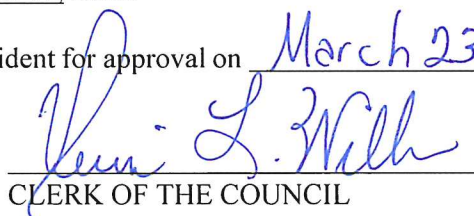


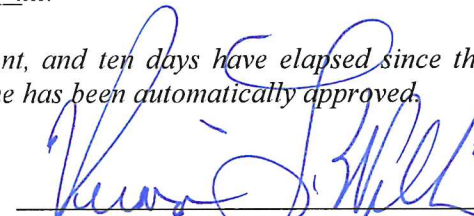
MARY SLIMAN, DIRECTOR

APPROVED FOR AGENDA:



CHIEF ADMINISTRATIVE OFFICER

DISPOSITION OF ORDINANCE NO. CO-024-2022

1. This ordinance was introduced: March 8, 2022
YEAS: Lewis, Naquin,
Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None
Final disposition by Council:
March 22, 2022
YEAS: Lewis, Naquin,
Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None
AMEND: 03/08 – included the conditions related to parking, landscaping, fencing and signage
2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on March 11, 2022.
3. This ordinance was presented to the Mayor-President for approval on March 23, 2022, at 2:40 o'clock P.m.

CLERK OF THE COUNCIL
4. Disposition by Mayor-President:
I hereby:
A. Approve this ordinance, the 28 day of March, 2022, at 2:35 o'clock P.m.
B. Veto this ordinance, the _____ day of _____, 2022, at _____ o'clock _____.m., veto message is attached.
C. Line item veto certain items this _____ day of _____, 2022, at _____ o'clock _____.m., veto message is attached.

MAYOR-PRESIDENT
5. Returned to Council Office  with/without veto message on March 30, 2022, at 4:38 o'clock P.m.
6. Reconsideration by Council (if vetoed):
On _____, 2022, 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 _____, 2022, 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 March 25, 2022.

