

June 28, 2024

Lafayette City Council
By and Through Mrs. Veronica L. Arceneaux
Lafayette Clerk of the Council

**RE: Disposition of Ordinance No. CO-066-2024
Veto Message of Mayor-President Monique B. Boulet**

Dear Council Members:

On June 18, 2024, the Lafayette City Council voted 3-2 to adopt City Ordinance No. CO-066-2024, which granted a Conditional Use Permit (“CUP”), with conditions, to authorize a Convenience store with gasoline sales on the property located at 1803 W. University Avenue in the City of Lafayette. The Lafayette City Council’s approval of this ordinance came despite the recommendations to deny this CUP by both the Lafayette Zoning Commission as well as the professional recommendations of the Community Development & Planning Department.

As a general note, the ability to build and operate a Convenience store with gasoline sales on this property is only allowed under the existing Lafayette zoning rules and regulations when special permission is granted through the approval of a CUP. The decision to grant this special permission requires a case-by-case analysis to ensure that the proposed use is consistent with the Lafayette Development Code and the Comprehensive Plan.

I was in attendance of the Lafayette City Council meeting at which this CUP was considered, listened to the Council’s discussions, the concerns of the neighboring property owners and other concerned citizens, and have thoroughly reviewed the documents and information presented to the Lafayette City Council. In addition, since the council decision, I have visited with both the property owner and a representative of the neighborhood.

It is my understanding of the plans, the development will include a restaurant and a high-end coffee brand both of which will bring character and interesting options to the neighborhood. As well, it is my understanding that the greatest concern of the neighborhood is the proposed fuel pumps and gasoline sales resulting in negative impacts on the established character of the surrounding neighborhood and quality of life.

Considering all of this information, it is readily apparent that granting a CUP to authorize a Convenience store with gasoline sales on the property contradicts the recommendations of the Lafayette Zoning Commission. My greatest concern is not with the property owner or the development itself but with the allowance for gasoline sales on the property. The proposed development with gasoline sales is not compatible with the established character of the surrounding neighborhood. Otherwise, I do want to encourage and support the development of this proposed business less the option to sell fuel.

As a result, pursuant to Section 2-13(B) of the Lafayette City-Parish Consolidated Government Home Rule Charter, I have elected to veto City Ordinance No. CO-066-2024.

Sincerely,

A handwritten signature in blue ink, appearing to read "Monique B. Boulet". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Monique B. Boulet
Mayor-President

CITY ORDINANCE NO. CO-066-2024

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT TO ALLOW A CONVENIENCE STORE (WITH GASOLINE SALES) IN A CM-1 (COMMERCIAL MIXED) ZONING DISTRICT, CASE NO. 2024-13-REZ 1803 WEST UNIVERSITY AVENUE CUP (CONDITIONAL USE PERMIT), LOCATED GENERALLY NORTH OF AGNES STREET, WEST OF WEST UNIVERSITY AVENUE, AND SOUTH OF SILKWOOD STREET, UPON SATISFACTION OF A SUSPENSIVE CONDITION

BE IT ORDAINED by the Lafayette City Council, that:

SECTION 1: The Lafayette City Council hereby approves a Conditional Use Permit to allow a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) Zoning District, Case No. 2024-13-REZ, 1803 West University Avenue CUP (Conditional Use Permit), upon satisfaction of the suspensive condition more fully set forth in Section 2 of this city ordinance, located generally north of Agnes Street, west of West University Avenue, and south of Silkwood Street, the said parcel being shown and identified on a map titled, "A New Convenience Store for a Conditional Use Permit," prepared by Ackal Architects, dated March 5, 2024, a copy of which is attached hereto and made a part thereof.

SECTION 2: The following conditions are to apply:

1. Hours of operations will not exceed 5:00am CST to 11:00pm CST;
2. An eight-foot privacy fence will be required along all property lines neighboring residential properties.

SECTION 3: The grant of the CUP approved herein shall be suspended, and shall not be effective unless and until the following suspensive condition is satisfied:

1. The Lafayette City-Parish Consolidated Government's ("LCG") final approval of that certain Boundary Line Adjustment eliminating Lots 17, 18, 19, 20, 21, and 22 West End Heights Subdivision No. 1 creating Lot 17-A (0.430 Acres) West End Heights Subdivision No. 1, said parcel being the same as shown and identified on a map titled, "A New Convenience Store for a Conditional Use Permit," prepared by Ackal Architects, dated March 5, 2024, a copy of which is attached hereto and made a part thereof.

SECTION 4: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 5: 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.

* * * * *

LAFAYETTE ZONING COMMISSION
RECOMMENDATION OF ACTION

TO: Lafayette City Council
FROM: Lafayette Zoning Commission and Community Development & Planning Dept.
SUBJ: 2024-13-REZ 1803 West University Avenue CUP
PETITIONER: ABS, LLC

DATE PETITION FILED: March 5, 2024

DATE OF PUBLIC HEARING: May 20, 2024

DATES OF PUBLICATIONS: May 5, 2024
May 15, 2024
May 19, 2024

DATE OF ZONING COMMISSION RECOMMENDATION: May 20, 2024

RECOMMENDATION: Deny the ordinance that would grant a CUP (Conditional Use Permit) for a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district.

Motion: German
Second: Pritchard
Vote: 3-0-0-0
Ayes: Hebert, German, Pritchard
Nays: None
Absent: None
Abstain: None

ATTACHMENTS: Executive Summary and Preliminary Staff Report

REASONS FOR RECOMMENDATION: Executive Summary including Zoning Commission Recommendation

Sincerely,



Anne Famoso, Interim Director
Community Development and Planning Dept.

Zoning Commission

Community Development and Planning Staff Report

EXECUTIVE SUMMARY

Drafted 3/6/2024
Amended 5/21/2024

Note: This case was originally scheduled to be on the agenda for April 15, 2024. It is now scheduled for May 20, 2024.

2024-13-REZ

City Council District: 2 – Andy Naquin

Parish Council District: 1 – Bryan Tabor

Applicant: ABS, LLC c/o Abdulsattar Alshaebi

Request: This is a request to grant a Conditional Use Permit (CUP) to allow a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district. A **convenience store (with gasoline sales)** is a use under the category **Retail sales**, and is conditional in a CM-1 zoning district.

Location: 1803 West University Avenue

Summary of Proposal:

The purpose of this proposal is to allow a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district. As this is a conditional use in CM-1, a CUP (Conditional Use Permit) will be required.

Recommendation:

Staff recommends denial of the request to grant a Conditional Use Permit (CUP) for a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district.

Reasons for Recommendation:

The subject property is on a roadway that is historically significant to the history of the city of Lafayette. From Cameron Street to Pinhook Road many historic homes and small businesses fronted West and East University Avenue. University Avenue is the seam between downtown, the University and City Hall where walkable uses are desirable. Much work has been done in planning and zoning to protect University Avenue: the majority of its length is zoned MN-1 (Mixed-Use Neighborhood) in order to enable the preservation of these houses and small businesses that currently front West and East University Avenue. However, this area of CM-1 (Commercial Mixed) uses fits the urban, smaller-in-size, and compatible in massing and buildout with nearby single-family neighborhoods. This is one reason

why a convenience store (with gasoline sales) is a conditional use in CM-1. A different CM-1 (Commercial Mixed) zoning district may be an acceptable location for a convenience store (with gasoline sales), but in this case, it is not.

There are homes that are directly adjacent to the subject property, which is not an appropriate adjacency. The neighborhoods impacted are West End Heights, Oaklawn Subdivision, Oaklawn Park Addition, and Comeaux Place. This area has relatively small land parcels, as expected in the urban core, which makes adjacency more acute than other parts of the city.

Summary of Public Comment:

At the time of publication of the preliminary report, staff has received 40 phone calls, all opposed to this CUP.

ZONING COMMISSION RECOMMENDATION

The Zoning Commission held a public hearing regarding this matter at its May 20, 2024, meeting and recommended denial of a request to grant a conditional use permit (CUP) to allow a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district.

Summary of Public Comment:

Public Comment before the Zoning Commission meeting

Support: 0

Opposition: 40

Neutral: 0

Public Comment during the Zoning Commission meeting

Support: 4

Opposition: 30

Neutral: 0

Zoning Commission Meeting

May 20, 2023

2023-13-REZ

To: City Zoning Commission
From: Anne Famoso, Interim Director
Cathie Gilbert, Planning Manager
City Council District: 2 –Andy Naquin
Parish Council District: 1 – Bryan Tabor
Prepared by: Carol Vermillion Robbins

PRELIMINARY STAFF REPORT

Applicant: ABS, LLC c/o Abdulsattar Alshaebi
Request: This is a request to grant a Conditional Use Permit (CUP) to allow a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district.
Location: 1803 West University Avenue
Description: The property is located generally north of Agnes Street, west of West University Avenue, and south of Silkwood Street. The subject property is approximately 0.43 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.



0 20 40 80 Feet
|-----|-----|-----|-----|

Subject Property Map



0 75 150 300 Feet
|-----|-----|-----|

Vicinity Map

II. ANALYSIS

A. Existing conditions

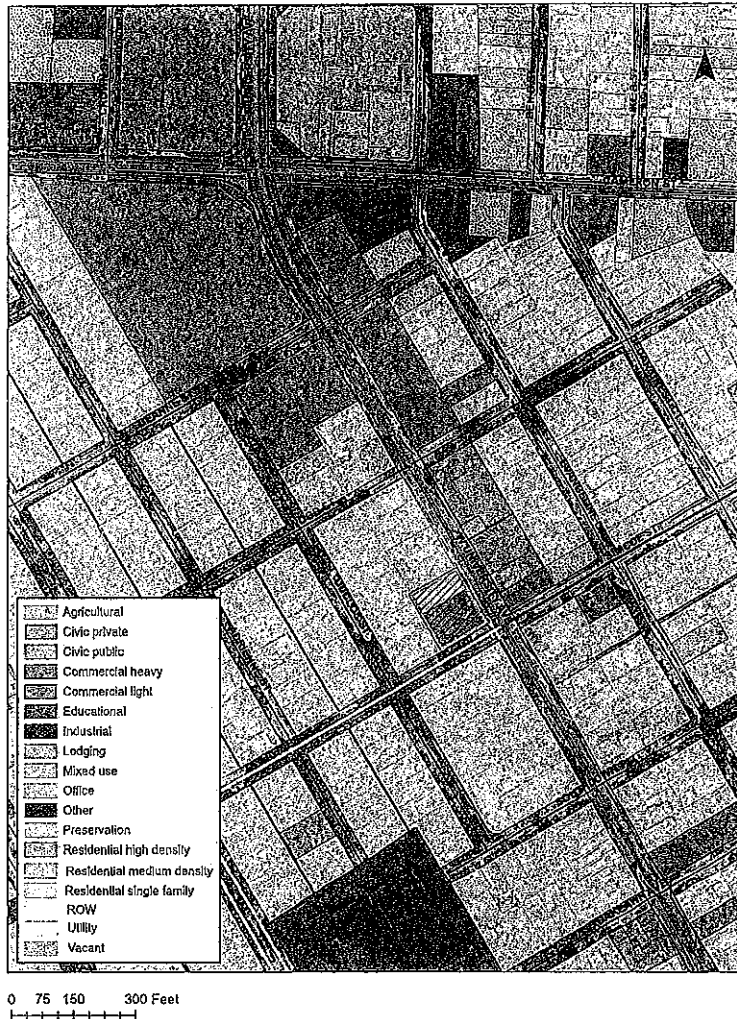
Zoning



Zoning map of the area surrounding the petitioned site

The subject property is a CM-1 (Commercial Mixed) zoning district, at the end of a long CM-1 zoning district (with a few CH (Commercial-Heavy) zoning districts) that runs from West Willow Street down North University Avenue to this last block as a result of the **University Avenue Overlay District** project. The subject property is not within the overlay itself. To the south from the subject property the majority of zoning districts following West and East University Avenue are MN-1 (Mixed-Use Neighborhood) zoning districts. To the west of the subject property is a large RS-1 (Residential

Single-Family) zoning district. RS-1 zoning districts are the majority of zoning districts to the northeast as well. There is a large RM-1 (Residential Mixed) zoning district at Cameron Street and one to the south starting at Myrtle Place Elementary School, which is in a PI-L (Public/Institutional Light) zoning district.



Land Use Map

The Land Use map indicates that this area is primarily residential uses except for commercial mixed and commercial heavy uses following North University Avenue, but those heavier commercial uses gradually reduce in number by Agnes/West Simcoe Street. There is also a large residential high-density use at the intersection of Cameron Street and North University Avenue; Bottle Art Lofts. In the block of the subject property there are single-family residential uses, office space, and a large amount of civic private uses, which are two different churches. There is one business across the

street from the subject property, which is a barbershop; Blackie's Four Corners Barbershop, which has been in this location for years. This is a *personal services* use.



Street Classification and Sidewalk Inventory Map

The subject property is on the corner of a principal arterial, West University Avenue, and a minor collector, which is Agnes Street. Agnes Street changes to West Simcoe Street to the north of West University Avenue, and is a major collector. Cameron Street, to the north, is also a principal arterial. There are sidewalks shown in the neighborhoods, but the sidewalk system is not complete.

B. Recent cases and relevant trends

There were three cases in 2023 that were attempts to obtain a CUP (Conditional Use Permit) for a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district. Of the three, only one obtained a CUP for a convenience store (with gasoline sales). This was **2023-4-CUP 800 Block Vincent Road CUP**. This CUP was successful for several reasons: this was more of a suburban area with a much larger site. The larger site offered buffers and siting changes that were acceptable for that particular area. The other two cases, **2023-5-CUP 3014 Kaliste Saloom Road CUP** and **2023-22-REZ 4517 West Congress Street Rezoning and CUP**, both failed largely due to the responses of the neighborhoods adjacent to the subject properties. Both of these failed cases were located on a classified roadway, but they were both directly adjacent to an established neighborhood, as is the case with the subject property in this case on West University Avenue.

C. Purpose of rezoning and effect on adjacent land uses

The purpose of this rezoning is to obtain a CUP (Conditional Use Permit) in order to allow a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district. The subject property is next to office space, churches and residential properties along West University Avenue, and is directly adjacent to residential properties to the rear of the property, and across Agnes Street.

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

A CUP for a gas station is not compatible with the long-term efforts of revitalizing University Avenue. The location and the public investment of a reconstructed roadway north of Cameron and given its location near City Hall and downtown walkable uses are desired.

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

N/A.

The proposed amendment is compatible with surrounding land uses.

No, this subject property, a convenience store (with gasoline) sales, will not be compatible with the surrounding land uses. As mentioned before, West University Avenue has always been an important



Revised Memo:
Zoning Commission's outcome

Internal Memorandum

Chief Administrative Officer (CAO)
CAO-Administration (1210)

TO: Veronica Arceneaux **DATE:** May 31, 2024
FROM: Rachel Godeaux
SUBJECT: Case No. 2024-13-REZ
1803 West University Avenue CUP (Conditional Use Permit)
CO-066-2024

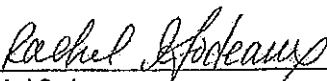
Please replace the memo in the council packet with this memo.

The attached ordinance would grant a CUP (Conditional Use Permit) for a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district, for property located generally north of Agnes Street, west of West University Avenue, and south of Silkwood Street.

The Zoning Commission, at its Monday, May 20, 2024 meeting, recommended that the City Council deny the attached ordinance.

We request that Council Introduction be scheduled for Tuesday, June 4, 2024, with Final Adoption Tuesday, June 18, 2024.

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



Rachel Godeaux
Chief Administrative Officer

t: 337.291.8311 / rachel.godeaux@lafayettela.gov / f: 337.291.8309



Revised Memo:
Zoning Commission's outcome

Internal Memorandum

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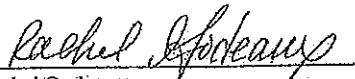
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Rachel Godeaux
Chief Administrative Officer

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 grant a CUP (Conditional Use Permit) for a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district located generally north of Agnes Street, west of West University Avenue, and south of Silkwood Street.

- 2) **ACTION REQUESTED:** Adoption of the attached ordinance to grant a CUP (Conditional Use Permit) for a convenience store (with gasoline sales) in a CM-1 (Commercial Mixed) zoning district.

- 3) **REQUEST ACTION OF COUNCIL:**
 - A. INTRODUCTION: June 4, 2024
 - B. FINAL ADOPTION: June 18, 2024

- 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:



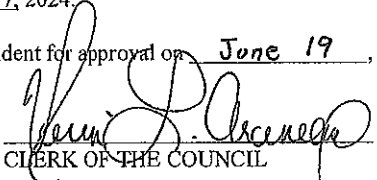
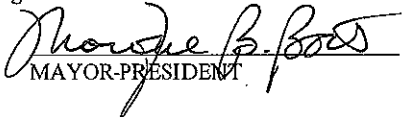
ANNE FAMOSO, INTERIM DIRECTOR

APPROVED FOR AGENDA:



CHIEF ADMINISTRATIVE OFFICER

DISPOSITION OF ORDINANCE NO. CO-066-2024

1. This ordinance was introduced: June 4, 2024
YEAS: Broussard, Naquin, Hebert, Hooks, Boudreaux
NAYS: None
ABSENT: None
ABSTAIN: None
Final disposition by Council: June 18, 2024
YEAS: Broussard, Naquin, Boudreaux
NAYS: Hebert, Hooks
ABSENT: None
ABSTAIN: None
AMEND: 6/18 add suspensive condition & hours of operation and privacy fence conditions
2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on June 7, 2024.
3. This ordinance was presented to the Mayor-President for approval on June 19, 2024, at 10:30 o'clock a.m.

CLERK OF THE COUNCIL
4. Disposition by Mayor-President
I hereby:
 - A. Approve this ordinance, the _____ day of _____, 2024, at _____ o'clock _____m.
 - B. Veto this ordinance, the 28th day of June, 2024, at 2:40 o'clock p.m., veto message is attached.
 - C. Line item veto certain items this _____ day of _____, 2024, at _____ o'clock _____m., veto message is attached.

MAYOR-PRESIDENT
5. Returned to Council Office with/without veto message on June 28, 2024, at 2:58 o'clock p.m.
6. Reconsideration by Council (if vetoed):
On _____, 2024, 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 _____, 2024, 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 June 24, 2024.