

FAILED

CITY ORDINANCE NO. CO-084-2024

**AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL APPROVING A
CONDITIONAL USE PERMIT TO ALLOW A BAR/LOUNGE IN A CM-2
(COMMERCIAL MIXED) ZONING DISTRICT, CASE NO. 2024-1-CUP 504 GARFIELD
STREET CUP (CONDITIONAL USE PERMIT), LOCATED GENERALLY NORTH OF
CLINTON STREET, EAST OF JOHNSTON STREET, AND SOUTH OF EAST
CYPRESS STREET**

BE IT ORDAINED by the Lafayette City Council, that:

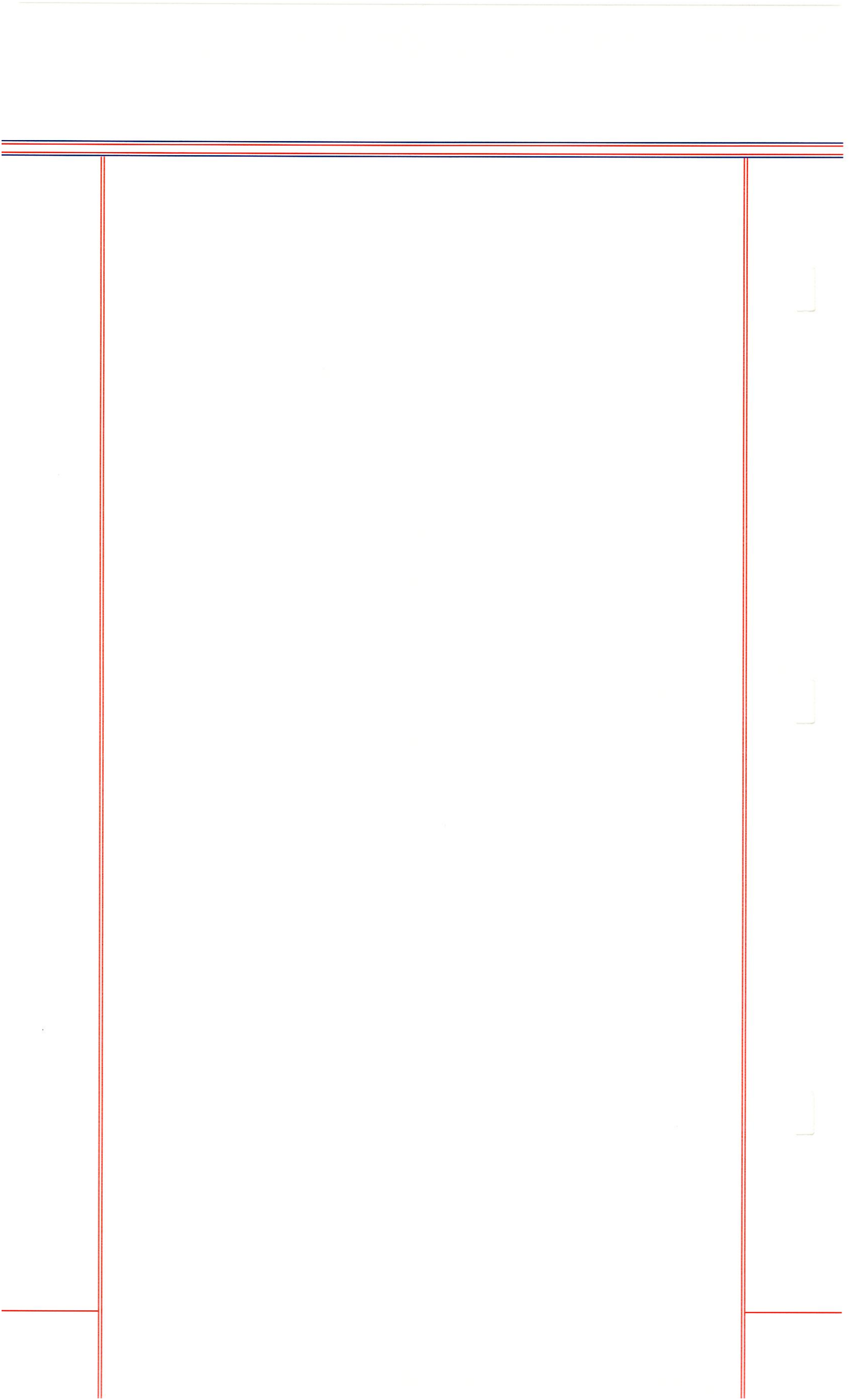
SECTION 1: The Lafayette City Council hereby approves a Conditional Use Permit to allow a bar/lounge in a CM-2 (Commercial Mixed) Zoning District, Case No. 2024-1-CUP 504 Garfield Street CUP (Conditional Use Permit), located generally north of Clinton Street, east of Johnston Street, and south of East Cypress Street, the said parcel being shown and identified on a map titled, "504 Garfield Street CUP 2024-1-CUP," a copy of which is attached hereto and made a part thereof.

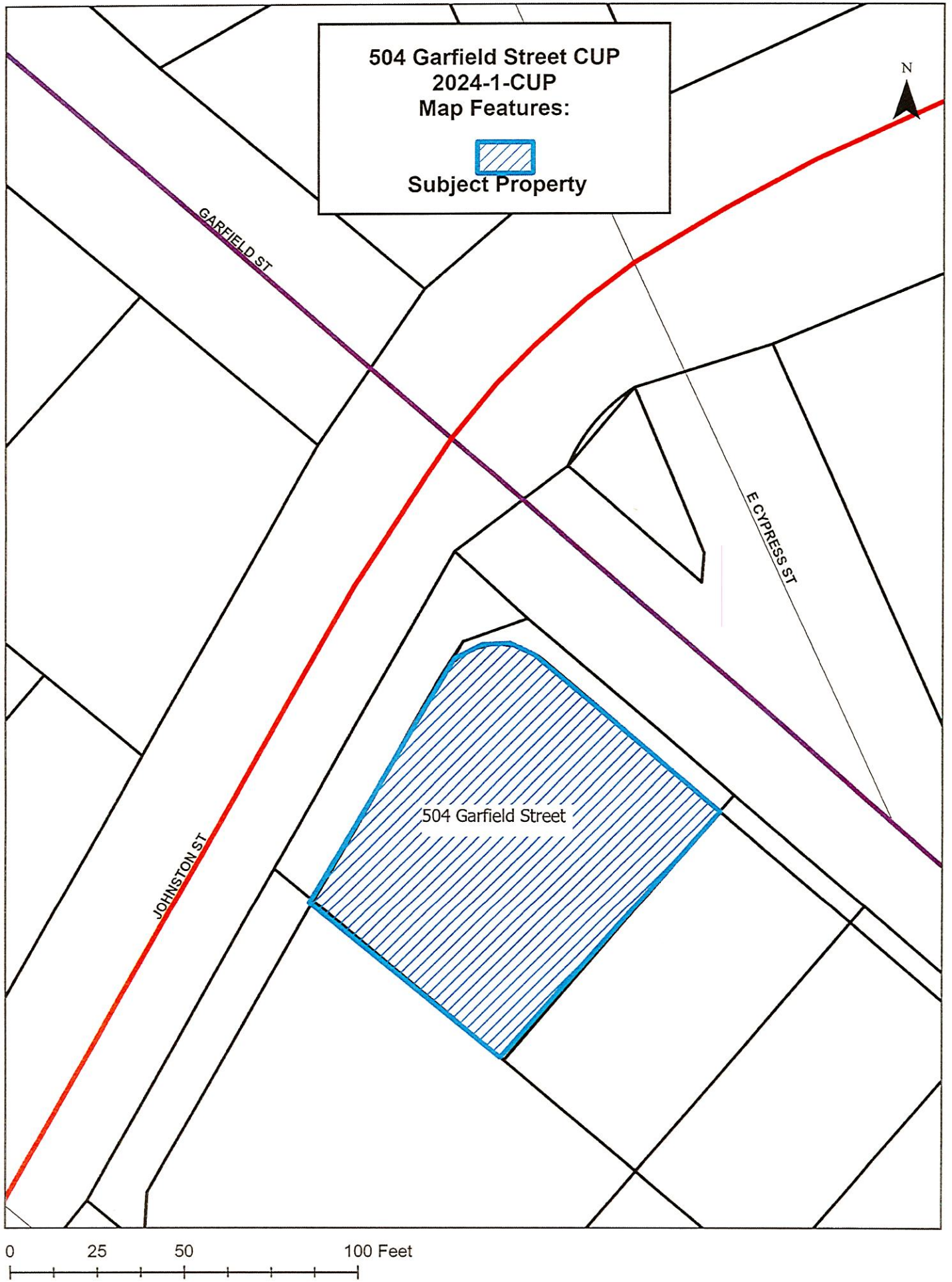
SECTION 2: In addition to all other requirements related to a Conditional Use Permit, Conditional Use Permits granted in a CM-2 (Commercial Mixed) zoning district shall also conform to the requirements of Section 89-95-2 of the Lafayette Development Code.

SECTION 3: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.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: 2024-1-CUP 504 Garfield Street CUP
PETITIONER: Nathan Cruz

DATE PETITION FILED: February 7, 2024

DATE OF PUBLIC HEARING: June 17, 2024

DATES OF PUBLICATIONS: June 2, 2024
June 12, 2024
June 16, 2024

DATE OF ZONING COMMISSION RECOMMENDATION: June 17, 2024

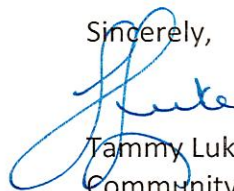
RECOMMENDATION: Deny the ordinance that would grant a CUP (Conditional Use Permit) for a bar/lounge in a CM-2 (Commercial Mixed) zoning district.

Motion: German
Second: Pontiff
Vote: 3-0-2-0
Ayes: German, Pritchard, Pontiff
Nays: None
Absent: Hebert
Abstain: None

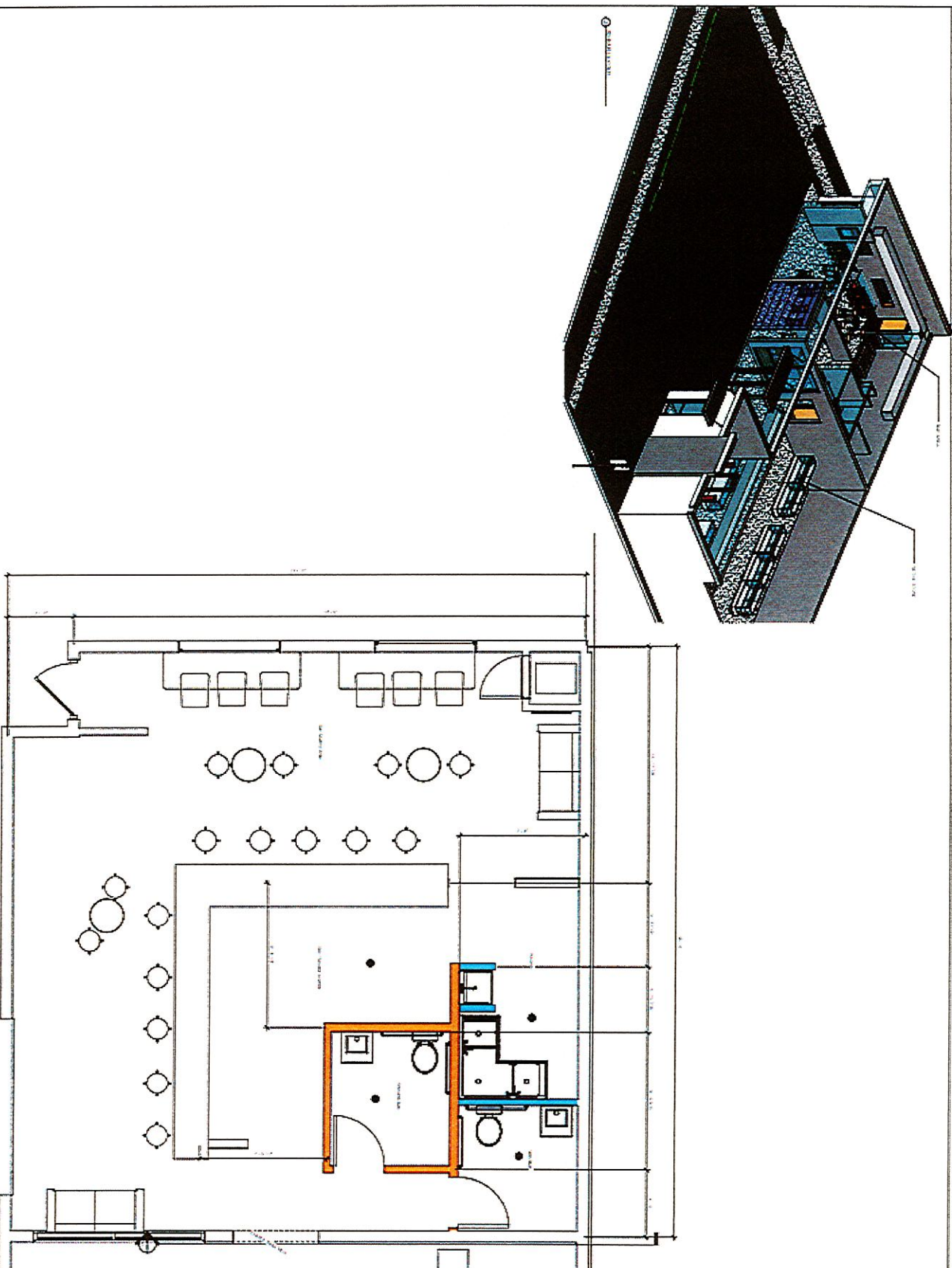
ATTACHMENTS: Executive Summary and Preliminary Staff Report

REASONS FOR RECOMMENDATION: Executive Summary including Zoning Commission Recommendation

Sincerely,



Tammy Luke, Director
Community Development and Planning Dept.



No.	DESCRIPTION	DWG.

STATE OF LOUISIANA
JAMES F. MULLIN
Governor
MICHELLE JOYCE
Lieutenant Governor
At
One Capitol Square
Baton Rouge, Louisiana 70801
J. Mullin

GUD CONSTRUCTION DESIGN GROUP, INC.
OFFICE: (504) 464-3228
FAX: (504) 464-3932
WWW.GUDCONSTRUCTION.COM
All GUD Construction Design Group, Inc. designs, drawings, specifications, and proposals are submitted on the understanding that the client is responsible for providing all information and data necessary for the design and construction of the project.

Cloud Village Smoke Shoppe New Vape Shop At Garfield St

CLOUD VILLAGE LOUNGE

Project Number: _____
Date: _____
Author: _____
Checked: _____
Shaded: _____

105
1/2" = 1'-0"

Zoning Commission

Community Development and Planning Department Staff Report

EXECUTIVE SUMMARY

Note: This case and 4 other cases were deferred from the original Zoning Commission Meeting of March 18, 2024. The new Zoning Commission meeting date is April 1, 2024.

Note: This case was deferred at the April 1, 2024 Special Zoning Commission meeting, and will be heard on May 20, 2024. This case was again deferred at the May 20, 2024 Zoning Commission meeting, and will be heard at the June 17, 2024 Zoning Commission meeting.

2024-1-CUP

City Council District: 5 – Kenneth Boudreaux

Parish Council District: 5 – AB Rubin

Applicant: Nathan Cruz

Request: This is a request for a CUP (Conditional Use Permit) to allow a *bar/lounge* in a CM-2 (Commercial Mixed) zoning district. A *bar/lounge* is a use under the category *Food & Beverage Sales/Service* and is conditional in CM-2 (Commercial Mixed) zoning districts. Therefore, a CUP (Conditional Use Permit) is required.

Location: 504 Garfield Street

Summary of Proposal:

The purpose of the proposed CUP (Conditional Use Permit) for the subject property is to allow a bar/lounge in a CM-2 (Commercial Mixed) zoning district. As this is a conditional use in CM-2 a CUP (Conditional Use Permit) is required. The LDC recognizes that a bar/lounge could be a desirable use in a CM district, but should be permitted on a case-by-case basis to mitigate any adverse effects to nearby uses. This proposed bar/lounge would have a retail use attached to it, a vape store/lounge.

Recommendation:

Staff does not recommend approval of the request for a Conditional Use Permit for a *bar/lounge* in a CM-2 (Commercial Mixed) zoning district.

Reason for Recommendation:

After a review of this particular location for a bar/lounge, staff recommends denial of this CUP (Conditional Use Permit). Staff's reasons for this primarily concern parking for the bar/lounge and its adjacent vape store. The subject property only has 6 spaces available, and no room for more. According to the LDC codes, this bar/lounge would require 8 spaces. This is based on seating and square footage. The retail space will require 7 parking spaces, and the office requires 1 space. This is a total of 17 spaces

but is reduced to 14 spaces due to proximity to a Public Transit route. This means the site is short 8 parking spaces. We realize there may be on-street parking along Garfield Street and Clinton Street, but this is a neighborhood. People live close to the subject property, in fact, there is a single-family residence directly adjacent to the proposed bar. The LDC does recognize nonconforming sites but this is a request for a use to be added that the site is incapable of accommodating.

Summary of Public Comment:

At the time of publication of the preliminary report, staff received one phone call from a concerned neighbor who was worried about noise and cars parking along Garfield Street. Staff also met with members of the Freetown Coterie who were also concerned about parking and that the retail use was going to be a vape shop. Additional phone calls (6) came in (after delay of meeting to April 1, 2024) concerned about the parking in the neighborhood. A couple of callers were for encouraging new businesses along Johnston Street near Freetown, but were also concerned about the parking spaces.

This case was presented at the April 1, 2024 Special Zoning Commission Meeting but was deferred by a request from the applicant. The applicant is aware of the fact that the site has insufficient parking, and requested time to try to work out some kind of shared-use parking agreement with one of his neighbors. The applicant has, at this time, requested to be on the May 20, 2024 Zoning Commission meeting agenda. The applicant then deferred again at the May 20th meeting, as the parking agreement was not final. This case will now be on the June 17, 2024 Zoning Commission meeting agenda.

ZONING COMMISSION RECOMMENDATION

The Zoning Commission held a public hearing regarding this matter at its June 17, 2024, meeting and approved a motion to recommend that the City Council deny the request for a CUP (Conditional Use Permit) for a *bar/lounge* in a CM-2 (Commercial Mixed) zoning district.

Summary of Public Comment:

Public Comment before the Zoning Commission meeting

Support: 2

Opposition: 12

Neutral: 0

Public Comment during the Zoning Commission meeting

Support: 0

Opposition: 9

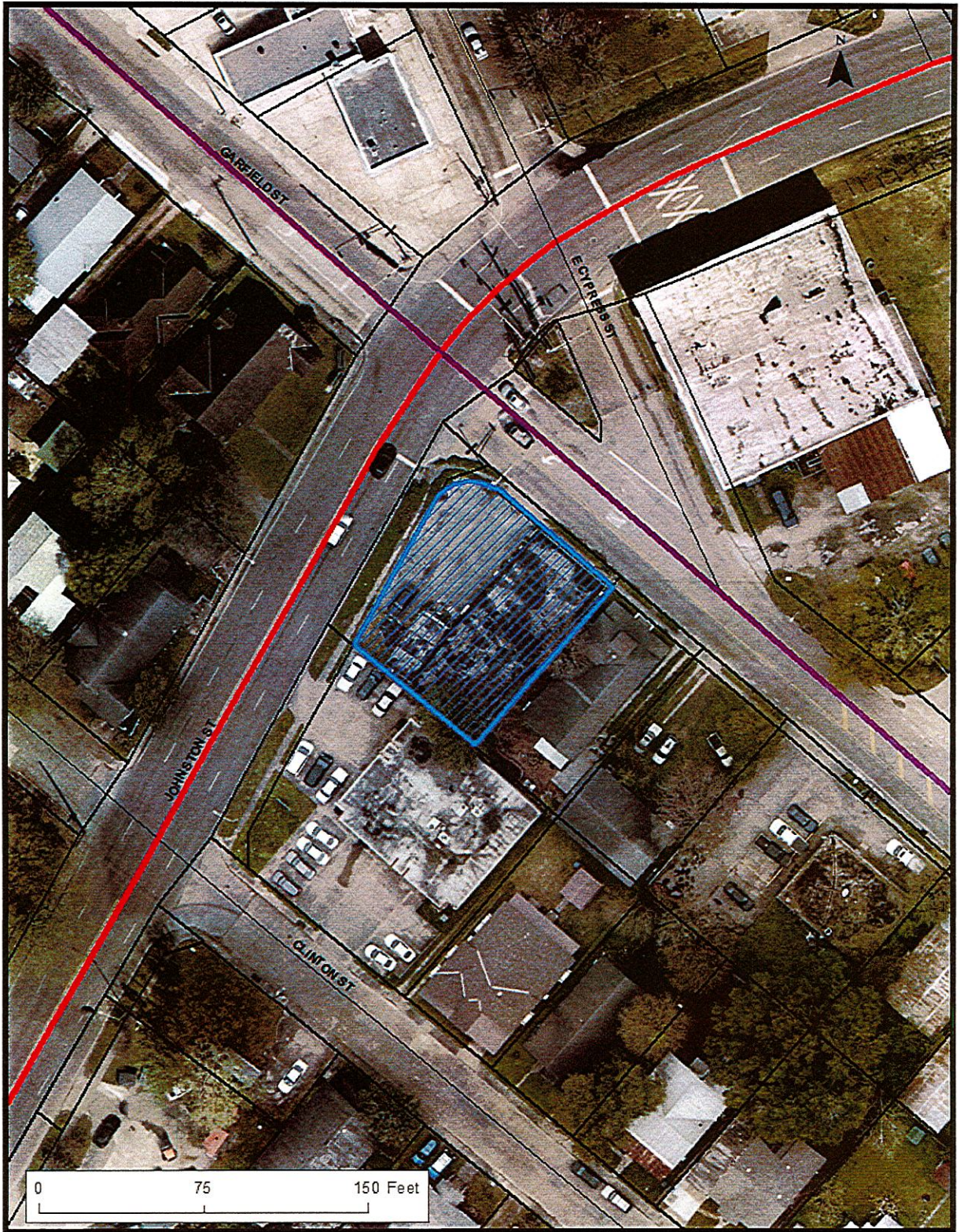
Neutral: 0

Zoning Commission Meeting**June 17, 2024****2024-1-CUP****To:** City Zoning Commission**From:** Tammy Luke, Director
Cathie Gilbert, Planning Manager**City Council District:** 5 – Kenneth Boudreaux**Parish Council District:** 5 – AB Rubin**Prepared by:** Carol Vermillion Robbins**PRELIMINARY STAFF REPORT**

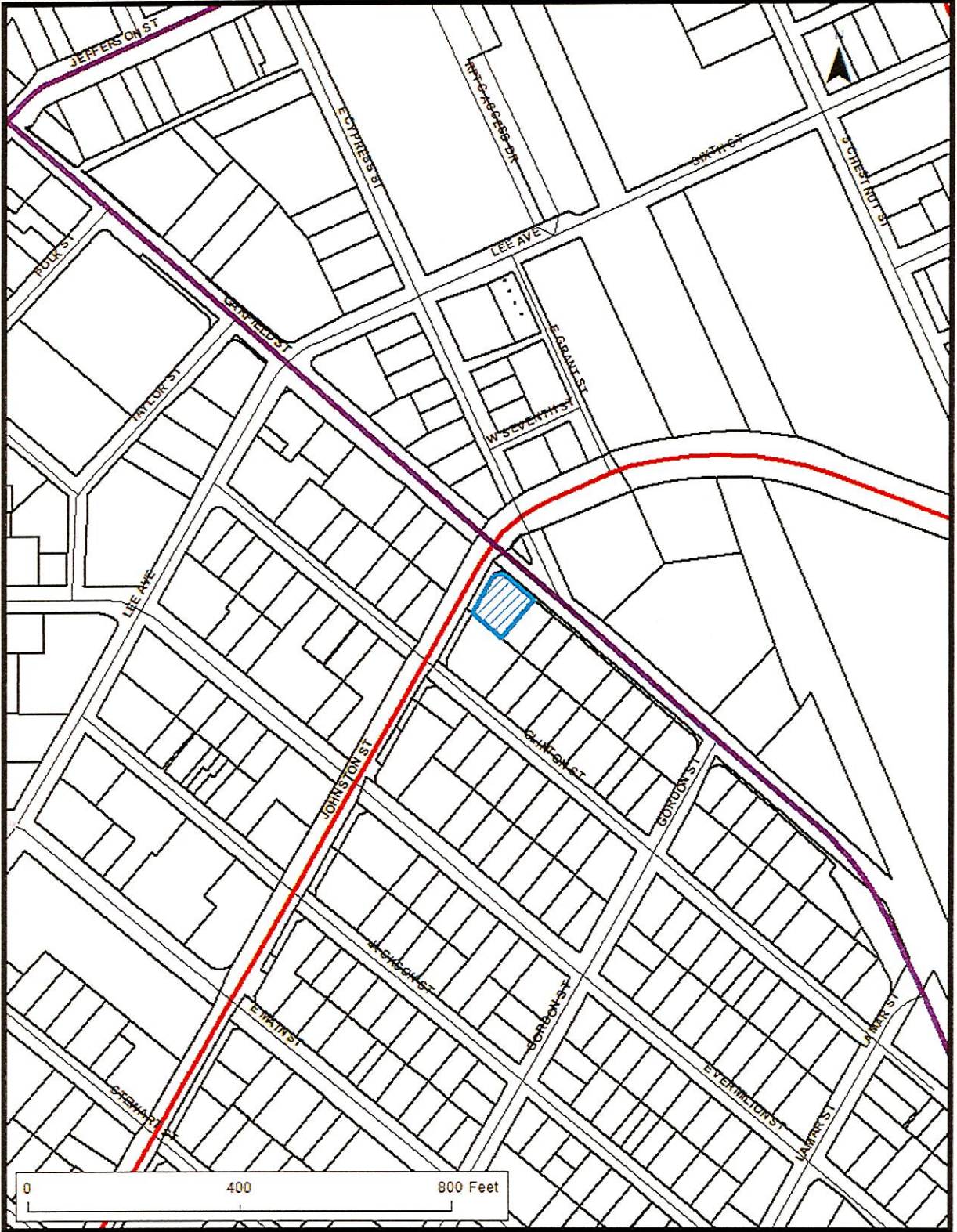
I. GENERAL INFORMATION**Applicant:** Nathan Cruz**Request:** This is a request for a Conditional Use Permit (CUP) to allow a *bar/lounge* in a CM-2 (Commercial Mixed) zoning district.**Location:** 504 Garfield Street**Description:** The property is located generally north of Clinton Street, east of Johnston Street, and south of East Cypress Street, and is 0.19 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 before council action, by Article 4 of the Lafayette Development Code.

The LDC establishes procedures for making land development decisions. 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

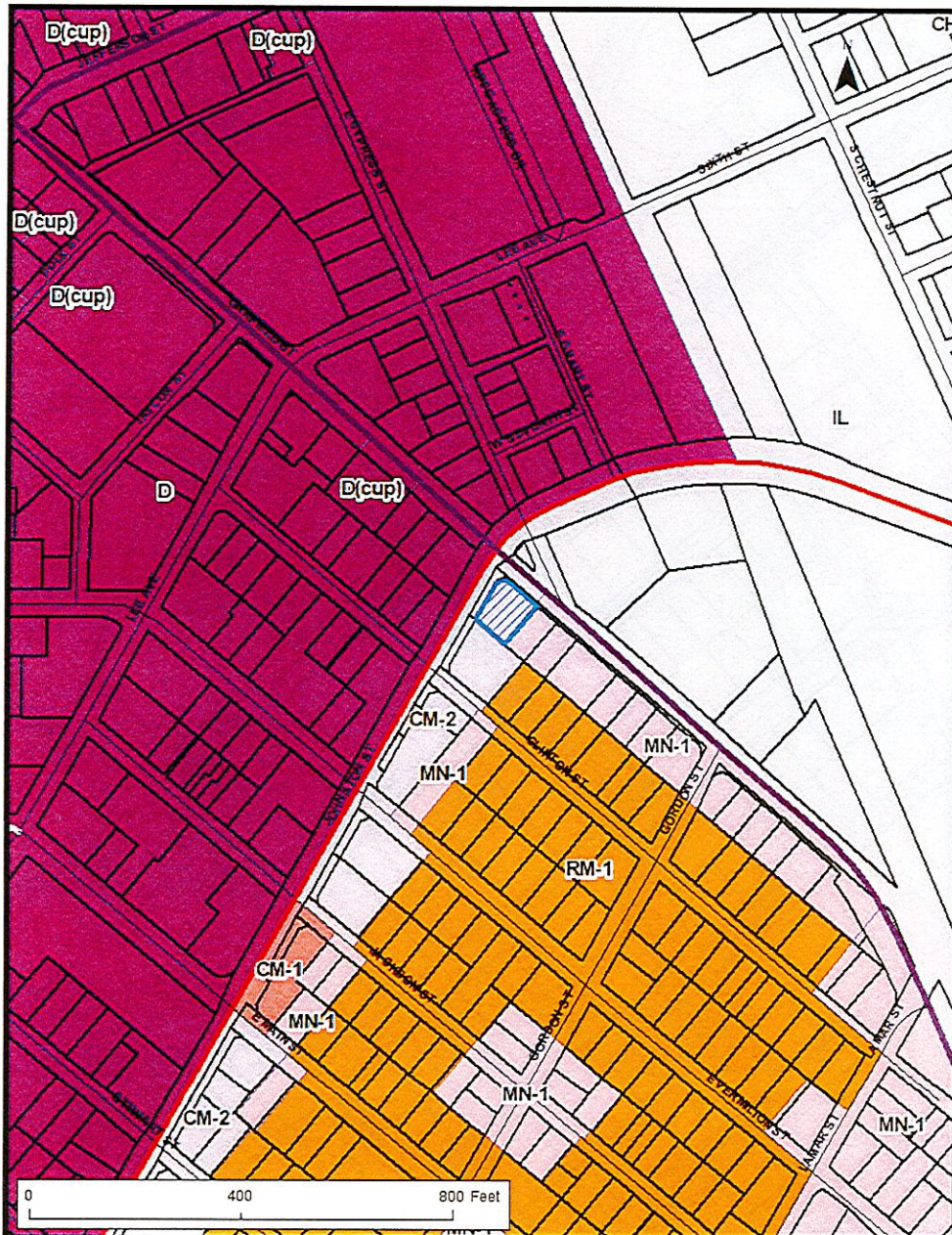


Vicinity Map

II. ANALYSIS

A. Existing conditions

Zoning



Zoning Map of the Area Surrounding the Petitioned Site

The subject property fronts Johnston Street, at the intersection with Garfield Street. It was one of the properties downzoned from CH (Commercial-Heavy) to CM-2 (Commercial Mixed) in an administrative rezoning case in 2022. (**ZON2022-0016 Johnston Street, Garfield Street to General Mouton Avenue Administrative Rezoning**) D (Downtown) zoning districts are right across Johnston Street from the subject property, and CM-1 (Commercial Mixed), CM-2, and MN-1 (Mixed-Use Neighborhood) zoning districts border Johnston Street to the south. IL (Industrial-Light) zoning districts are adjacent to the

subject property to the north. The neighborhood of Freetown Port-Rico is to the east of the subject property, consisting of RM-1 and MN-1 zoning districts. (Freetown Port-Rico was rezoned in 2017, ZON2017-0035 Freetown Neighborhood Comprehensive Rezoning)



Land Use Map

The Land Use map indicates large single-family areas, a few medium-density, and 1 or 2 high-density residential uses to the east of the subject property, in the Freetown neighborhood. Commercial uses, office space, and some medium-density residential uses follow Johnston Street. There are large commercial uses to the north of the subject property. Some of these commercial uses include restaurants, a gym, event centers, and artist studios. The Downtown area has a mixture of commercial uses including bars and restaurants, office space and government uses.

Infrastructure



Street Classification and Sidewalk Inventory

The subject property fronts a principal arterial (Johnston Street), and is located at the intersection with a major collector (Garfield Street). The roads in Freetown and most of Downtown are local roads in this area. A sidewalk system is shown but is incomplete in areas. Johnston Street is still a scary street to cross, but with downzoning and other plans, such as crosswalks, it should be getting easier.

B. Recent cases and relevant trends

The subject property is one of the border properties along Johnston Street that were downzoned from CH (Commercial-Heavy) to CM-2 (Commercial Mixed) and MN-1 (Mixed-Use Neighborhood) in 2022 in order to plan for more walkable uses on Johnston Street; Johnston Street has been a barrier to pedestrians, and to the people of Freetown Port-Rico. **(ZON2022-0016 Johnston Street, Garfield Street to General Mouton Avenue Administrative Rezoning)** Staff wanted to reduce uses such as used car lots, auto repair, gas stations, self-service storage, and other similar uses. None of these uses help to unify or bring together a neighborhood. These uses are necessary, and there are appropriate places for them, but not downtown. That being said, a bar along Johnston Street is not necessarily an inappropriate use, in fact, it could be a gathering space for people in the neighborhood, but the existing limits on the subject property parking will create a problem with neighbors and other businesses.

C. Purpose of rezoning and effect on adjacent land uses

The purpose of the CUP (Conditional Use Permit) for the subject property is to enable the applicant to open and operate a bar/lounge at that location. There are several offices, apartments, a beauty parlor, a gym, several small businesses, and nearby houses in the area around the subject property. Freetown has had problems with overparking on their neighborhood streets. This case would be another problem for the same reason; there is just not enough parking space for this bar.

D. Evaluation of approval standards

The proposed use 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.

The proposed amendment would be compatible with current development trends in the area as the goal of this CUP is to renovate and re-use an older building in the downtown area. The subject property was once an automobile repair shop, which unfortunately leads to a property filled with junked cars. There are several older buildings now used for other purposes near the subject property: an older brick building is used for a gym, a warehouse is an event center, and another warehouse for an artist's studio. Unfortunately, not everything dealing with a bar, a vape shop, and an outdoor area was thought out in a practical manner. A vape is not allowed in a bar, there would have to be a separation between the two uses, with no back and forth. As stated before, though, the most serious problem is the lack of required parking.

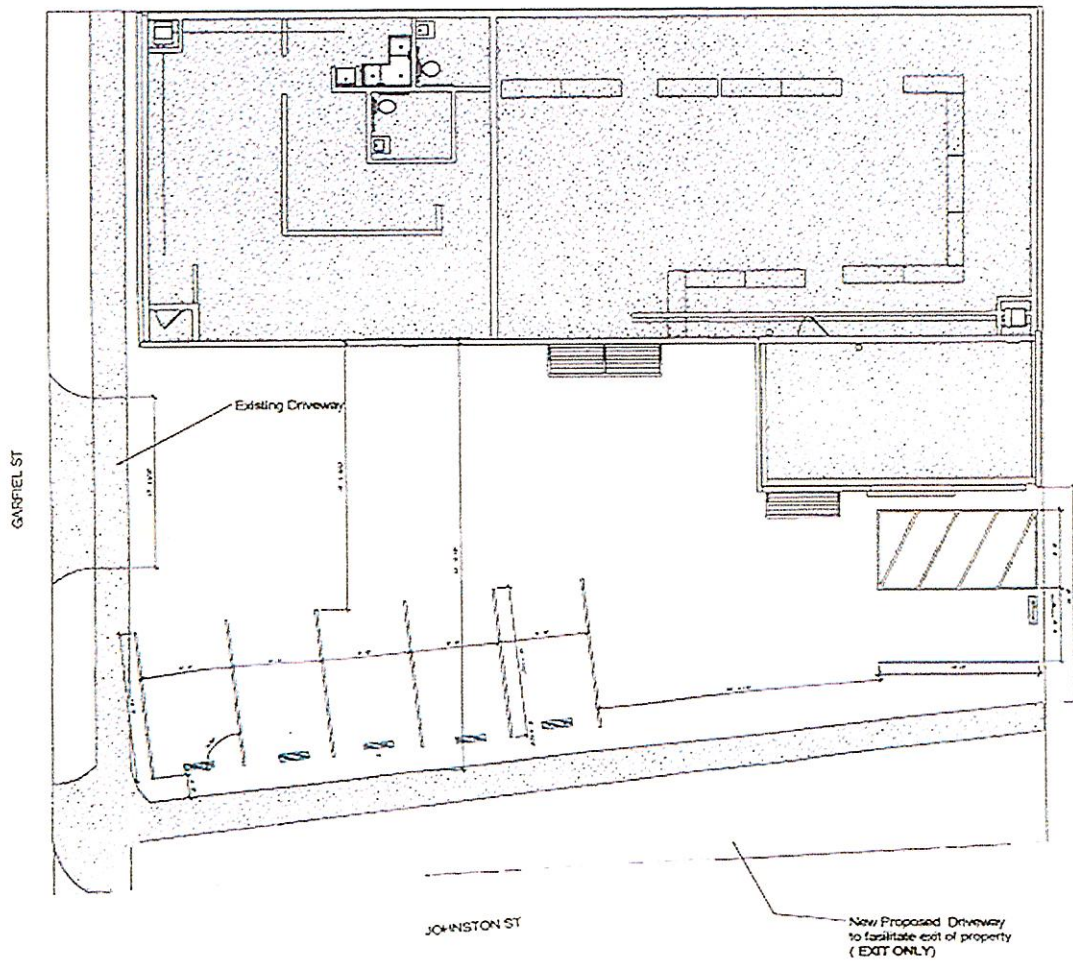
The proposed amendment promotes the public health, safety, morals, and general welfare.

N/A.

The proposed amendment is compatible with surrounding land uses.

The bar/lounge and vape shop would be compatible with the adjacent uses with buffers between it and residential uses and without overparking in the neighborhood. Otherwise, it will be an intrusive use. The Freetown-Port Rico neighborhood has had, in the past, issues with parking on residential streets specifically for bar uses without the appropriate parking.

Site Plan





Internal Memorandum

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

TO: Rachel Godeaux  **DATE:** June 18, 2024

FROM: Tammy Luke

SUBJECT: Case No. 2024-1-CUP
504 Garfield Street CUP (Conditional Use Permit)

The attached ordinance would approve a CUP (Conditional Use Permit) for a bar/lounge in a CM-2 (Commercial Mixed) zoning district on property located generally north of Clinton Street, east of Johnston Street, and south of East Cypress Street.

The Zoning Commission, at its Monday, June 17, 2024 meeting, recommended that the City Council **deny** the attached ordinance. We request that Council Introduction be scheduled for Tuesday, July 2, 2024, with Final Adoption Tuesday, July 16, 2024.

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



Tammy Luke
Director

RECEIVED

JUN 18 2024

Lafayette Consolidated Government
Chief Administrative Officer

LAFAYETTE CITY COUNCIL MEETING
ZONING AGENDA ITEM SUBMITTAL FORM

- 1) **JUSTIFICATION FOR REQUEST:** This is a request for a CUP (Conditional Use Permit) for a bar/lounge in a CM-2 (Commercial Mixed) zoning district located generally north of Clinton Street, east of Johnston Street, and south of East Cypress Street.
- 2) **ACTION REQUESTED:** Adoption of the attached ordinance for a CUP (Conditional Use Permit) for a bar/lounge in a CM-2 (Commercial Mixed) zoning district.
- 3) **REQUEST ACTION OF COUNCIL:**
 - A. INTRODUCTION: July 2, 2024
 - B. FINAL ADOPTION: July 16, 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 (¹²~~11~~ pages)
- 5) **FISCAL IMPACT:**

Fiscal Impact (will be detailed in Cost-Revenue Analysis)

No Fiscal Impact

RECOMMENDED BY:



TAMMY LUKE, DIRECTOR

APPROVED FOR AGENDA:



CHIEF ADMINISTRATIVE OFFICER

FAILED

DISPOSITION OF ORDINANCE NO. CO-084-2024

- | | | |
|----|---|---|
| 1. | This ordinance was introduced:
<u>July 2</u> , 2024
YEAS: Broussard, Naquin,
Hebert, Hooks, Boudreaux

NAYS: None

ABSENT: None

ABSTAIN: None | Final disposition by Council:
<u>July 16</u> , 2024
YEAS: None

NAYS: Broussard, Naquin,
Hebert, Hooks, Boudreaux

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 <u>July 7</u> , 2024. | |
| 3. | This ordinance failed to be adopted. | |


CLERK OF THE COUNCIL

