

CITY ORDINANCE NO. CO-159-2024

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING THE LAFAYETTE DEVELOPMENT CODE SO AS TO RECLASSIFY CASE NO. 2024-2-AZON 511-717 EAST SIMCOE STREET, 100-116 ELIZABETH AVENUE, 305-311 NORTH STERLING STREET, 208-212 MOSS STREET, AND 107-113 PARK AVENUE ADMINISTRATIVE REZONING, LOCATED GENERALLY NORTH OF EAST SIMCOE STREET, EAST OF ELIZABETH AVENUE, AND SOUTH OF MUDD AVENUE; 511, 701, 707, 711 & 717 EAST SIMCOE STREET, 100, 106, 110 & 116 ELIZABETH AVENUE, 305 & 311 NORTH STERLING STREET, 208 & 212 MOSS STREET, AND 107 & 113 PARK AVENUE BEING REZONED FROM CH (COMMERCIAL-HEAVY) TO MN-1 (MIXED-USE NEIGHBORHOOD), AND 631 EAST SIMCOE STREET AND 310 NORTH STERLING STREET BEING REZONED FROM CH (COMMERCIAL-HEAVY) TO CM-1 (CUP) (COMMERCIAL MIXED, WITH A CONDITIONAL USE PERMIT (CUP) FOR A BAR/LOUNGE)

BE IT ORDAINED by the Lafayette City Council, that:

SECTION 1: The Lafayette Development Code is hereby amended so as to reclassify Case No. 2024-2-AZON 511-717 East Simcoe Street, 100-116 Elizabeth Avenue, 305-311 North Sterling Street, 208-212 Moss Street, and 107-113 Park Avenue Administrative Rezoning located generally north of East Simcoe Street, east of Elizabeth Avenue, and south of Mudd Avenue; 511, 701, 707, 711 & 717 East Simcoe Street, 100, 106, 110 & 116 Elizabeth Avenue, 305 & 311 North Sterling Street, 208 & 212 Moss Street, and 107 & 113 Park Avenue being rezoned from CH (Commercial-Heavy) to MN-1 (Mixed-Use Neighborhood), and 631 East Simcoe Street and 310 North Sterling Street being rezoned from CH (Commercial-Heavy) to CM-1 (CUP) (Commercial Mixed, with a Conditional Use Permit (CUP) for a bar/lounge), the said parcels being shown and identified on a map titled, "East Simcoe Street Administrative Rezoning", a copy of which is attached hereto and made a part thereof.

SECTION 2: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 3: 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: 2024-2-AZON 511-717 East Simcoe Street, 100-116 Elizabeth Avenue, 305-311 North Sterling Street, 208-212 Moss Street, and 107-113 Park Avenue
Administrative Rezoning

PETITIONER: Lafayette Consolidated Government

DATE PETITION FILED: July 8, 2024

DATE OF PUBLIC HEARING: September 16, 2024

DATES OF PUBLICATIONS: September 1, 2024
September 11, 2024
September 15, 2024

DATE OF ZONING COMMISSION RECOMMENDATION: September 16, 2024

RECOMMENDATION: Approve the ordinance that would rezone property (511, 701, 701, 707, 711 & 717 East Simcoe Street, 100, 106, 110 & 116 Elizabeth Avenue, 305 & 311 North Sterling Street, 208 & 212 Moss Street, and 107 & 113 Park Avenue) from CH (Commercial-Heavy) to MN-1 (Mixed-Use Neighborhood) and properties (631 East Simcoe Street & 310 North Sterling Street) from CH (Commercial-Heavy) to CM-1 (CUP) (Commercial Mixed, with a Conditional Use Permit for a *bar/lounge*).

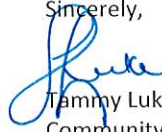
Motion: German
Second: Pontiff
Vote: 5-0-0-0
Ayes: German, Hebert, Lehman, Pontiff, Pritchard
Nays: None
Absent: None
Abstain: None

ATTACHMENTS: Executive Summary and Preliminary Staff Report

REASONS FOR RECOMMENDATION:

Executive Summary including Zoning
Commission Recommendation

Sincerely,

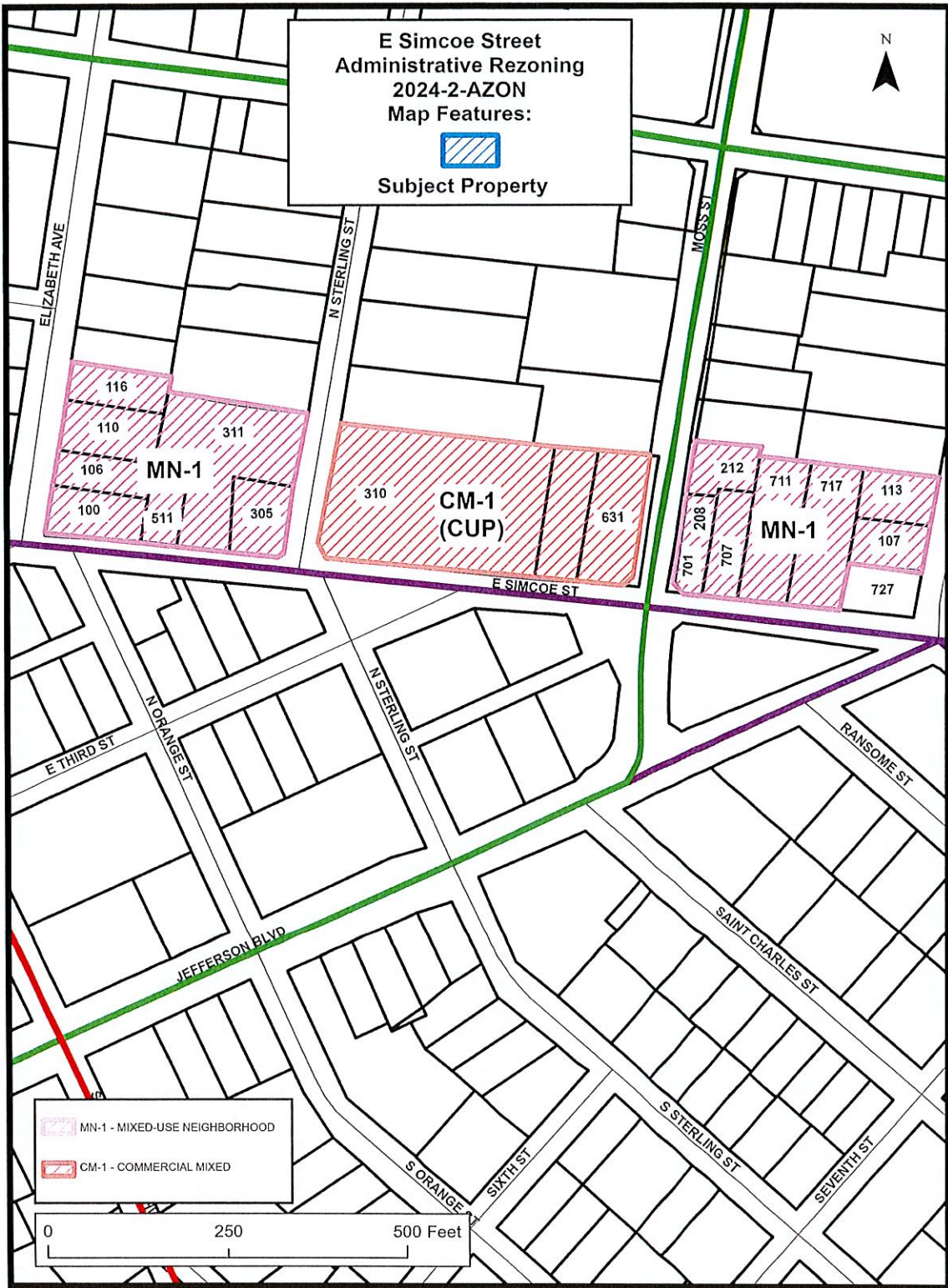


Tammy Luke, Director
Community Development and Planning Dept.

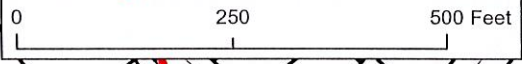
E Simcoe Street
Administrative Rezoning
2024-2-AZON
Map Features:



Subject Property



- MN-1 - MIXED-USE NEIGHBORHOOD
- CM-1 - COMMERCIAL MIXED



Zoning Commission

Community Development and Planning Staff Report

EXECUTIVE SUMMARY

Drafted 7/30/2024
Amended 9/17/2024

2024-2-AZON

City Council District: 5 – Kenneth Boudreaux

Parish Council District: 5 – AB Rubin

Applicant: Lafayette Consolidated Government

Request: This is a staff-led request for the administrative rezoning of 17 selected properties from East Simcoe Street, Elizabeth Avenue, North Sterling Street, Moss Street and Park Avenue from CH (Commercial-Heavy) zoning districts to MN-1 (Mixed-Use Neighborhood) and CM-1 (CUP) (Commercial Mixed, with a Conditional Use Permit for a *bar/lounge*) zoning districts.

Note: Only 310 North Sterling Street and 631 East Simcoe Street are recommended to be rezoned to CM-1 (CUP)(Commercial Mixed, with a Conditional Use Permit for a *bar/lounge*). All other properties recommended to be rezoned to MN-1 (Mixed-Use Neighborhood).

Location: There are 17 properties:
511, 631, 701, 707, 711 & 717 East Simcoe Street, 100, 106, 110 & 116 Elizabeth Avenue, 305, 310 & 311 North Sterling Street, 208 & 212 Moss Street and 107 & 113 Park Avenue. The property at 727 East Simcoe is not recommended to be rezoned, but to remain as CH (Commercial-Heavy).
Address Map on final page of report

Note: This case was presented at a briefing at the August 19, 2024 Zoning Commission meeting, and is now on the agenda as a case for the September 16, 2024 Zoning Commission meeting.

Summary of Proposal:

The purpose of this rezoning is to correct outdated and/or inappropriate zoning districts. These properties are all currently CH (Commercial-Heavy) zoning districts, but only one address on one of the blocks, 727 East Simcoe Street, is a commercial heavy use (automobile repair). Therefore, staff recommends that 727 East Simcoe Street would remain as CH (Commercial-Heavy) and would not be rezoned. Fifteen remaining properties are single-family residential or mixed residential uses. There is one lodging use (631 East Simcoe Street) and one civic private use, an event center (310 North Sterling Street). These two properties are recommended to be rezoned to CM-1 (CUP) (Commercial Mixed, with a Conditional Use Permit for a *bar/lounge*), as event centers are not permitted in MN-1 (Mixed-Use Neighborhood) zoning districts. The CUP for a *bar/lounge* is to ensure that the owner of the event

center can add a companion bar to the event center in the future, as he would be able to do in CH (Commercial-Heavy), his current zoning.

Recommendation:

Staff recommends approval of this recommendation to rezone these properties from CH (Commercial-Heavy) zoning districts to MN-1 (Mixed-Use Neighborhood) and CM-1 (CUP)(Commercial Mixed, with a CUP (Conditional Use Permit) for a bar/lounge) zoning districts.

Reasons for Recommendation:

Staff has been studying this area prior to embarking on a comprehensive administrative rezoning of the McComb-Veazey area, Sterling Grove and the Nickerson/Parkerson neighborhood. There has also been extensive work in this area over the years, working on the local designation of Sterling Grove (already a National Historic District) and the Nickerson/Parkerson neighborhood and with many of the houses as historical designated sites and buildings. The southern end of these three blocks along East Simcoe Street were probably zoned CH (Commercial-Heavy) when there were still residential uses allowed in CH (Commercial-Heavy) zoning districts. Current CH zoning districts do not allow residential uses except for multi-family or group living, which makes it difficult to expand, renovate or build new single-family or mixed residential uses. These uses are more appropriate at the edge of an historic district. The majority of these properties are residential uses, mostly single-family residential. As East Simcoe Street is a major collector, staff is recommending MN-1 (Mixed-Use Neighborhood) as the new zoning district for the majority of the subject properties. MN-1 allows residential use along with limited light commercial use, which is appropriate for a classified roadway.

Staff is recommending that the one CH (Commercial-Heavy) use in the subject properties remain as CH. This is 727 East Simcoe Street, and the use is automotive repair and sound systems for automobiles. This is a legal conforming use. Staff would prefer not to create a legal non-conforming use out of this property. If this administrative rezoning is eventually approved by the City Council, then all of the properties on these three block ends along East Simcoe Street will be legal conforming uses. Staff also sees this property at 727 East Simcoe Street as the gateway to more commercial heavy uses and CH zoning along the East Simcoe corridor.

Summary of Public Comment:

At the time of publication of the preliminary report, staff has received no calls and one email. An email came in with the sender's serious misgivings about our reasons for the zoning districts we selected. This email required a detailed response from staff. The sender is concerned about our decision to recommend leaving 727 East Simcoe Street as a CH (Commercial-Heavy) zoning district. Right now, the business at 727 East Simcoe Street is a legal conforming use. Staff is reluctant to create legal non-conforming uses and only does when necessary. Also, this CH (Commercial-Heavy) property is the gateway to more existing commercial-heavy uses further east on East Simcoe Street.

Briefing: May 20, 2024

A briefing on this case was presented to the Zoning Commission on Monday, August 19, 2024 and it was determined that it would move forward as a case on September 16, 2024, at the next Zoning Commission meeting. There was discussion with the owner of the event center at 310 North Sterling Street. The owner was reluctant to lose his CH (Commercial-Heavy) zoning district as he is planning a companion bar to the event center in the future. Staff will still recommend downzoning the property

from CH to CM-1, but will recommend a CUP (Conditional Use Permit) for a bar/lounge for his property on East Simcoe Street.

ZONING COMMISSION RECOMMENDATION

The Zoning Commission held a public hearing regarding this matter at its September 16, 2024, meeting and approved a motion to recommend that the City Council approve the request to rezone the subject properties from CH (Commercial-Heavy) to MN-1 (Mixed-Use Neighborhood) and CM-1 (CUP) (Commercial Mixed, with a Conditional Use Permit for a *bar/lounge*).

Summary of Public Comment:

Public Comment before the Zoning Commission meeting

Support: 1

Opposition: 0

Neutral: 0

Public Comment during the Zoning Commission meeting

Support: 0

Opposition: 0

Neutral: 0

Zoning Commission Meeting

September 16, 2024

2024-2-AZON

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

Applicant: Lafayette Consolidated Government

Request: This is a staff-led request for a rezoning from CH (Commercial-Heavy) to MN-1 (Mixed-Use Neighborhood) and CM-1 (CUP)(Commercial Mixed, with a Conditional Use Permit for a bar/lounge).

Location: There are **17** properties:
511, 631, 701, 707, 711 & 717 **East Simcoe Street**, 100, 106, 110 & 116 **Elizabeth Avenue**, 305, 310 & 311 **North Sterling Street**, 208 & 212 **Moss Street** and 107 & 113 **Park Avenue**. 727 East Simcoe Street is recommended to not be rezoned but to retain the zoning district CH (Commercial-Heavy). Only **310 North Sterling Street** and **631 East Simcoe Street** are recommended to be rezoned to CM-1 (CUP)(Commercial Mixed, with a Conditional Use Permit for a bar/lounge). All other properties listed are recommended to be rezoned to MN-1 (Mixed-Use Neighborhood).

Description: The subject properties are located generally north of East Simcoe Street, east of Elizabeth Avenue, and south of Mudd Avenue. The subject properties are approximately 4.70 acres in total. These properties are in historically designated neighborhoods, Sterling Grove and Nickerson/Parkerson neighborhoods.

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 Map

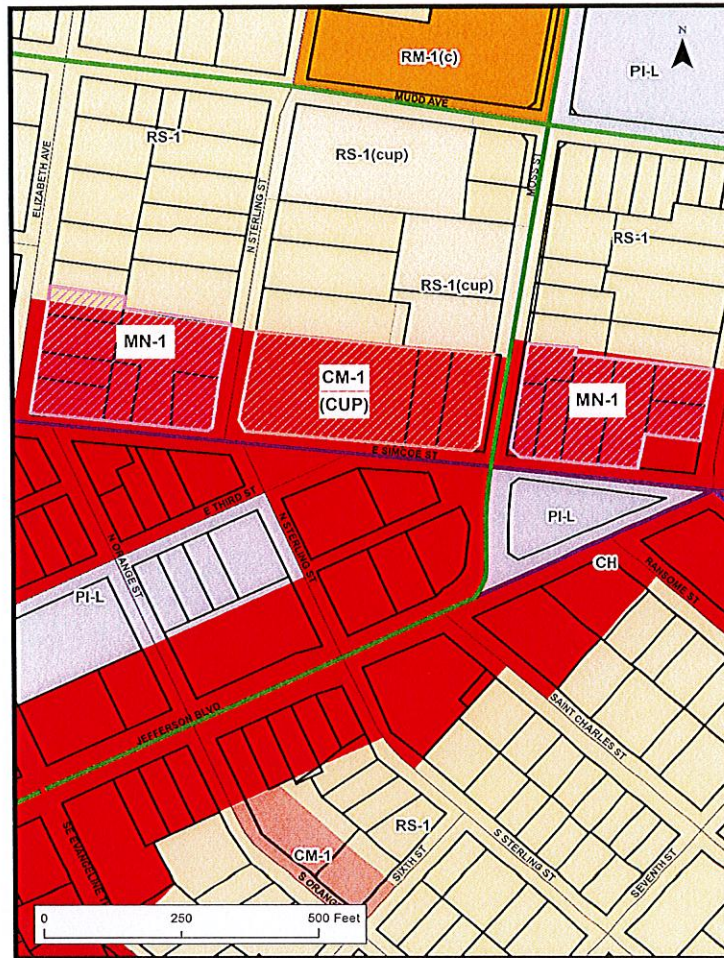


Vicinity Map

II. ANALYSIS

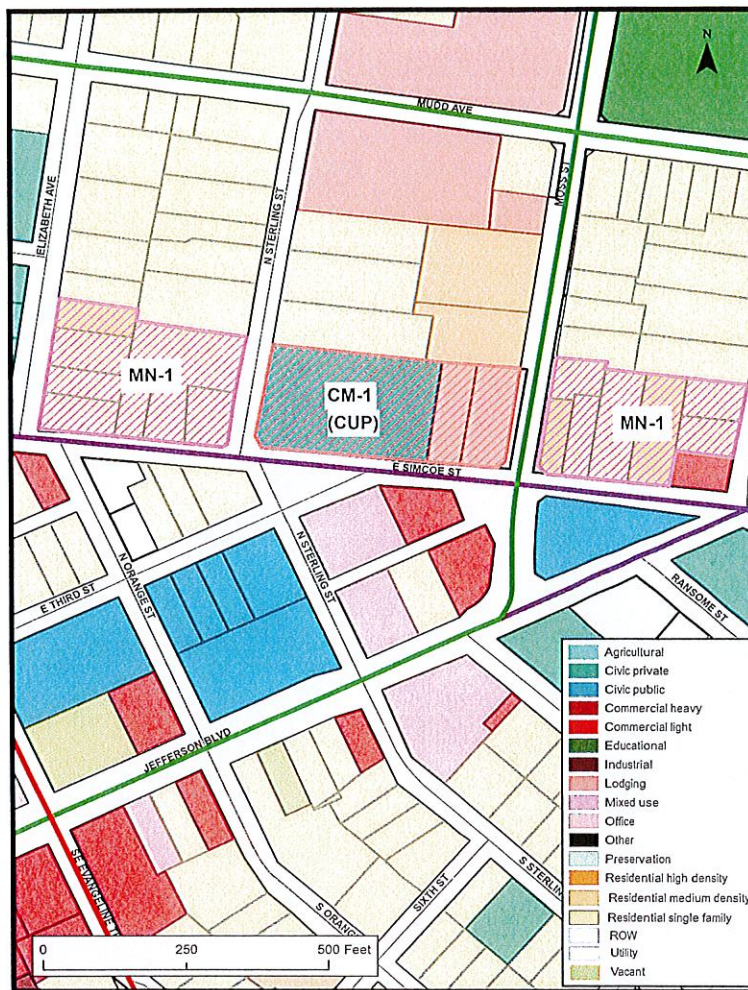
A. Existing conditions

Zoning



Zoning Map of the area surrounding the petitioned site

The subject properties are part of a band of CH (Commercial-Heavy) zoning districts that follow East Simcoe Street, the Evangeline Thruway, Jefferson Boulevard, and Surrey Street. These divide the RS-1 (Residential Single-Family) neighborhood of McComb-Veazey and the RS-1 (Residential Single-Family) neighborhood of Sterling Grove. There is one RM-1 (Residential Mixed) property in Sterling Grove, and a CM-1 (Commercial Mixed) property in McComb-Veazey. There are several PI-L (Public/Institutional-Light) zoning districts in this area; a senior center, an art center, a park, a school and a golf course.



Land Use Map

The land use map shows that most of the subject properties are residential uses. Most of the residential uses are single-family, but there are also several medium density apartments. There is only one commercial use, at 727 East Simcoe Street, which is an automobile repair business. There are lodging uses, and a civic private use also, at the Nickerson House Event Center. These uses are all fairly typical for this area, and consistent with the other land uses. There are more heavy and mixed commercial uses near the Evangeline Thruway, and further east down East Simcoe Street.

Infrastructure



Street Classification and Sidewalk Inventory Map

These three subject property blocks all front East Simcoe Street, which is a major collector. Mudd Avenue to the north, Jefferson Boulevard to the south, and Moss Street are all minor arterials. The Evangeline Thruway is an interstate highway. A sidewalk system is shown throughout the area but is not complete. However, the neighborhoods are walkable areas.

B. Recent cases and relevant trends

Staff has had several recent cases in this area, most of them dealing with short-term rentals. There has also been extensive work with the designation of this neighborhood and many of the houses as historical designated sites and buildings, in Sterling Grove and the Nickerson/Parkerson neighborhood. But this area, including McComb-Veazey to the south, has been the focus of studies for a comprehensive rezoning of this area between Sterling Grove and McComb-Veazey, and the area including the two neighborhoods. This area is also part of the I-49 (Interstate 49) discussions and studies. The I-49 plans will include downzoning and reworking of the areas along the Thruway. The comprehensive rezoning will include properties along East Simcoe Street to Louisiana Avenue. There are too many CH (Commercial-Heavy) zoning districts in this area, zoning from earlier and different zoning classifications.

C. Purpose of rezoning and effect on adjacent land uses

The purpose of this staff-led rezoning is to eliminate inappropriate zoning for residential properties in order to help preserve and maintain older, historic neighborhoods. CH (Commercial-Heavy) is too intense for a neighborhood and does not allow any kind of housing except multi-family and group living. This is inappropriate for an established residential and historic neighborhood. It is not unreasonable to have commercial businesses fronting East Simcoe Street, a major collector, but CH (Commercial-Heavy) is too intense. The adjacent land uses are generally more of the same; with single family and mixed residential uses predominant.

D. Evaluation of approval standards

The proposed rezoning is consistent with the comprehensive plan.

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 activity patterns” (Policy 2.11). Staff intends that the administrative rezoning of this neighborhood will revitalize the area while reducing the intrusion of heavy commercial/industrial businesses within the neighborhood.

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

Staff considers the existing CH (Commercial-Heavy) zoning in the area the result of an older zoning system. Residential uses were once allowed in CH (Commercial-Heavy). It isn't that the zoning is a mistake, but that it is a relic of an older pyramidal system that no longer is relevant or appropriate.

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

Yes, by providing residents with housing choices in a walkable, transit-accessible area, and creating the opportunity for reinvestment and livability in an area in need of revitalization. These neighborhoods on the borders of the subject properties, Sterling Grove, Nickerson/Parkerson and McComb-Veazey, are both very walkable areas, with sidewalks throughout both neighborhoods.

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

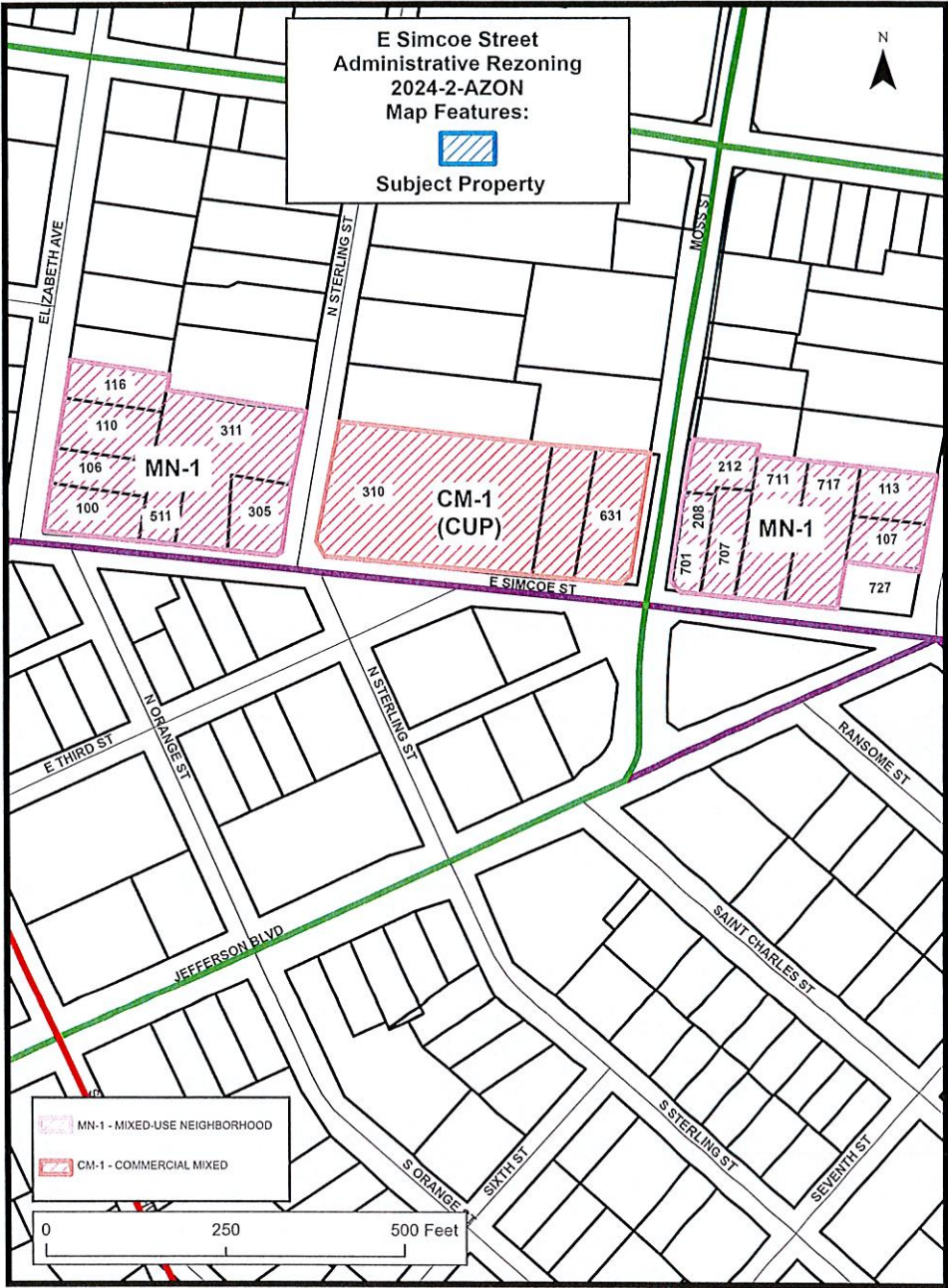
N/A.

The proposed amendment is compatible with surrounding land uses.

Yes. Most of the properties on these subject property blocks are residential uses with one civic use (Nickerson event center) and one lodging use. There is one commercial heavy use that is recommended to remain as is and not be part of this rezoning (727 East Simcoe Street-an automobile repair business). 727 East Simcoe Street is on the edge of the residential properties and next to more commercial uses than residential uses. The next blocks of East Simcoe Street contain such commercial heavy uses such as used auto sales, several bars, a convenience store, and another auto repair business. Staff is reviewing more of this area than just these three blocks in preparation for an administrative rezoning of the Sterling Grove/Nickerson-Parkerson/McComb-Veazey area.

List of properties to be rezoned by address:

1. 100 Elizabeth Avenue – Residential Single-Family: to be rezoned to **MN-1**
2. 106 Elizabeth Avenue – Residential Single-Family: to be rezoned to **MN-1**
3. 110 Elizabeth Avenue – Residential Single-Family: to be rezoned to **MN-1**
4. 116 Elizabeth Avenue – Residential Single-Family (With garage apartment) : to be rezoned to **MN-1**
5. 511 East Simcoe Street – Residential Single-Family: to be rezoned to **MN-1**
6. 631 East Simcoe Street – Short-term rental/Residential Single-Family: to be rezoned to **CM-1 (CUP)**
7. 701 East Simcoe Street – Residential Single-Family: to be rezoned to **MN-1**
8. 707 East Simcoe Street – Residential Single-Family: to be rezoned to **MN-1**
9. 711 East Simcoe Street – Residential Single-Family: to be rezoned to **MN-1**
10. 717 East Simcoe Street – Residential Single-Family (With garage apartment) : to be rezoned to **MN-1**
11. *727 East Simcoe Street – Automobile Repair (**Commercial-Heavy**) Note: This property will remain as CH (Commercial-Heavy) **It will not be rezoned.**
12. 305 North Sterling Street – Residential Single-Family: to be rezoned to **MN-1**
13. 310 North Sterling Street – Event Center (**Commercial Mixed**) : to be rezoned to **CM-1 (CUP)**
14. 311 North Sterling Street – Residential Single-Family: to be rezoned to **MN-1**
15. 208 Moss Street – Garage Apartment (2?) : to be rezoned to **MN-1**
16. 212 Moss Street – Residential Single-Family: to be rezoned to **MN-1**
17. 107 Park Avenue – Residential Single-Family: to be rezoned to **MN-1**
18. 113 Park Avenue – Residential Single-Family: to be rezoned to **MN-1**





Internal Memorandum

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

TO: Rachel Godeaux

DATE: September 13, 2024

FROM: Tammy Luke

SUBJECT: Case No. 2024-2-AZON
511-717 East Simcoe Street, 100-116 Elizabeth Avenue, 305-311 North Sterling
Street, 208-212 Moss Street, and 107-113 Park Avenue Administrative Rezoning

The attached ordinance would rezone 511, 701-717 East Simcoe Street, 100-116 Elizabeth Avenue, 305 & 311 North Sterling Street, 208 & 212 Moss Street, and 107 & 113 Park Avenue, from CH (Commercial-Heavy) to MN-1 (Mixed-Use Neighborhood), and 631 East Simcoe Street and 310 North Sterling Street from CH (Commercial-Heavy) to CM-1 (CUP) (Commercial Mixed, with a Conditional Use Permit (CUP) for a *bar/lounge*) properties located generally north of East Simcoe Street, east of Elizabeth Avenue, and south of Mudd Avenue. This is a city ordinance because zoning only exists in the city of Lafayette.

The Zoning Commission, at its Monday, September 16, 2024 meeting, recommended that the City Council approve the attached ordinance. We request that Council Introduction be scheduled for Tuesday, October 1, 2024, with Final Adoption Tuesday, October 15, 2024.

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

A handwritten signature in blue ink, appearing to read 'T. Luke', written over a horizontal line.

Tammy Luke
Director

RECEIVED

SEP 13 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 the adoption of an ordinance that would rezone properties located generally north of East Simcoe Street, east of Elizabeth Avenue, and south of Mudd Avenue.

- 2) **ACTION REQUESTED:** Adoption of the attached ordinance to reclassify the subject properties 511, 701, 707, 711 & 717 East Simcoe Street, 100, 106, 110 & 116 Elizabeth Avenue, 305 & 311 North Sterling Street, 208 & 212 Moss Street, and 107 & 113 Park Avenue from CH (Commercial-Heavy) to MN-1 (Mixed-Use Neighborhood) and 631 East Simcoe Street and 310 North Sterling Street from CH (Commercial-Heavy) to CM-1 (CUP) (Commercial Mixed, with a Conditional Use Permit (CUP) for a *bar/lounge*).

- 3) **REQUEST ACTION OF COUNCIL:**
 - A. INTRODUCTION: October 1, 2024
 - B. FINAL ADOPTION: October 15, 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 (2 pages)
 - D. Ordinance (1 page)
 - E. Map (1 page)
 - F. Final Evaluation of Zoning Considerations (13 pages)

- 5) **FISCAL IMPACT:**

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

X No Fiscal Impact

RECOMMENDED BY:



TAMMY LUKE, DIRECTOR

APPROVED FOR AGENDA:



CHIEF ADMINISTRATIVE OFFICER