

CITY ORDINANCE NO. CO-043-2025

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL APPROVING A CUP (CONDITIONAL USE PERMIT) TO ALLOW A BAR/LOUNGE IN A D (DOWNTOWN) ZONING DISTRICT, CASE NO. 2025-1-CUP 902 JOHNSTON STREET CUP (CONDITIONAL USE PERMIT), LOCATED GENERALLY NORTH OF JOHNSTON STREET, EAST OF JEFFERSON STREET, AND SOUTH OF STEWART STREET

BE IT ORDAINED by the Lafayette City Council, that:

SECTION 1: The Lafayette City Council hereby approves a CUP (Conditional Use Permit) to allow a bar/lounge in a D (Downtown) Zoning District, Case No. 2025-1-CUP, 902 Johnston Street CUP (Conditional Use Permit), located generally north of Johnston Street, east of Jefferson Street, and south of Stewart Street, the said parcel being shown and identified on a map titled, "A Map of New Lot 122, Mouton's Addition Requesting a Conditional Use D (C): BAR/LOUNGE," prepared by Montagnet & Domingue, Inc., dated January 30, 2018, a copy of which is attached hereto and made a part thereof.

SECTION 2: The following conditions are to apply:

1. Trash receptacles must be located on private property and visually concealed from the street.
2. The establishment shall be open for service no less than five (5) days a week.
3. The establishment shall serve food on all days of operation.
4. External speakers are not permitted and all windows and doors shall remain closed at all times. Noise emanating from the licensed premises shall not be audible 100 feet, in any direction, from the licensed premises. Noise includes, but not limited to, amplified music, acoustical music, patrons and/or employees.
5. No one under the age of 21 allowed to enter the premises of the bar/lounge.
6. Open containers of any kind are not allowed to leave the premises at any time.
7. Owner/Operator must provide and adhere to the private security plan and coordinate with LPD and ANC once the Alcoholic Beverage Permit is issued. Depending on the event the LPD representative may be require the hiring of additional officers.

SECTION 3: In addition to all other requirements related to a Conditional Use Permit, Conditional Use Permits granted in the "D" zoning district shall also conform to the requirements of Section 89-95-2 of the Lafayette Development Code.

SECTION 4: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.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

* * * * *

This page intentionally left blank

**LAFAYETTE ZONING COMMISSION
RECOMMENDATION OF ACTION**

TO: Lafayette City Council

FROM: Lafayette Zoning Commission and Community Development & Planning Dept.

SUBJ: 2025-1-CUP 902 Johnston Street CUP

PETITIONER: James Wascom for Bennett BBB LLC

DATE PETITION FILED: March 12, 2025

DATE OF PUBLIC HEARING: April 21, 2025

DATES OF PUBLICATIONS: April 6, 2025
April 16, 2025
April 20, 2025

DATE OF ZONING COMMISSION RECOMMENDATION: April 21, 2025

RECOMMENDATION: Approve the ordinance that grant a Conditional Use Permit (CUP) for a bar/lounge in a D (Downtown) zoning district with the following conditions:

1. Trash receptacles must be located on private property and visually concealed from the street.
2. The establishment shall be open for service no less than five (5) days a week.
3. The establishment shall serve food on all days of operation.
4. External speakers are not permitted and all windows and doors shall remain closed at all times. Noise emanating from the licensed premises shall not be audible 100 feet, in any direction, from the licensed premises. Noise includes, but not limited to, amplified music, acoustical music, patrons and/or employees.
5. No one under the age of 21 allowed to enter the premises of the bar/lounge.
6. Open containers of any kind are not allowed to leave the premises at any time.
7. Owner/Operator must provide and adhere to the private security plan and coordinate with LPD and ANC once the Alcoholic Beverage Permit is issued. Depending on the event the LPD representative may be require the hiring of additional officers.

Motion: Pontiff
Second: Pritchard
Vote: 4-0-1-0
Ayes: German, Lehman, Pritchard, Pontiff
Nays: None
Absent: Hebert
Abstain: None

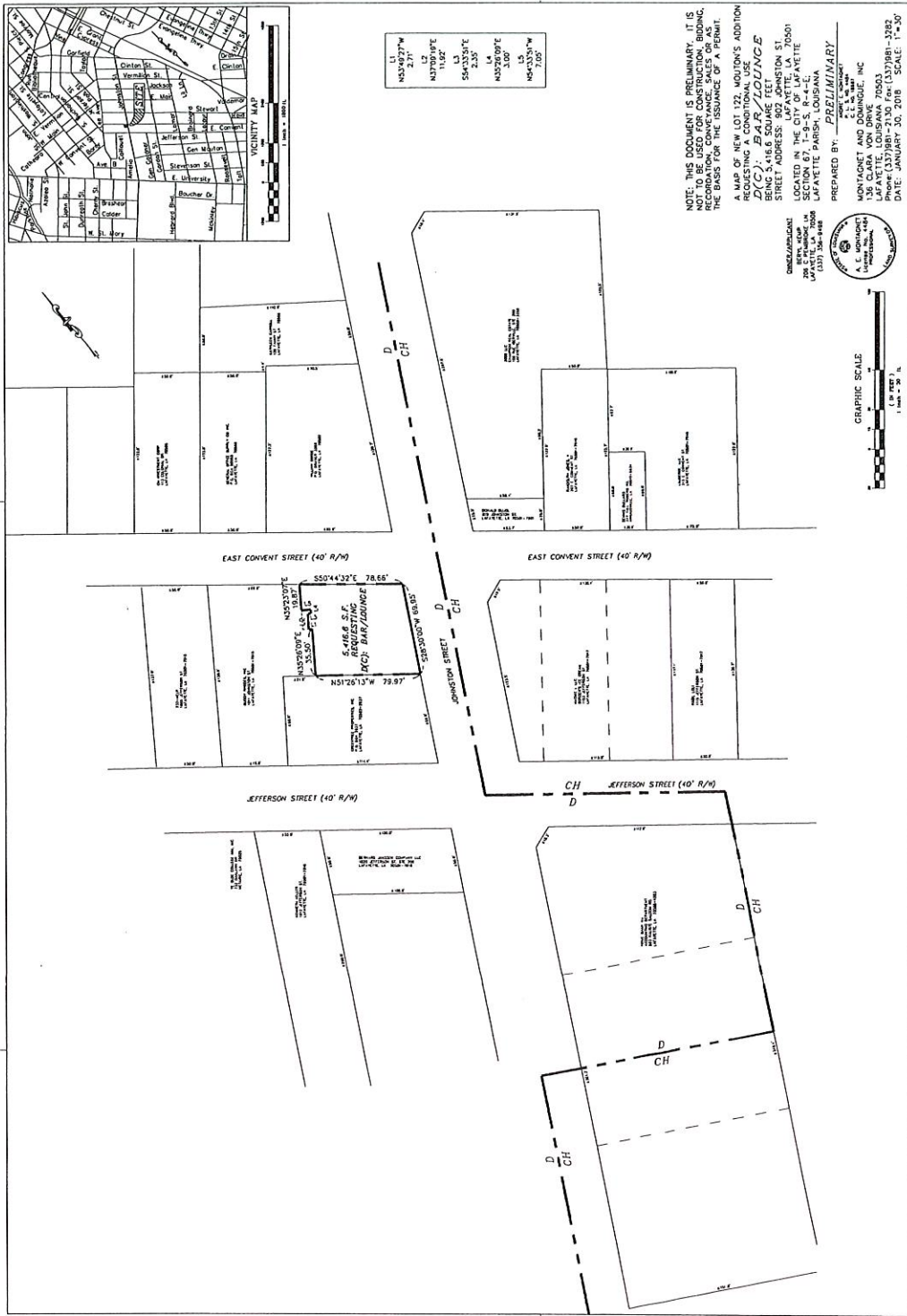
ATTACHMENTS: Executive Summary and Preliminary Staff Report

REASONS FOR RECOMMENDATION: Executive Summary including Zoning
Commission Recommendation

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Luke", is written over the printed name.

Tammy Luke, Director
Community Development and Planning Dept.



L1	N53°42'27"W	2.71'
L2	N37°09'17"E	11.97'
L3	S64°43'27"E	2.35'
L4	N52°28'09"E	7.00'
L5	N54°33'34"W	7.00'

NOTE: THIS DOCUMENT IS PRELIMINARY. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR ANY OTHER PURPOSES WITHOUT THE SIGNATURE OF THE ENGINEER. THE BASIS FOR THE ISSUANCE OF A PERMIT IS THE MAP OF NEW LOT 122, MOUTON'S ADDITION, REQUESTING A CONDITIONAL USE PERMIT FOR THE PROPOSED BUILDING.

D(C): BAR LOUNGE
 200 E. CONVENT STREET, SUITE 100
 LAFAYETTE, LA 70501
 PHONE: (337) 981-2100
 FAX: (337) 981-2101
 PREPARED BY: PRELIMINARY

MONTAGNET AND DOMINGUE, INC.
 200 E. CONVENT STREET, SUITE 100
 LAFAYETTE, LA 70501
 PHONE: (337) 981-2100
 FAX: (337) 981-2101
 DATE: JANUARY 30, 2018 SCALE: 1"=50'



Revised 7-6-15 10:45 AM EST

Zoning Commission

Community Development and Planning Staff Report
EXECUTIVE SUMMARY

Drafted 3/12/2025
Amended 4/22/2025

2025-1-CUP

City Council District: 5 – Kenneth Boudreaux

Parish Council District: 5 – AB Rubin

Applicant: James B. Wascom, for Bennett BBB LLC

Request: This is a request to grant a conditional use permit (CUP) to allow a **bar/lounge** in the D (Downtown) zoning district. This is an existing bar ("Artmosphere"), that is now under new ownership. Therefore, a new CUP for a **bar/lounge** is required.

Location: 902 Johnston Street

Summary of Proposal:

The purpose of the request is for the applicant to be able 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 **bar/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. Artmosphere is a bar/lounge that has been in operation since 2003. It has operated as an art bistro and gallery, a live music venue, and as a bar.

Recommendation:

From a land use/planning perspective staff recommends that the use of this property for a bar/lounge is appropriate. Staff recommends approval of the request, subject to the conditions below:

1. *Trash receptacles must be located on private property and visually concealed from the street.*
2. *The establishment shall be open for service no less than five (5) days a week.*
3. *The establishment shall serve food on all days of operation.*
4. *External speakers are not permitted and all windows and doors shall remain closed at all times. Noise emanating from the licensed premises shall not be audible 100 feet, in any direction, from the licensed premises. Noise includes, but not limited to, amplified music, acoustical music, patrons and/or employees.*
5. *No one under the age of 21 allowed to enter the premises of the bar/lounge.*
6. *Open containers of any kind are not allowed to leave the premises at any time.*
7. *Owner/Operator must provide and adhere to the private security plan and coordinate with LPD and ANC once the Alcoholic Beverage Permit is issued. Depending on the event the LPD representative may require the hiring of additional officers.*

These conditions were compiled and modified from the proposed conditions as submitted by the Downtown Development Authority (DDA), LCG's Alcohol and Noise Control (ANC), and the Lafayette Police Department (LPD).

Reasons for Recommendation:

Artmosphere has been part of historic and cultural downtown Lafayette since 2003. The proposed bar meets the conditions of this review. 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. Artmosphere as a venue is representative of a transitional area between the downtown core and a historic neighborhood (Freetown).

Summary of Public Comment:

At the time of publication of the preliminary report, staff has received one call, in favor of the bar reopening.

ZONING COMMISSION RECOMMENDATION

The Zoning Commission held a public hearing regarding this matter at its April 21, 2025, meeting and approved a motion to recommend that the City Council approve the request for a Conditional Use Permit (CUP) for a bar/lounge in a D (Downtown) zoning district.

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: 1

Opposition: 0

Neutral: 0

Zoning Commission Meeting

April 21, 2025

2025-1-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: James B. Wascom, for Bennett BBB LLC

Request: This is a request to grant a conditional use permit (CUP) to allow a *bar/lounge* for an existing bar, “Artmosphere”, in the D (Downtown) zoning district. A new CUP is required as the bar has new owners.

Location: 902 Johnston Street

Description: The petitioned site is on a corner lot, located generally northwest of Johnston Street and southwest of East Convent Street. The lot area is 5,416 square feet—the frontages measuring 69.9 feet on Johnston and 78.6 feet on East Convent. The existing structure includes 4,300 square feet accessible to customers, with a side porch and entry on East Convent Street and a deck on Johnston Street as well as a deck in the rear—all areas for outdoor seating for patrons.

The site is located downtown, in Mouton’s Addition subdivision, which includes the area from Lee Avenue to Lamar Street and from Garfield Street to Jefferson Street. Also included in Mouton’s Addition is the Freetown-Port Rico Historic District—located just across Johnston Street from the site.

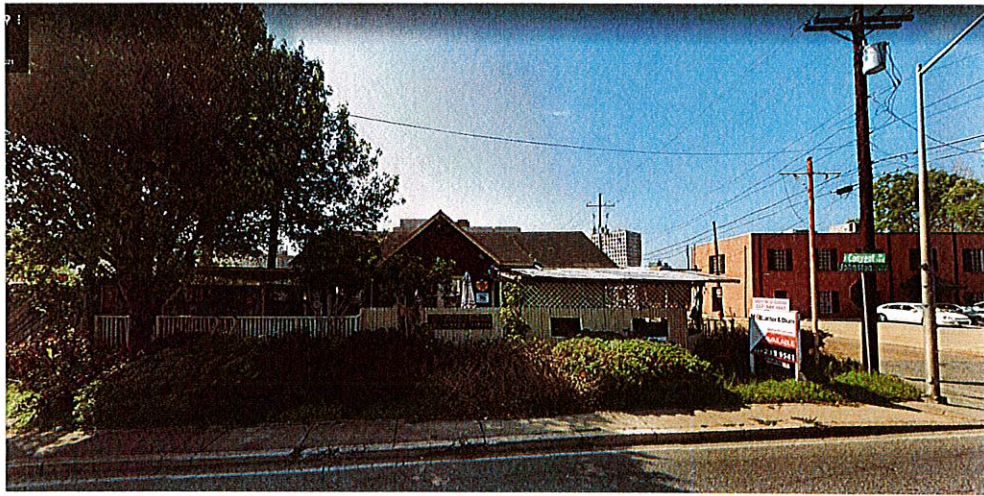
Bar/lounge is listed as a conditional use in *Table 89-21-2 Use Table* in the LDC and requires a conditional use permit in the D (Downtown) zoning district. Therefore, to legally operate an establishment where there are alcoholic beverage sales (from the use definition in the LDC) that are consumed on 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 before council action, in 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 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. If the property is purchased by a new owner, a new CUP (Conditional Use Permit) is required. This is true of the Downtown zoning district only.



902 Johnston Street – “Artmosphere”

Artnosphere's history in Downtown Lafayette

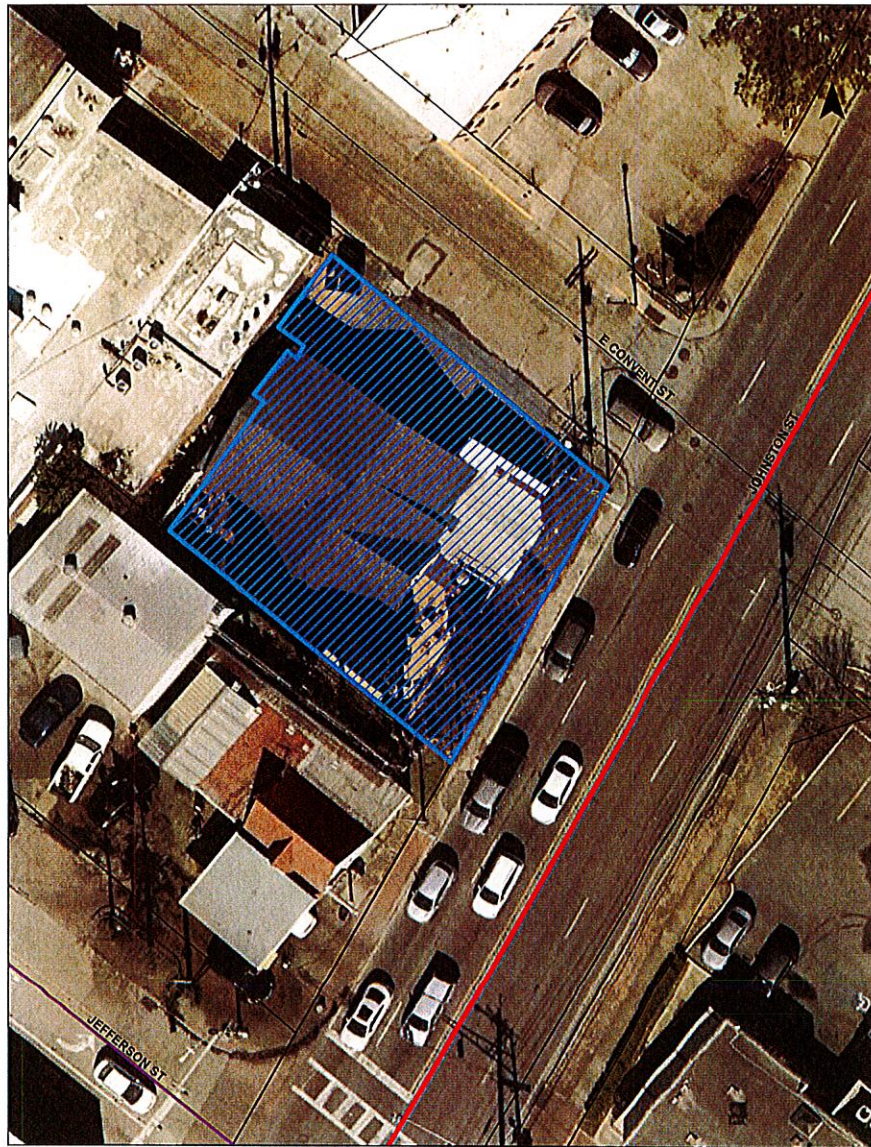
In April 2003, Artnosphere, located in the then-CBD zoning district, received its certificate of occupancy for *art, supply & bistro*, which does not correspond to any of the current uses outlined in 89-21 *Use Table* of the LDC, but can be inferred that the establishment was to operate how the LDC defines *restaurant* today.

Two months later, in June of 2003, the City-Parish Council voted to prohibit bars and lounges as permitted uses in the CBD (Ordinance No. O-191-2003).

Artnosphere has since shifted its business model and has become primarily a live music venue, of which the alcoholic beverage sales are its main source of revenue.

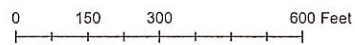
The ordinance to allow bars/lounges as a conditional use in the D (Downtown) zoning district became effective January 2018. Artnosphere applied for and received a CUP in April 2018 and was open as a bar/lounge until 2020, closing due to COVID.

In 2022, Artnosphere (with new owners) obtained a Conditional Use Permit for a bar/lounge in a D (Downtown) zoning district. (**ZON2022-0012 902 Johnston Street CUP**) It has been open since then until the recent sale to new owners. As this is a bar in a D (Downtown) zoning district, new owners are required to obtain a Conditional Use Permit (CUP) for their new business.



0 15 30 60 Feet

Subject property

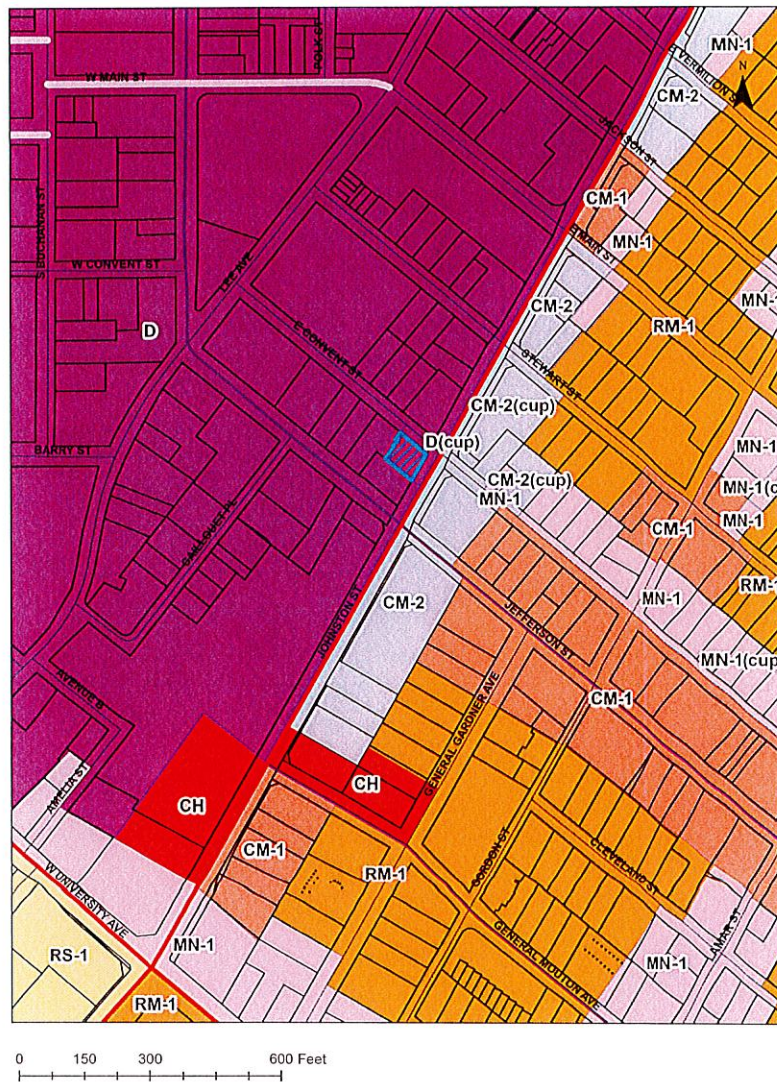


Vicinity Map

II. ANALYSIS

A. Existing conditions

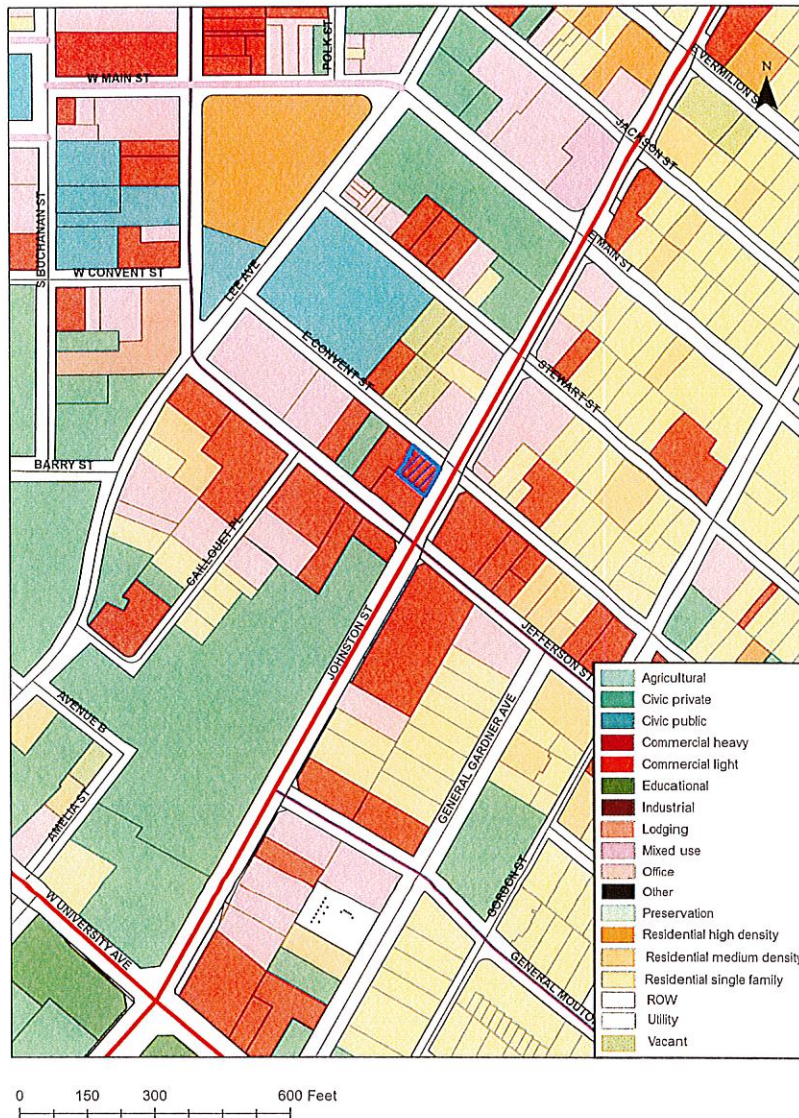
Zoning



Zoning map of the area surrounding the petitioned site

The subject property is located on the edge of the "D" Downtown District. The subject property will be classified as a *bar/lounge*, applying for a CUP to be allowed in a "D" zoning district. This "D" zoning provides the highest density and intensity in the city and parish, preserving its unique character and

function. On the edges of the D (Downtown) area are a variety of zoning districts, including CM-1 (Commercial Mixed) and CM-2 for various businesses down Johnston Street and West Congress Street, and at St. John Street and West Convent Street, with MN-1 (Mixed-Use Neighborhood) and MN-2 buffering residential areas.



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 interest in living downtown. The Downtown District offers retail, office space and restaurants, live music, and

public events such as Mardi Gras. Parc International, which is used for many music events such as Festivale International, is located northwest of the subject property. There are a large amount of private and public civic uses downtown, including churches, schools, government, and museums.

Infrastructure



Street classification and sidewalk inventory

The subject property is located on a principal arterial, John St, which is the eastern boundary of Downtown. Jefferson St and General Mouton Avenue, to the south, are both major collectors. West University Avenue is another principal arterial at the southern border of Downtown Lafayette.

The rest of the roads around the subject property are local roads and “B” roads. There is a good sidewalk system throughout the downtown area. Pedestrians are welcome there.

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.

Johnston Street—classified as major arterial—has the capacity to handle commercial land uses and includes a mix of heavy and light commercial. While potentially noxious in the wrong setting, bars such as Artmosphere are desirable as a low-intensity commercial land use in an urban setting with a history of a mix of uses.

Additionally, staff effectively rezoned 279 properties in the adjacent Freetown-Port Rico neighborhood in 2017 with one of the goals being to employ urban zoning districts that better reflect the character of an older neighborhood. Also, the Johnston Street edge was rezoned from CH, so that staff could analyze the zoning on Johnston Street at a corridor level and recommend employing districts that would still require case-by-case approval of future bars. This project was completed in 2022 (**A_ZON2022-0016 Johnston Street, Garfield Street to General Mouton Avenue**) in order to make the principal arterial more pedestrian and bicycle friendly and less of a barrier between Downtown Lafayette and Freetown Port-Rico/UL.

There have been a number of bars that have opened with CUPs since the moratorium ended, including **The Grouse Room**, **Beausoleil Books**, the **Legends Annex**, **Bliss**, **Wurst Biergarten** (now under new management), **Rooftop 116**, and **The Grenadier**. There are also bars that were grandfathered in after the moratorium.

C. Proposal and effect on adjacent land uses

Hours of operation

Monday through Saturday: Noon to Midnight

Estimated building capacity

The total occupancy number of this bar (inside and outside) is approximately 119 persons. Total inside is 79 persons

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.

Security

See condition 7.

Revenue Model

\$175,000 gross annual total
\$140,000 from alcoholic beverages
\$35,000 from food

D. Plan review

Staff recommends that approval of the use requested for a conditional use permit be conditioned with the understanding **that the applicant will maintain compliance with the conditions as modified from the ANC, LPD and DDA.** Capacity and ongoing issues related to the current operations are a top concern of the ANC, the DDA and the police.

E. External comments

Downtown Development Authority:

The DDA response is as follows:

The DDA is in agreement with the conditions as stated in this document. However, they still have concerns about the dumpster problem at Artmosphere. It blocks the sidewalk, is on public property and is unscreened. This has been a problem since Artmosphere opened.

Lafayette Police Department:

No comments.

Fire Prevention Chief:

No comments from Forrest Chaisson.

Alcohol and Noise Control:

These are ANC's recommendations for conditions for the CUP application for Artmosphere:

1. *Trash receptacles must be located on private property and visually concealed from the street.*
2. *The establishment shall be open for service no less than five (5) days a week.*
3. *The establishment shall serve food on all days of operation.*
4. *External speakers are not permitted and all windows and doors shall remain closed at all times. Noise emanating from the licensed premises shall not be audible 100 feet, in any direction, from the licensed premises. Noise includes, but not limited to, amplified music, acoustical music, patrons and/or employees.*
5. *No one under the age of 21 allowed to enter the premises of the bar/lounge.*
6. *Open containers of any kind are not allowed to leave the premises at any time.*

7. *Owner/Operator must provide and adhere to the private security plan and coordinate with LPD and ANC once the Alcoholic Beverage Permit is issued. Depending on the event the LPD representative may be require the hiring of additional officers.*

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.

While primarily a bar, Artmosphere as a music and arts venue aligns with policies and seeks to fulfill action items within Goal 2 of the Historic & Cultural Resource plan element:

Goal 2 Increase community-wide arts and cultural access and education.

Policy 4.8 Grow Lafayette's successful downtown arts and cultural district and increase galleries, art and performance space, and cultural facilities.

Action 4.8.4 Expand development of galleries, performance spaces, and cultural venues Downtown.

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 applied 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. Artmosphere as a venue is representative of a transitional area between the downtown core and a historic neighborhood and engages an A street (Downtown zoning district) with its outdoor patio.

The proposed use is compatible with the surrounding areas.

The surrounding areas, including downtown, consist of a wide range of uses. Located on the edge of downtown, but still on a major arterial road, Artmosphere as a bar and music venue is compatible with the surrounding uses.

Adequate utilities are provided.

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

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

Artmosphere utilizes off-hours public parking at Lafayette City Court one block away. This appears to have provided adequate parking for the establishment.

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

Staff reiterates that the applicant, "Artmosphere", 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.

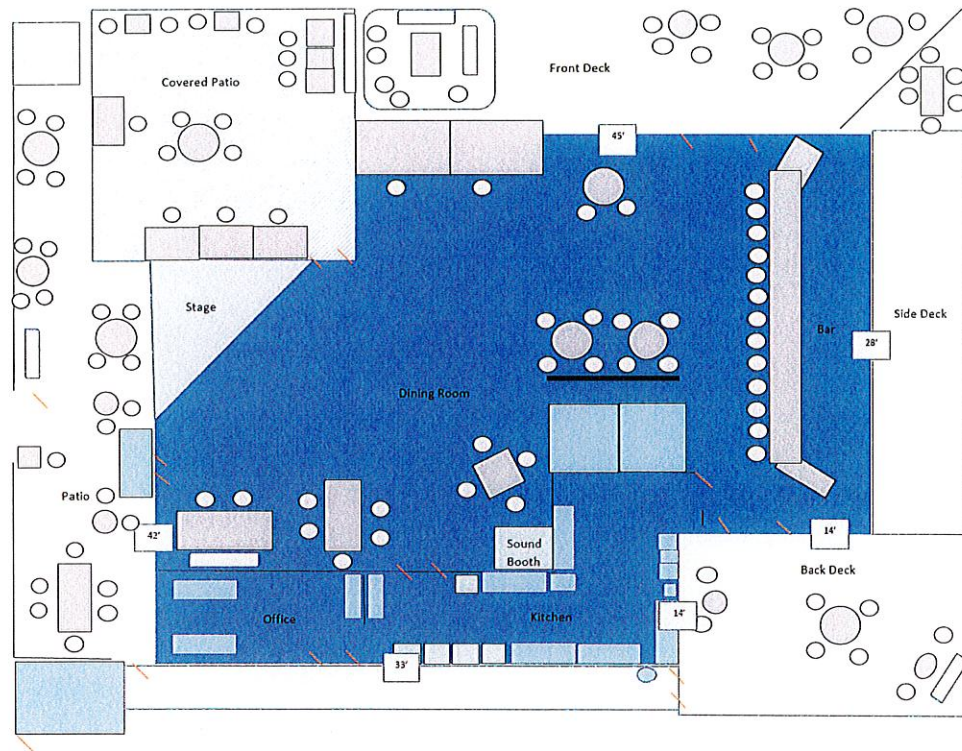
The proposed use does not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

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.

Bar layout for "Artmosphere"





Internal Memorandum

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

TO: Rachel Godeaux

DATE: April 17, 2025

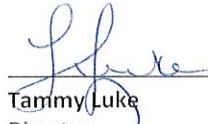
FROM: Tammy Luke

SUBJECT: Case No. 2025-1-CUP
902 Johnston Street CUP (Conditional Use Permit)

The attached ordinance would grant a Conditional Use Permit (CUP) for a bar/lounge in a D (Downtown) zoning district located generally north of Johnston Street, east of Jefferson Street, and south of Stewart Street. This is a city ordinance because zoning only exists in the city of Lafayette.

The Zoning Commission, at its Monday, April 21, 2025 meeting, recommended that the City Council approve the attached ordinance. We request that Council Introduction be scheduled for Tuesday, May 6, 2025, with Final Adoption Tuesday, May 20, 2025.

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




Tammy Luke
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 grant a Conditional Use Permit (CUP) for a bar/lounge in a D (Downtown) zoning district located generally north of Johnston Street, east of Jefferson Street, and south of Stewart Street.
- 2) **ACTION REQUESTED:** Adoption of the attached ordinance to grant a Conditional Use Permit (CUP) for a bar/lounge in a D (Downtown) zoning district.
- 3) **REQUEST ACTION OF COUNCIL:**
 - A. INTRODUCTION: May 6, 2025
 - B. FINAL ADOPTION: May 20, 2025
- 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 (16 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