

City Planning Commission Meeting
Tuesday, April 14, 2015

CPC Deadline: 05/29/15
CC Deadline: 06/30/15
Council District: A - Guidry

PRELIMINARY STAFF REPORT

To: City Planning Commission
Zoning Docket: 032/15

Prepared by: Editha Amacker
Date: April 1, 2015

I. GENERAL INFORMATION:

Applicant: Donna S. Allen

Request: This is a request for an amendment to Ordinance No. 23,648 MCS (Zoning Docket 034/09, which amended a Conditional Use ordinance allowing a retail store of less than 5,000 square feet of floor area with the sale of alcoholic beverages for on-premises and off-premises consumption to modify the adopted provisos) to grant a Conditional Use to permit the sale of alcoholic beverages for on-premises consumption in a standard restaurant in a B-1 Neighborhood Business District.

Location: The petitioned site is located on Square 1554, Lot J or Pts. J and H, in the Third Municipal District, bounded by Esplanade Avenue, Mystery, Maurepas, North Lopez and Ponce de Leon Streets. The municipal address is 3141 PONCE DE LEON STREET. (PD 4)

Description: The subject site is a restaurant that is operating in a two-story mixed-use commercial/residential building on Ponce De Leon Street near the corner of Esplanade Avenue. The restaurant is one of three businesses on the first floor. The restaurant has seating for twenty patrons and an approximate floor area of 690 square feet. No off-street parking is available on the site. The applicant requests a conditional use in order to sell alcoholic beverages with meals at the restaurant. This is categorized as an amendment because it is in the same building with a wine shop that has an existing conditional use. Because they are separate, operating businesses, the current request will have separate requirements from the wine shop.

Why is City Planning Commission action required?

Alcoholic beverage service with meals is a conditional use in the B-1 Neighborhood Business District according to **Article 5, Section 5.4.5(12) Conditional Uses** of the Comprehensive Zoning Ordinance. An amendment is required because there is an existing conditional use for the property. The City Planning Commission is required to make a recommendation on the amendment request prior to City Council action, in accordance with **Article 16, Section 16.6.4.1**

Planning Commission Recommendation and Article 16, Section 16.6.7 Amendment of the Comprehensive Zoning Ordinance.

II. ANALYSIS

A. What is the zoning of the surrounding areas? What is the existing land use and how are the surrounding areas used?

The property is within a small B-1 Neighborhood Business District which includes commercial properties on four, adjacent squares. The surrounding neighborhood behind the subject site is within an RD-3 Two-Family Residential District. The small neighborhood commercial area includes three blocks on Esplanade Avenue and extends approximately one block into the adjacent neighborhood. The subject site is next to a grocery store at the corner of Esplanade Avenue. It is across Ponce De Leon Street from two restaurants. The other retail spaces in the building are used by a wine shop and a beauty salon/personal services store. This area is within the Esplanade Ridge Local Historic District.

There are approximately eight (8) alcoholic beverage outlets within the subject commercial area. This includes the grocery store at the corner next to the subject site and several nearby restaurants.

B. What is the zoning and land use history of the site?

Zoning: 1929 – ‘A’ One and Two Family Residential District
 1953 – ‘E’ Neighborhood Shopping District
 1970 – B-1 Neighborhood Business District

Land Use: 1929 – Commercial
 1949 – Commercial
 1999 – Commercial¹

C. Have there been any recent zoning changes or conditional uses in the area? If so, do these changes indicate any particular pattern or trend?

Zoning Docket 034-09 was a request for an Amendment to Ordinance No. 22,389 M.C.S. (Zoning Docket 25/06, a Conditional Use to permit a retail store (wine market) of less than 5,000 square feet with the sale of alcoholic beverages for on-premises and off-premises consumption in an existing building in a B-1 Neighborhood Business District) to permit modifications to the adopted provisos. The municipal address is 3141 Ponce de Leon Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. *This is the subject site.*

¹ The 1999 Land Use Plan indicates the general land use for a square and is not lot-specific.

The request was approved subject to one (1) waiver and thirteen (13) provisos (Ordinance No. 25,025 MCS):

Waivers

1. Developer shall be granted a waiver of Article 15, Section 15.2.1. Off-Street Parking Regulations for All Districts, Except the CBD Districts and Vieux Carre Districts of the Comprehensive Zoning Ordinance which requires the provision of two (2) parking spaces to allow the provision of zero (0) parking spaces.

Provisos

1. Any changes to the exterior of the property, including exterior signage, shall be subject to review by the Historic District Landmarks Commission.
2. An opaque fence no less than six (6) feet in height shall be constructed on the structure's right side to screen the trash storage area from public view. The site plan shall be revised to indicate the location of the trash storage area.
3. Use of the premises for any conventions/receptions/parties/events other than those directly associated with the promotion of the wine store shall be prohibited.
4. The property owner shall secure a lease of servitude from the City of New Orleans Department of Property Management, Division of Real Estate & Records for the overhang and gutter encroachments.
5. The developer shall obtain a café franchise agreement, secured through the Department of Public Works.
6. Hours of operation shall be limited to 10:30 a.m. to 9:00 p.m. Monday through Saturday and 12:00 Noon to 6:00 p.m. on Sundays.
7. No video poker or other wagering equipment shall be allowed on premises.
8. No live or disc jockey music shall be provided on site. Music of any kind shall be prohibited on the exterior of the building.
9. The operator shall discourage loitering on the site and the adjacent public right-of-way. If needed, signs to that effect shall be posted.
10. The developer shall establish a litter abatement plan that includes clearing the adjacent public right-of-way daily of litter and the use of a watering hose as necessary. The name, address, and phone number of the owner or operator shall be indicated on the plan in case any violations should occur.

11. Any proposed exterior signage shall be subject to Article 5, Section 5.4.6 Permitted Signs of the Comprehensive Zoning Ordinance. No signage promoting alcoholic beverages shall be permitted.
12. On premise tasting and/or consumption of only wine, beer, and sake by the glass shall be permitted during regular business hours.
13. The only alcoholic beverages that shall be sold for consumption on or off premises are wine, beer, and sake.

In the past five (5) years, there have been the following zoning actions affecting properties within five (5) blocks of the subject site:

Zoning Docket 088-14 was a request for a conditional use to permit the sale of alcoholic beverages for on-premises consumption in a standard restaurant in a B-1 Neighborhood Business District. The City Planning Commission recommended approval of the request which was subsequently approved by the City Council. *The rear of the property is across Ponce De Leon Street from the subject site.*

For this area, there are few conditional use requests to permit the sale of alcoholic beverages even though there are several alcoholic beverage outlets near the site. Many of the alcoholic beverage outlets nearby are grandfathered to the condition of having alcoholic beverage sales without having a conditional use.

D. What are the comments from the design review staff?

The lot measures sixty-four (64) feet wide by 89.6 feet deep for a total lot area of 5,734 square feet. The building is currently built to the front property line. The current retail store occupies two out of four units in the development site. The restaurant occupies a floor area of approximately 690 square feet and has seating for twenty (20) patrons. There is existing signage and exterior lighting on the site.

ABO performance standards

The following are standard operational requirements for restaurants that have alcoholic beverage sales.

- Alcoholic beverage service for consumption on premises shall only be in combination with food service. Food and non-alcoholic beverages sales shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times during which the restaurant operates.

- Hours of operation shall be limited to 8:00 a.m. and 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 12:00 midnight on Friday and Saturday.
- Live music shall be prohibited. Music of any kind shall not be projected to the exterior of the restaurant or building.
- Signage advertising the sale of alcoholic beverages shall not be visible from the public right-of-way.
- The applicant shall provide to the City Planning Commission a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles and the clearing of all litter from the sidewalks and periodic cleaning of the street rights-of-way. The name and phone number of the owner/operator of the restaurant shall be included in this letter to be kept on file in case of any violation. In no case shall trash be stored so that it is visible from the public right-of-way.

Other Provisions

Should the conditional use be approved, the following standard proviso is intended to ensure the requested license is issued in accordance with the requirements of the conditional use.

- The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.

E. What is the potential traffic impact? What are the off-street parking and off-street loading requirements? Can the required number of off-street parking spaces be provided on site, or would a waiver be required?

Traffic

The subject site is near the corner of Esplanade Avenue which is a major street according to *The Plan for the 21st Century: Major Streets Plan*. Esplanade Avenue is a two-way roadway with two traffic lanes, a small neutral ground, and on-street parking on either side. The property is located on Ponce De Leon Street which is a one-way street with a single traffic lane and parking on either side. Ponce De Leon Street and Esplanade Avenue experience moderate traffic and heavy use of on-street parking around the businesses in this area. The restaurant is currently operating and the addition of alcoholic

beverage service with meals at the restaurant will not have an appreciable impact on traffic and use of on-street parking in the area.

Parking and Loading

No off-street parking or loading spaces are provided on the site. The restaurant is currently operating, therefore, the parking and loading requirements have already been evaluated by the Department of Safety and Permits. The proposal to sell alcoholic beverages with meals at the restaurant does not impact the off-street parking and off-street loading requirements.

F. Are there any comments from other agencies, departments or committees?

The proposal was considered by the Planning Advisory Committee at its meeting of March 25, 2015. The representative from the Department of Property Management Division of Real Estate and Records noted that a lease is required for the existing awnings over the public right-of-way. The Committee passed a motion of no objection to the request, subject to further review by the City Planning Commission and the Division of Real Estate and Records.

Based on the comments from the committee, the following is recommended:

- The applicant shall secure the appropriate rights to utilize City property in connection with any and all encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.

G. What effects or impacts would the proposed conditional use have on adjacent properties?

The restaurant is currently operating and it is located along an active neighborhood business corridor. Few adverse impacts are anticipated from the proposal to include alcoholic beverage sales with meals at the restaurant. The design review section has addressed operational standards for restaurants that include alcoholic beverage service with meals.

III. Is the proposed action supported by or in conflict with the policies and strategies of the *Plan for the 21st Century*?

“Chapter 14: Land Use Plan” of the Master Plan designates the future land use of the petitioned site as “Neighborhood Commercial.” The goal, range of uses, and development character for that designation are copied below:

NEIGHBORHOOD COMMERCIAL

Goal: Provide areas for small-scale, neighborhood-oriented commercial development that enhances the pedestrian character and convenience of neighborhoods by allowing commercial establishments in select locations within walking distance to surrounding residential areas.

Range of Uses: Retail and professional service establishments serving local neighborhood area residents. Common uses include small groceries, restaurants; barber shops/salons, clothing boutiques, banks, pharmacies, and small health professional offices. Conversion to multifamily may be allowed for certain existing historic institutional, commercial or other non-residential buildings.

Development Character: Buildings are oriented to the sidewalk (parking in rear where possible) with maximum heights related to the character of the street. Landscape requirements for parking lots facing the street.

The subject site is a restaurant that is currently operating in a mixed-use building with a wine shop in the adjacent retail space and apartments on the upper floor. The purpose of the request is to sell alcoholic beverages with meals at the restaurant. The restaurant is consistent with the Neighborhood Commercial land use designation. The request for alcoholic beverage sales with meals is **not addressed** by the Land Use Plan. The decision as to whether or not to grant a conditional use must be made on a case-by-case basis.

IV. SUMMARY

The restaurant is currently operating in a two-story mixed-use building which includes three businesses on the ground floor and residences on the upper floor. In order for the applicant to sell alcoholic beverages with meals at the restaurant, they must amend the conditional use for the wine shop which operates in the retail space next to the subject site. The design review section has addressed operational standards for restaurants with the sale of alcoholic beverages with meals. The site is located amongst other businesses within a neighborhood business corridor. Few adverse impacts are anticipated from the addition of alcoholic beverage sales for the restaurant. The request for alcoholic beverage sales with meals is not addressed by the *Plan for the 21st Century*.

V. PRELIMINARY STAFF RECOMMENDATION²

The staff recommends **approval** of Zoning Docket 032/15, a request for an amendment to Ordinance No. 23,648 MCS (Zoning Docket 034/09, which amended a Conditional Use ordinance allowing a retail store of less than 5,000 square feet of floor area with the

² Subject to modification by the City Planning Commission

sale of alcoholic beverages for on-premises and off-premises consumption to modify the adopted provisos) to grant a Conditional Use to permit the sale of alcoholic beverages for on-premises consumption in a standard restaurant in a B-1 Neighborhood Business District, subject to one (1) waiver and twenty (20) provisos. New language is shown in **bold, underlined** text.

Waivers and provisos for the sale of alcoholic beverages for on-premises and off-premises at the wine shop

Waivers

1. Developer shall be granted a waiver of Article 15, Section 15.2.1. Off-Street Parking Regulations for All Districts, Except the CBD Districts and Vieux Carre Districts of the Comprehensive Zoning Ordinance which requires the provision of two (2) parking spaces to allow the provision of zero (0) parking spaces.

Provisos

1. Any changes to the exterior of the property, including exterior signage, shall be subject to review by the Historic District Landmarks Commission.
2. An opaque fence no less than six (6) feet in height shall be constructed on the structure's right side to screen the trash storage area from public view. The site plan shall be revised to indicate the location of the trash storage area.
3. Use of the premises for any conventions/receptions/parties/events other than those directly associated with the promotion of the wine store shall be prohibited.
4. The property owner shall secure a lease of servitude from the City of New Orleans Department of Property Management, Division of Real Estate & Records for the overhang and gutter encroachments.
5. The developer shall obtain a café franchise agreement, secured through the Department of Public Works.
6. Hours of operation shall be limited to 10:30 a.m. to 9:00 p.m. Monday through Saturday and 12:00 Noon to 6:00 p.m. on Sundays.
7. No video poker or other wagering equipment shall be allowed on premises.
8. No live or disc jockey music shall be provided on site. Music of any kind shall be prohibited on the exterior of the building.
9. The operator shall discourage loitering on the site and the adjacent public right-of-way. If needed, signs to that effect shall be posted.

10. The developer shall establish a litter abatement plan that includes clearing the adjacent public right-of-way daily of litter and the use of a watering hose as necessary. The name, address, and phone number of the owner or operator shall be indicated on the plan in case any violations should occur.
11. Any proposed exterior signage shall be subject to Article 5, Section 5.4.6 Permitted Signs of the Comprehensive Zoning Ordinance. No signage promoting alcoholic beverages shall be permitted.
12. On premise tasting and/or consumption of only wine, beer, and sake by the glass shall be permitted during regular business hours.
13. The only alcoholic beverages that shall be sold for consumption on or off premises are wine, beer, and sake.

Provisos for the sale of alcoholic beverages with meals at the standard restaurant

1. **The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.**
2. **Alcoholic beverage service for consumption on premises shall only be in combination with food service. Food and non-alcoholic beverages sales shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times during which the restaurant operates.**
3. **Hours of operation shall be limited to 8:00 a.m. and 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 12:00 midnight on Friday and Saturday.**
4. **Live music shall be prohibited. Music of any kind shall not be projected to the exterior of the restaurant or building.**
5. **Signage advertising the sale of alcoholic beverages shall not be visible from the public right-of-way.**
6. **The applicant shall provide to the City Planning Commission a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles and the clearing of all litter from the sidewalks and periodic**

cleaning of the street rights-of-way. The name and phone number of the owner/operator of the restaurant shall be included in this letter to be kept on file in case of any violation. In no case shall trash be stored so that it is visible from the public right-of-way.

7. **The applicant shall secure the appropriate rights to utilize City property in connection with any and all encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.**

VI. REASONS FOR RECOMMENDATION

1. The restaurant is currently operating and the addition of alcoholic beverage service with meals will not create significant adverse impacts on the area.
2. The design review has addressed operational standards for restaurants that serve alcoholic beverages with meals.

- VII.** Should the applicant desire changes to any recommended waivers or provisos, the applicant is encouraged to bring any proposed alternative language for discussion at the meeting.



CITY OF NEW ORLEANS PROPERTY VIEWER

Maurepas St



SEARCH



MEASURE



LAYERS



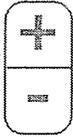
BASEMAP



PRINT



HELP



CONDITIONAL USE/EXCEPTIONAL USE/PLANNED DEVELOPMENT

A land-use that is allowed to operate subject to design and/or operational requirements thru a review and approval process.

Zoning Action Type: CU

Zoning Docket Number: 34

Zoning Docket Year: 2009

Ordinance Number: 23,684

Some ordinances may be found by accessing [Municode](#). All ordinances are available from the Clerk of Council's office in City Hall.

ZONING

Zoning District: B-1

Zoning Description: Neighborhood Busin

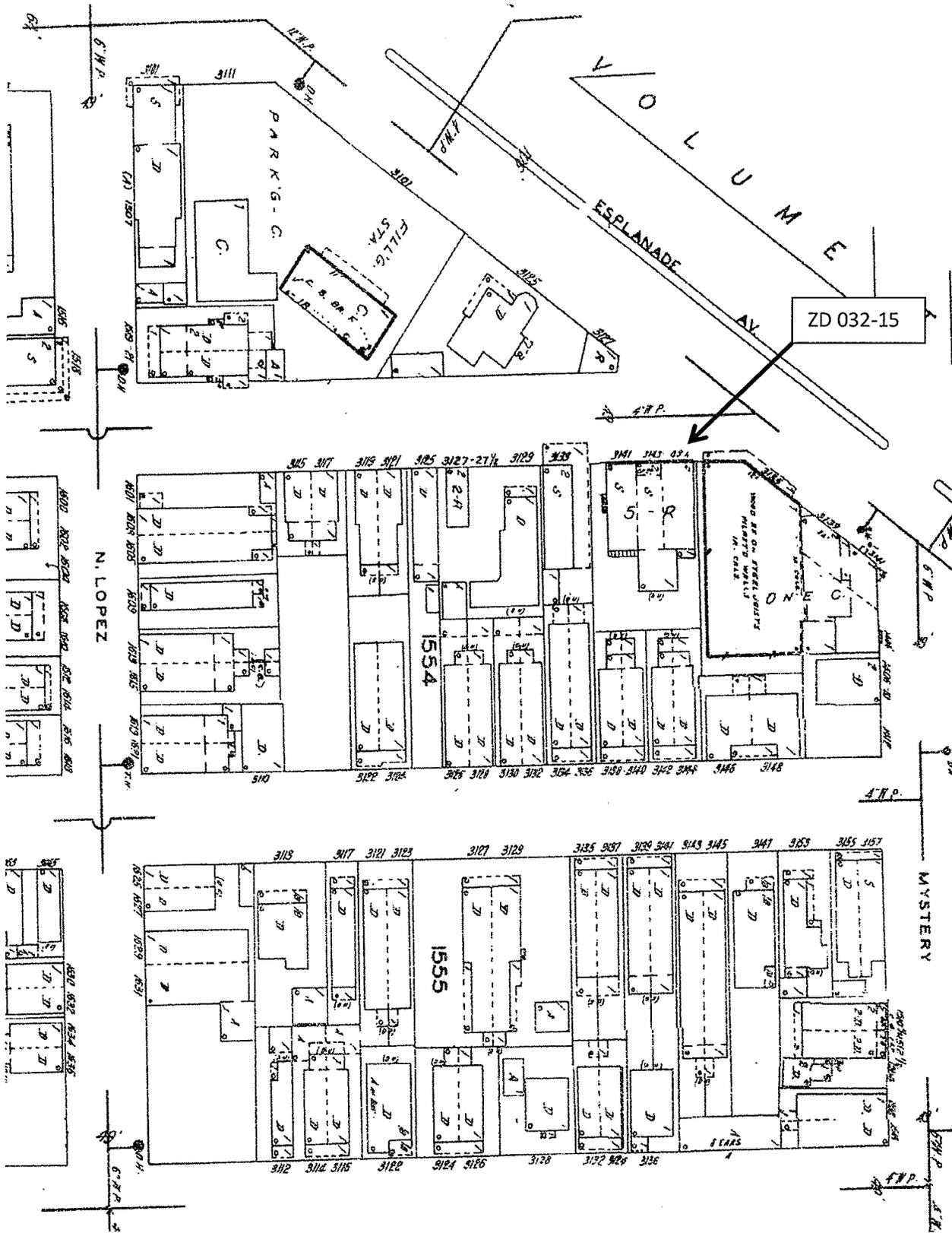
DRAFT Zoning: HU-B1

DRAFT Zoning Description: Historic Urb

Future Land Use: NC

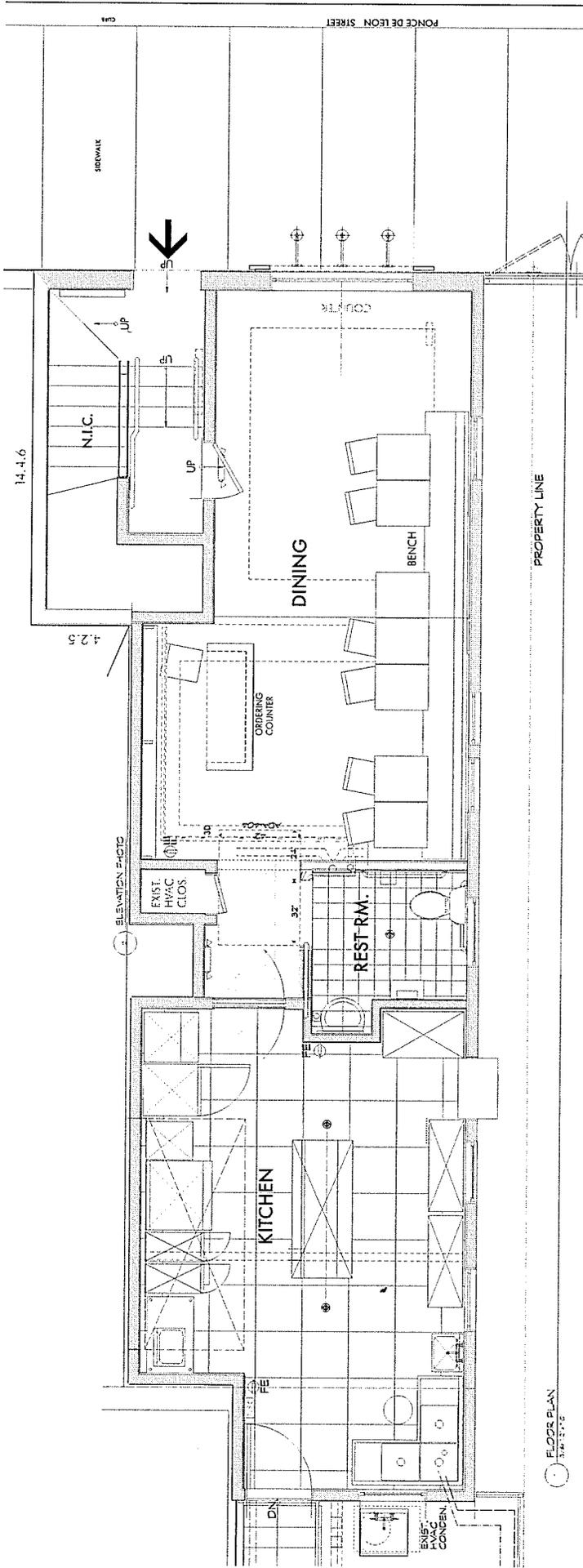
Future Land Use Description: Neighborh

Last Updated: Thu Dec 19 2013

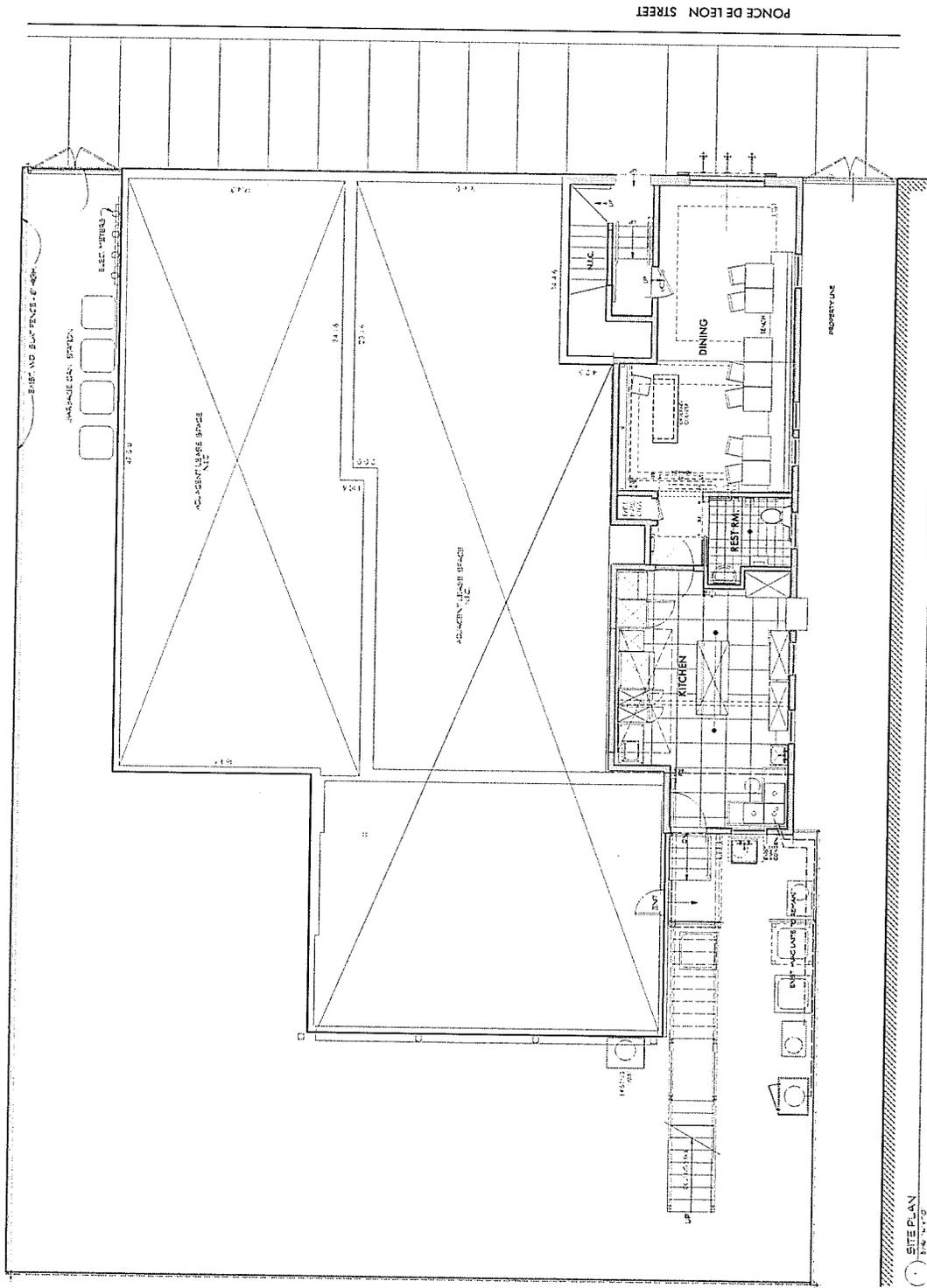




1 ELEVATION PHOTO

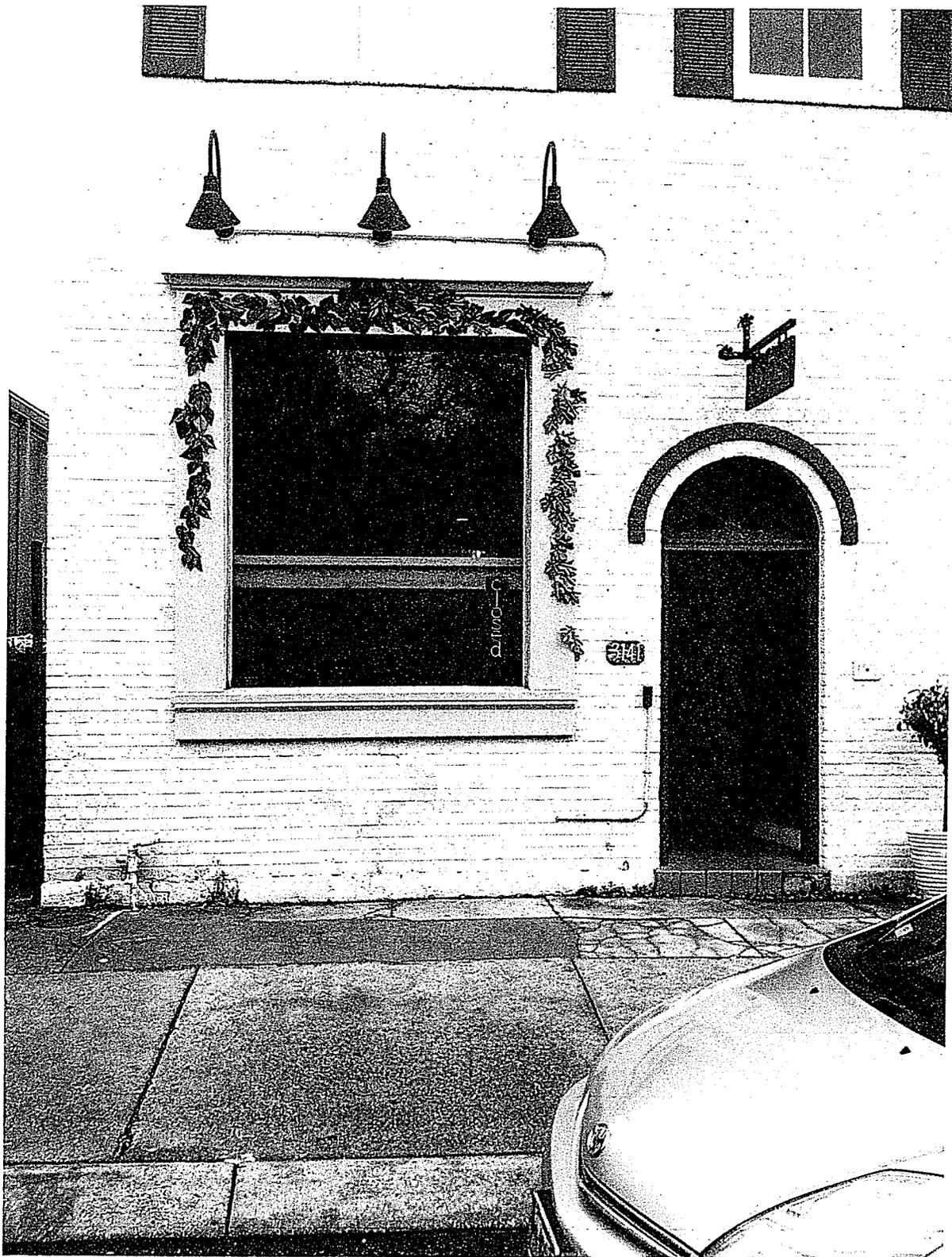


FLOOR PLAN
3.0" = 1'-0"

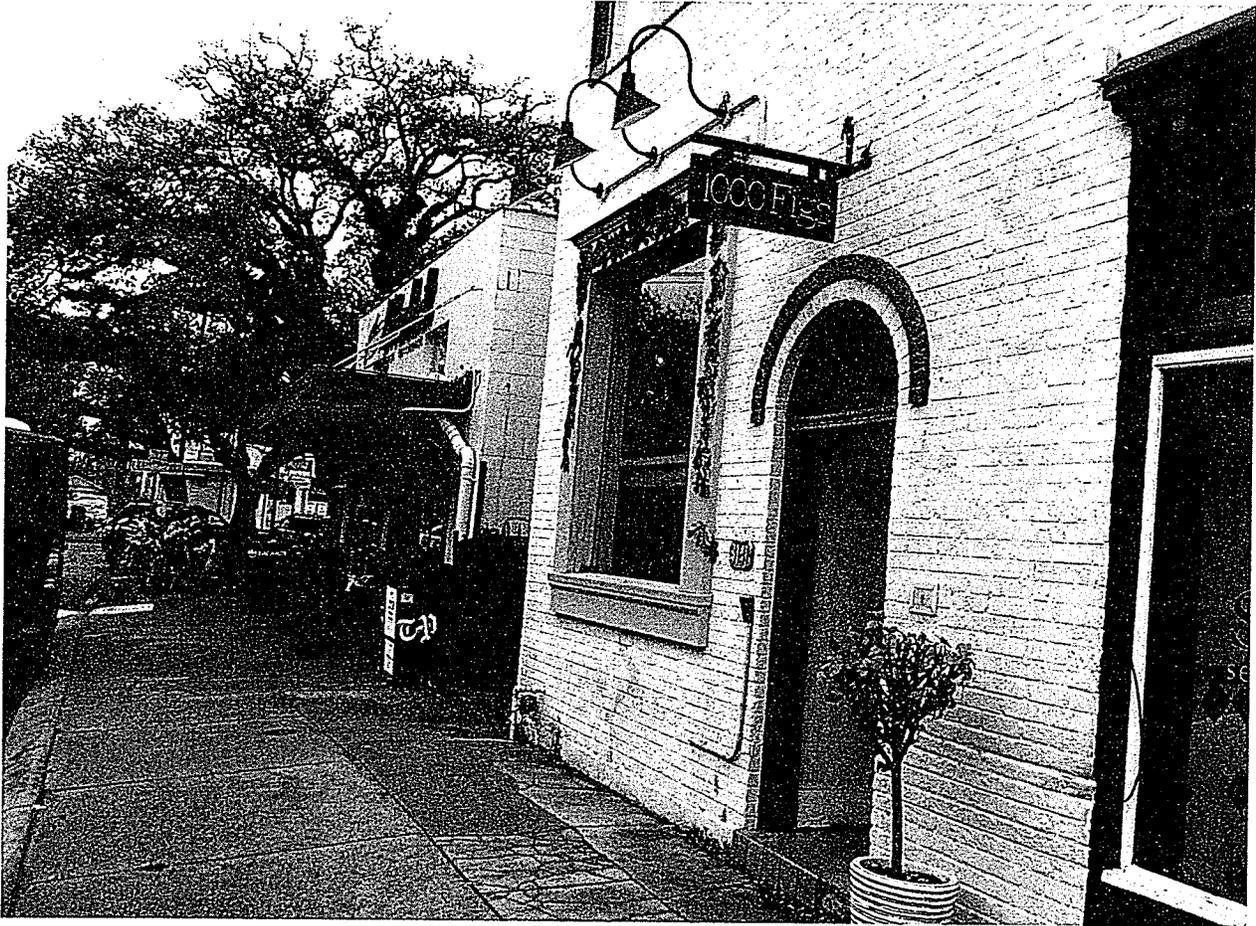


1000 FIGS RESTAURANT
 1341 PONCE DE LEON STREET, NEW ORLEANS

DENNIS BRADY AIA | A R C H I T E C T









Date of Report: February 28, 2015

Project Name: 1000 Figs Restaurant

Overview: This report provides results of the implementation of the Project Neighborhood Participation Program for the property located at 3141 Ponce de Leon #1. The applicant intends to file an application for a conditional use for an alcohol permit for beer, wine, and liquor. This report provides a summary of contact with neighbors and other interested parties. Opportunities have been provided to learn about and comment on the proposed plans and actions. Sign-in sheets and a letter are attached.

Contact:

Theresa Galli
3141 Ponce de Leon #1
New Orleans, LA 70119
630-670-6558
1000figs@gmail.com

Neighborhood Meeting: A meeting was held on Monday, February 23, 2015 at 7pm at 3141 Ponce de Leon #1. Neighbors and other interested parties were invited to discuss the proposal and provide comment. 5 people attended.

Correspondence: On February 18, 2015 letters were mailed to the contact list provided by the CPC. The list of contacts that were provided is attached.

Results:

There were 5 neighbors involved in the community meeting. Representatives from two neighboring businesses attended the meeting. Beth Ribblett and Kerry Tully from Swirl Wine, and Wade Rathke and Zee Thornton from Fair Grinds Coffee House. Beth and Kerry say that they are in support of the project and offer to write a letter if necessary. Kerry is on the Faubourg St. John Neighborhood Association Board and recommended that we come to the next meeting on March 10 to present our project there. Wade Rathke of Fair Grinds offers his support for the project. Neighbor, Joan Young, also offers her support for the project. She recommends that we not sell drinks in "go cups" to eliminate the possibility of litter in the neighborhood. One letter was received in support of the project from a residential neighbor in the same building as the restaurant who was unable to attend the meeting. No other letters or phone calls were received.

Sign In

<u>Name</u>	<u>Email</u>	<u>Address</u>
KERRY TULLY	kerrytully1@ yahoo.com	3143 Ponce de Leon
WADE RATHKE	wade@fairgrinds.ca	3133 PDL
Zee Thornton	zee@fairgrinds.com	3133 PDL
ZACH RIBBLETT	zaribblett@yahoo.com	3143 Ponce de Leon
JOAN ELLEN Young	jeyoungncc@yahoo.com	3123 Maunepas

February 11, 2015

Dear Neighbor,

My partner and I are the owners of the restaurant 1000 Figs at 3141 Ponce de Leon #1. We are a small restaurant that currently serves lunch and dinner five days a week.

We would like to serve alcohol at the restaurant, and to do so we are required to apply for a Conditional Use with the City of New Orleans. Our application has to be heard by the City Planning Commission and the City Council. Because you are a nearby neighbor or otherwise interested in the neighborhood, I am inviting you to a meeting where you can learn more about what we propose, and present any questions or concerns. We are required to hold this meeting prior to submitting our application to the City Planning Commission.

The meeting will take place:

Monday, February 23, 2015 at 7pm

1000 Figs
3141 Ponce de Leon #1

If you have questions or comments, I can be reached at (630) 670-6558 or by email at 1000figs@gmail.com. I hope to see you at the meeting on February 23.

Sincerely,

Theresa Galli

Type	Source	Name	Address1	Address2	City	St	Zip	DayPhone	MobilePhone	Email	Website
Person	County	La Place Paul V	1309 Mystery St		New Orleans	LA	70119				
Person	County	Laplace Mary Jon H	1309 Mystery St		New Orleans	LA	70119				
Person	County	Mc Guire Robert J	1313 Mystery St		New Orleans	LA	70119				
Person	County	Chaplain Stephen L	Et Al	1319 Mystery St	New Orleans	LA	70119	504.491.8300			
Person	County	Thompson Edward L	1205 Osprey Ridge Loop		Lago Vista	TX	78645				
Person	County	Middleton William C	3108 Gr Rt St John St		New Orleans	LA	70119				
Person	County	Martin Philip H	3120 Gr Rt St John		New Orleans	LA	70119				
Person	County	Bagert Brod	3202 Grand Route St John		New Orleans	LA	70119				
Person	County	Thibeaux Robert P	3209 Gr Rt St John		New Orleans	LA	70119				
Person	County	Terranova Lorraine W	Et Al	3310 Esplanade A	New Orleans	LA	70119				
Person	County	Miranda Angel	3312 Esplanade Ave		New Orleans	LA	70119				
Person	County	Tempo Properties L C	6528 Margny St		New Orleans	LA	70122				
Person	County	Guidry Warren J	3006 Esplanade Av		New Orleans	LA	70119				
Person	County	Wilson Lehan M	1521 N Lopez St		New Orleans	LA	70119				
Person	County	Tassin Kenneth	3717 Fran St		Metairie	LA	70001				
Person	County	Brown Margaret A	& Jo Ann E Abecilla	1603 N Lopez St	New Orleans	LA	70119				
Person	County	Bushey Michelle	1609 N Lopez St		New Orleans	LA	70119				
Person	County	Van Beyer Karen	1613 N Lopez St		New Orleans	LA	70119				
Person	County	Ducofe Irene A	1625 N Lopez St		New Orleans	LA	70119	504.943.1205			
Person	County	Hearn Redell R	3128 Fortin Street		New Orleans	LA	70119				
Person	County	Trewn Narendra S	Trustee: Trewn Family Trust	5605 Guthrie Place	Davis	CA	95616				
Person	County	Kalb Johanna	3102 Fortin Street		New Orleans	LA	70119				
Person	County	Allie Renee E	1621 N Lopez St		New Orleans	LA	70119				
Person	County	Lebourgeois Joseph III	352 Orion Ave		Metairie	LA	70005				
Person	County	Hampton Heather	3113 Maurepas St		New Orleans	LA	70119				
Person	County	McMahon Mona	3115 Ponce De Leon St		New Orleans	LA	70119				
Person	County	Habip Ertem	3121 Ponce De Leon St		New Orleans	LA	70119				
Person	County	Penedo Henry A	3122 Fortin St		New Orleans	LA	70119				
Person	County	Romain Shelly M	3124 Maurepas St		New Orleans	LA	70119				
Person	County	Barefield Eric K	3126 Maurepas Street		New Orleans	LA	70119				
Person	County	Valls Frank A	3129 Maurepas St		New Orleans	LA	70116				
Person	County	Bertsch Jonathan C	3130 Maurepas Street		New Orleans	LA	70119				

Person	County	Rosato Joseph R	3136 Fortin St		New Orleans	LA	70119					
Person	County	Sanborn Vanessa M	3137 Maurepas St		New Orleans	LA	70119					
Person	County	Braud Sharen M	EtAl	3138 Maurepas St	New Orleans	LA	70119					
Person	County	Riggio Carol S	EtAl	2409 Fagot Ave.	Metairie	LA	70001					
Person	County	Allen Donna S	45 Newcomb Bl		New Orleans	LA	70118					
Person	County	Moose & Nova, L.L.C.	3127 Esplanade Avenue		New Orleans	LA	70119					
Person	County	Olsen Phyllis A	3141 Ponce De Leon Street	Unit 6	New Orleans	LA	70119					
Person	County	Tullis Stuart A	3142 Maurepas St		New Orleans	LA	70119					
Person	County	Guidry Warren J	Mr Nelson P Savoie	3006 Esplanade A	New Orleans	LA	70119					
Person	County	Terranova Benjamin A	3147 Maurepas St		New Orleans	LA	70119					
Person	County	Poche Michael C	EtAl	3148 Maurepas St	New Orleans	LA	70119					
Person	County	Mipro Ralph	3153 Maurepas St		New Orleans	LA	70119					
Person	County	Guilotta-Seydel Enterpr	3100 Ursulines Ave		New Orleans	LA						
Person	County	Wagstaff Brad J	3201 Maurepas St		New Orleans	LA	70119					
Person	County	Bazzano Alessandra	3141 Ponce De Leon Unit 7		New Orleans	LA	70119					
Person	County	Bourgeois Kevin M	3215 Maurepas St		New Orleans	LA	70119					
Person	County	Blackwell Peter	P O Box 8607		Metairie	LA	70011					
Person	County	Cohen Sanford R	7534 Broadcloth Way		Columbia	MD	21046					
Person	County	Young Joan E	EtAl	3123 Maurepas St	New Orleans	LA	70119-					
Person	County	Neil Jennifer M	2815 Maria Dr		Lacombe	LA	70445					
Person	County	Preece Sue G	3129 Ponce De Leon St		New Orleans	LA	70119					
Person	County	Champagne Robert C	1518 Mystery St		New Orleans	LA	70119					
Person	County	Sisson Thomas D	3141 Ponce De Leon St Unii		New Orleans	LA	70119					
Person	County	Bagert Deborah K	3202 Grand Rte St John		New Orleans	LA	70119					
Person	County	Keren Dana M	P O Box 791854		New Orleans	LA	70179					
Person	County	Bouldin Steven W	3141 Ponce De Leon St	Unit 5	New Orleans	LA	70119					
Person	County	Freedman Jonah A	824 Arabella St		New Orleans	LA	70115					
Business	County	The Storagestudio LLC	4026 Chestnut St		New Orleans	LA	70115					
Business	County	Vincent Rene Piazza LI	16330 Paris Av		New Orleans	LA	70122					
Business	County	Trinitoid LLC	1447 Leda Ct		New Orleans	LA	70119					
Business	County	Moose & Nova LLC	3127 Esplanade Ave		New Orleans	LA	70119	504-949-6953				
Business	County	Canseco Properties No	1519B Metairie Rd		Metairie	LA	70005					
Business	County	Knb Holdings LLC	929 Picheloup Place		New Orleans	LA	70119					

Business	County	Lmp Realty LLC	P O Box 1076		Metairie	LA	70004			
Business	County	Acorn Global Enterprises	3133 Ponce De Leon St		New Orleans	LA	70119			
Business	County	Deblanc's Properties LI	1515 Verna St		New Orleans	LA	70119			
Business	County	Gce 3106-08 Fortin, LI	2725 S Broad St		New Orleans	LA	70125			
Business	County	River Road Wellness LI	12565 Patterson Rd		New Orleans	LA	70131			
Business	County	Vincenzo Properties, L	1025 Bienville St 5		New Orleans	LA	70112			
Business	County	The City Of New Orlea	1300 Perdido St Room 5W1		New Orleans	LA	70112-			

Narendra S Trewn

Shelly M Romain

Robert P Thibeaux

River Road Wellness LLC

Moose & Nova LLC

Mona McMahon

Kenneth Tassin

Poche Michael C

Bourgeois Kevin M

Guire Robert J Mc

Ertem Habip

Frank A Valls

Peter Blackwell

Warren J Guidry

Thomas D Sisson

Sharen M Braud

Jennifer M Neil

Manseco Properties No 1 LLC

Enterprises, LLC. Gulotta-Seydel

Acorn Global Enterprises L3c

Lorraine W Terranova

The City Of New Orleans

Monah A Freedman

Margaret A Brown

Tassin Kenneth

Trustee: Trewn Family Trust 5605 Guthrie Place Davis, CA 95616

3124 Maurepas St New Orleans, LA 70119

3209 Gr Rt St John New Orleans, LA 70119

12565 Patterson Rd, New Orleans, LA 70131

3127 Esplanade Ave New Orleans, LA 70119

3115 Ponce De Leon St New Orleans, LA 70119

3717 Fran St Metairie, LA 70001

Etal 3148 Maurepas St, New Orleans, LA 70119

3215 Maurepas St, New Orleans, LA 70119

1313 Mystery St New Orleans, LA 70119

3121 Ponce De Leon St New Orleans, LA 70119

3129 Maurepas St New Orleans, LA 70116

P O Box 8607 Metairie, LA 70011

3006 Esplanade Av New Orleans, LA 70119

3141 Ponce De Leon St Unit#8 New Orleans, LA 70119

Etal 3138 Maurepas Street New Orleans, LA 70119

2815 Maria Dr Lacombe, LA 70445

1519B Metairie Rd, Metairie, LA 70005

3100 Ursulines Ave New Orleans, LA

3133 Ponce De Leon St New Orleans, LA 70119

Et Al 3310 Esplanade Ave New Orleans, LA 70119

1300 Perdido St Room 5W17 New Orleans, LA 70112- 0

824 Arabella St New Orleans, LA 70115

& Jo Ann E Abecilla 1603 N Lopez St New Orleans, LA 70119

3717 Fran St, Metairie, LA 70001

Stephen L Chaplain

Lmp Realty LLC

Robert C Champagne

Eric K Barefield

Trinitoid LLC

Sue G Preece

Jonathan C Bertsch

Allen Donna S

KnB Holdings LLC

Moose & Nova, L.L.C.

KnB Holdings LLC

Steven W Bouldin

Olsen Phyllis A

Alessandra Bazzano

The Storagestudio LLC

Dana M Keren

Sanford R Cohen

Renee E Allie

Michelle Bushey

Beyer Karen Van

Gce 3106-08 Fortin, LLC

Beyer Karen Van

Et Al 1319 Mystery St New Orleans, LA 70119

P O Box 1076 Metairie, LA 70004

1518 Mystery St New Orleans, LA 70119

3126 Maurepas Street New Orleans, LA 70119

1447 Leda Ct, New Orleans, LA 70119

3129 Ponce De Leon St New Orleans, LA 70119

3130 Maurepas Street New Orleans, LA 70119

45 Newcomb Bl, New Orleans, LA 70118

929 Picheloup Place New Orleans, LA 70119

3127 Esplanade Avenue, New Orleans, LA 70119

929 Picheloup Place, New Orleans, LA 70119

3141 Ponce De Leon St Unit 5 New Orleans, LA 70119

3141 Ponce De Leon Street Unit 6, New Orleans, LA 70119

3141 Ponce De Leon Unit 7 St New Orleans, LA 70119

4026 Chestnut St New Orleans, LA 70115

P O Box 791854 New Orleans, LA 70179

7534 Broadcloth Way Columbia, MD 21046

1621 N Lopez St New Orleans, LA 70119

1609 N Lopez St New Orleans, LA 70119

1613 N Lopez St New Orleans, LA 70119

2725 S Broad St New Orleans, LA 70125

1613 N Lopez St New Orleans, LA 70119

OwnerAddress

3142 Maurepas St, New Orleans, LA 70119
1521 N Lopez St New Orleans, LA 70119
3128 Fortin Street New Orleans, LA 70119
1025 Bienville St 5 New Orleans, LA 70112
1309 Mystery St New Orleans, LA 70119
6528 Marigny St New Orleans, LA 70122
1515 Verna St New Orleans, LA 70119
3113 Maurepas St New Orleans, LA 70119
3102 Fortin Street New Orleans, LA 70119
3147 Maurepas St, New Orleans, LA 70119
3153 Maurepas St, New Orleans, LA 70119
6330 Paris Av, New Orleans, LA 70122
3136 Fortin St, New Orleans, LA 70119
352 Orion Ave Metairie, LA 70005
Et Al 3123 Maurepas St New Orleans, LA 70119- 0
3202 Grand Route St John New Orleans, LA 70119
3201 Maurepas St, New Orleans, LA 70119
Et Al 2409 Fagot Ave. Metairie, LA 70001
3137 Maurepas St, New Orleans, LA 70119
3213 Maurepas St, New Orleans, LA 70119
1309 Mystery St New Orleans, LA 70119
1519B Metairie Rd, Metairie, LA 70005
3122 Fortin St, New Orleans, LA 70119
1625 N Lopez St New Orleans, LA 70119

Mr Nelson P Savoie 3006 Esplanade Av, New Orleans, LA 70119

OwnerName

Tullis Stuart A

Lehan M Wilson

Redell R Hearn

Vincenzo Properties, LLC

Mary Jon H Laplace

Properties! L C Tempo

Deblanc's Properties LLC

Heather Hampton

Johanna Kalb

Terranova Benjamin A

Mipro Ralph

Vincent Rene Piazza LLC

Rosato Joseph R

Joseph III Lebourgeois

Joan E Young

Brod Bagert

Wagstaff Brad J

Carol S Riggio

Sanborn Vanessa M

Lester Vera A

Place Paul V La

Canseco Properties No 1 LLC

Penedo Henry A

Irene A Ducote

Guidry Warren J

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: July 2, 2009

CALENDAR NO.: 27, 575

NO. 023648 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER MIDURA *SM*

AN ORDINANCE to administratively amend Ordinance No. 22,389 M.C.S. (Zoning Docket 25/06, a Conditional Use to permit a retail store (wine market) of less than 5,000 square feet with the sale of alcoholic beverages for on-premises and off-premises consumption in an existing building in a B-1 Neighborhood Business District) to permit modifications to the adopted provisos, on Square 1554, Lot J or Pts. J and H, in the Third Municipal District, bounded by Esplanade Avenue, Mystery, Maurepas, North Lopez and Ponce de Leon Streets (Municipal Addresses: 3141-3143 Ponce de Leon Street); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 34/09 was initiated by KNB Holdings, L.L.C. and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended approval, in its report to the City Council dated May 15, 2009, of the Administrative Amendment presented in Zoning Docket Number 34/09; and

WHEREAS, the recommendations of the Planning Commission were upheld and the changes were deemed necessary and in the best interest of the City of New Orleans

and were approved, subject to one (1) waiver and thirteen (13) provisos, in Motion Number M-09-299 of the Council of the City of New Orleans, adopted on June 18, 2009.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

2 **ORDAINS** that Ordinance No. 22,389 M.C.S. (Zoning Docket 25/06, a Conditional Use
3 to permit a retail store (wine market) of less than 5,000 square feet with the sale of
4 alcoholic beverages for on-premises and off-premises consumption in an existing
5 building in a B-1 Neighborhood Business District)) is amended and approved to permit
6 modifications to the adopted provisos, on Square 1554, Lot J or Pts. J and H, in the Third
7 Municipal District, bounded by Esplanade Avenue, Mystery, Maurepas, North Lopez and
8 Ponce de Leon Streets (Municipal Addresses: 3141-3143 Ponce de Leon Street), subject
9 to the following waiver and provisos as specifically set forth herein:

10 **WAIVER:**

11 1. Developer shall be granted a waiver of Article 15, Section 15.2.1. *Off-Street Parking*
12 *Regulations for All Districts, Except the CBD Districts and Vieux Carre Districts* of the
13 Comprehensive Zoning Ordinance which requires the provision of two (2) parking spaces to
14 allow the provision of zero (0) parking spaces.

15 **PROVISOS:**

16 No person shall use any of the properties described herein or permit another to use any of
17 those properties described herein for the use authorized by this ordinance, unless the
18 following requirements are met and continue to be met:

19 1. Any changes to the exterior of the property, including exterior signage, shall be
20 subject to review by the Historic District Landmarks Commission.

- 21 2. An opaque fence no less than six (6) feet in height shall be constructed on the
22 structure's right side to screen the trash storage area from public view. The site plan shall be
23 revised to indicate the location of the trash storage area.
- 24 3. Use of the premises for any conventions/receptions/parties/events other than those
25 directly associated with the promotion of the wine store shall be prohibited.
- 26 4. The property owner shall secure a lease of servitude from the City of New Orleans
27 Department of Property Management, Division of Real Estate & Records for the overhang
28 and gutter encroachments.
- 29 5. The developer shall obtain a café franchise agreement, secured through the
30 Department of Public Works.
- 31 6. Hours of operation shall be limited to 10:30 a.m. to 9:00 p.m. Monday through
32 Saturday and 12:00 Noon to 6:00 p.m. on Sundays.
- 33 7. No video poker or other wagering equipment shall be allowed on premises.
- 34 8. No live or disc jockey music shall be provided on site. Music of any kind shall be
35 prohibited on the exterior of the building.
- 36 9. The operator shall discourage loitering on the site and the adjacent public right-of-
37 way. If needed, signs to that effect shall be posted.
- 38 10. The developer shall establish a litter abatement plan that includes clearing the
39 adjacent public right-of-way daily of litter and the use of a watering hose as necessary. The
40 name, address, and phone number of the owner or operator shall be indicated on the plan in
41 case any violations should occur.

42 11. Any proposed exterior signage shall be subject to Article 5, Section 5.4.6 *Permitted*
43 *Signs* of the Comprehensive Zoning Ordinance. No signage promoting alcoholic beverages
44 shall be permitted.

45 12. On premise tasting and/or consumption of only wine, beer, and sake by the glass shall
46 be permitted during regular business hours.

47 13. The only alcoholic beverages that shall be sold for consumption on or off premises
48 are wine, beer, and sake.

1 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS** that whoever does anything prohibited by this Ordinance or fails to do anything
3 required to be done by this Ordinance shall be guilty of a misdemeanor and upon conviction
4 shall be subject to a fine or to imprisonment or both, such fine and/or imprisonment set by
5 Section 1-13 of the 1995 Code of the City of New Orleans, or should alternatively be subject
6 to whatever civil liabilities, penalties or remedies the law may prescribe. Conviction shall be
7 cause for the immediate cancellation of the Use and Occupancy permit of the premises.

1 **SECTION 3.** This ordinance shall have the legal force and effect of authorizing this
2 conditional use only after all the provisos listed in Section 1 of this Ordinance which impose
3 a one-time obligation have been completely fulfilled and complied with, and only after all
4 the provisos listed in Section 1 which impose a continuing or on-going obligation shall have
5 begun to be fulfilled, as evidenced by the Planning Commission's approval of a final site
6 plan, on or before one year from the date of adoption of this ordinance, (which shall be
7 incorporated into this ordinance by reference) and its subsequent recordation, and no use or
8 occupancy certificates or permits (other than the building permits needed to fulfill the

9 provisos) shall be issued until all the provisos which impose a one-time obligation have been
10 completely fulfilled and complied with, and only after all the provisos listed in Section 1
11 which impose a continuing or ongoing obligation shall have begun to be fulfilled, as
12 evidenced by the Planning Commission's approval of a final site plan (which shall be
13 incorporated into this ordinance by reference) and its subsequent recordation.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS JUL 23 2009

ARNIE FIELKOW
PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON JUL 24 2009

APPROVED: AUG 03 2009


C. RAY NAGIR

MAYOR

RETURNED BY THE MAYOR ON AUG 04 2009 AT 9 50 AM

PEGGY LEWIS
CLERK OF COUNCIL

ROLL CALL VOTE

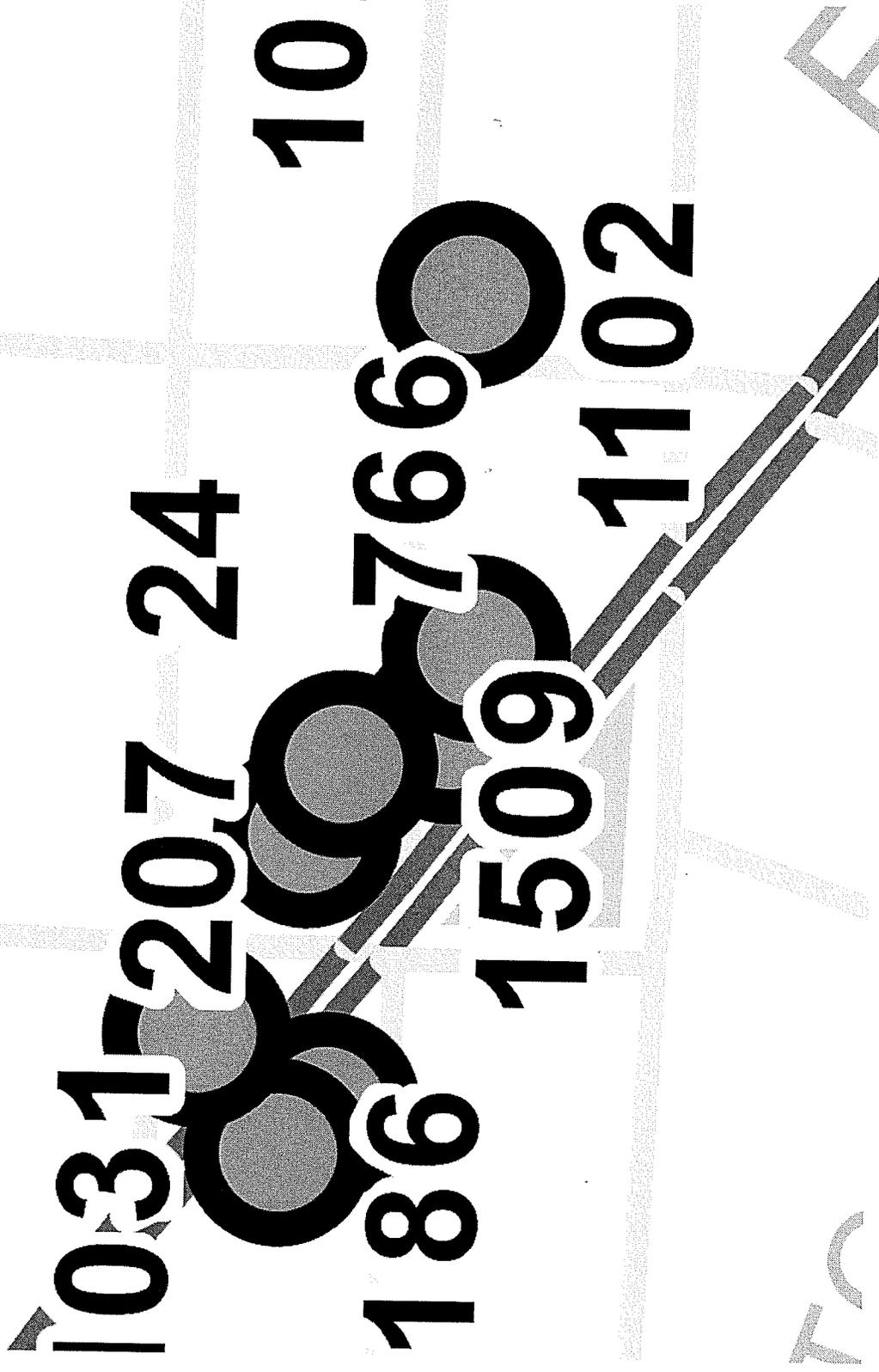
YEAS: Carter, Clarkson, Fielkow, Head, Hedge-Morrell, Midura, Willard-Lewis - 7

NAYS: 0

ABSENT: 0

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

Peggy Lewis
CLERK OF COUNCIL



This map shows the general location of licensed alcoholic beverage outlets that sell alcohol for consumption on premises or off premises, including, but not limited to, restaurants, grocery stores, package liquor stores, cocktail lounges/bars, private clubs, amusement places, etc. There is no correspondence between the numbers on the map and the type of alcoholic beverage outlet.

The data used to generate this map was provided by the Department of Finance as of December 31, 2013. The points on the map do not exactly correspond with the actual locations of individual alcoholic beverage outlets. This data has not been field verified by City Planning staff, but previous site visits suggest that it may not accurately represent the number of active alcoholic beverage outlets within any given geography.