

**City Planning Commission Meeting**  
**Tuesday, October 28, 2014**

**CPC Deadline: 12/12/14**  
**CC Deadline: 01/13/15**  
**City Council District: E**  
**Council Member: Gray**

**PRELIMINARY STAFF REPORT**

**To: City Planning Commission**  
**Zoning Docket: 108-14**

**Prepared by: Dale Thayer**  
**Date: October 14, 2014**

**I. GENERAL INFORMATION:**

**Applicant:** NHAN T. DO

**Request:** This is a request for a Conditional Use to permit the sale of alcoholic beverages for off-premises consumption in a retail store in a C-1 General Commercial District and the Eastern New Orleans UC Urban Corridor District overlay.

**Location:** The petitioned property is located on an undesignated square, Lots 5-A Pt. 27 and 7-A Pt. 27, bounded by Chef Menteur Highway, Michoud Boulevard, and Alcee Fortier Boulevard. The municipal address is 13801 Chef Menteur Highway. (PD 10)

**Description:** Image #1: 13801 Chef Menteur Highway



Source: Staff Photograph taken 10/9/14

The petitioned site is located on two (2) lots (5-A Pt. 27 and 7-A Pt. 27) fronting on Chef Menteur Highway (State Highway 90). Lot 5-A Pt. 27 measures one hundred feet (100') in width (Chef Menteur Hwy. side), four hundred six feet (406') in depth (Michoud Blvd. side), five hundred feet (500') in depth (Alcee Fortier Blvd. side), and approximately seventy five feet in rear width (Lagoon No. 2 side) for a total area of forty eight thousand eight hundred square feet (48,800

sq. ft.). Lot 7-A Pt. 27 measures one hundred feet (100') in width and five hundred feet (500') in depth for a total area of fifty thousand square feet (50,000 sq. ft.). In total, the approximate area of the petitioned site is 98,800 square feet or approximately 2.25 acres. The site is currently developed with a two-story structure and an impervious surface utilized for automotive parking for the area fronting on Chef Menteur Highway (see Image #1 above). The first floor of the structure is utilized as a convenience store containing one thousand two hundred and seventy three square feet (1,273 sq. ft.) in total floor area. The second floor of the structure is utilized as a three (3) bedroom residential apartment that measures one thousand forty square feet (1,040 sq. ft.). The main entrance to the convenience store is located at ground level adjacent to Chef Menteur Highway. The second floor residential apartment is accessed via a staircase located along the rear of the structure. The front of the site is setback ten feet five inches (10'5") from the approximate forty eight feet (48') state public right-of-way adjacent to Chef Menteur Highway. Five (5) existing parking spaces are striped and located within this ten feet five inch (10'5") setback in front of the structure.

Image #2: Gated and closed egress area for rear mobile home park.



Source: Staff Photograph taken 10/9/14

The request applies only to the entire two hundred feet (200') in width and forty one feet nine inches (41'9") in depth adjacent to Chef Menteur Highway. The remainder of the site is occupied by an existing mobile home park. The mobile home park is accessed via an existing driveway located on both the petitioned lot 7-A Pt. 27 and adjacent lot 9-A<sup>1</sup>. The mobile home park egress is located on the petitioned lot 5-A Pt. 27; however, this exit is currently gated and locked (see Image #2 above). The applicant will utilize the existing convenience store to sell alcoholic beverages for consumption off premises, if the conditional use request is approved.

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<sup>1</sup> The adjacent lot 9-A is also owned by the applicant.

## Why is City Planning Commission action required?

Any permitted use under 10,000 square feet in floor area which sells alcoholic beverages for consumption off-premises is conditional in the Eastern New Orleans Renaissance Corridor District.<sup>2</sup> The City Planning Commission is required to make a recommendation on all applications for conditional use requests prior to City Council action, in accordance with **Article 16, Section 16.2.3. Planning Commission Recommendation** and **Article 16, Section 16.6.4. Procedures for Conditional Use Permits** 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 petitioned site fronts on Chef Menteur Highway and is located within a C-1 General Commercial District. As stated above, an existing mobile home park is located on the petitioned site but is not a part of the request. To the east, an existing used tire and automotive repair facility is located adjacent to the petitioned property followed by a mobile home park, a multi-family apartment complex, a commercial over-the-road trucking facility and vacant land. The trucking facility is located within both a C-1 General Commercial District and a LI Light Industrial District. To the west, an existing bar/nightclub is located adjacent to the petitioned site followed by a blighted and vacant multi-family apartment complex. The multi-family apartment complex is located within a RM-2E Eastern New Orleans Multi-Family Residential District. To the south, the commercial uses consist of a self-service carwash facility and an automotive dealership as well as vacant land. These uses are located within an LI Light Industrial District. All adjacent properties described above front onto Chef Menteur Highway and are included in the Eastern New Orleans UC Urban Corridor District overlay.

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

#### *Zoning and Land Use History*

**Zoning:** 1929 – Not Mapped  
1953 – Not Mapped  
1970 – C-1 General Commercial District

**Land Use:** 1929 – Not Mapped  
1949 – Not Mapped  
1999 – Neighborhood Commercial<sup>3</sup>

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<sup>2</sup> **Article 10, Section 10.2.7. Conditional Uses**, subsection 4, of the *Comprehensive Zoning Ordinance*.

<sup>3</sup> The 1999 Land Use Plan presented a generalized description of existing land use; it was not lot-specific.

- 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?

In the past five (5) years, zero (0) zoning actions have been requested within a one thousand seven hundred and fifty liner foot radius (1,320 lf) or 0.25 miles of the site.

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

Image #3: Aerial photography of existing site conditions

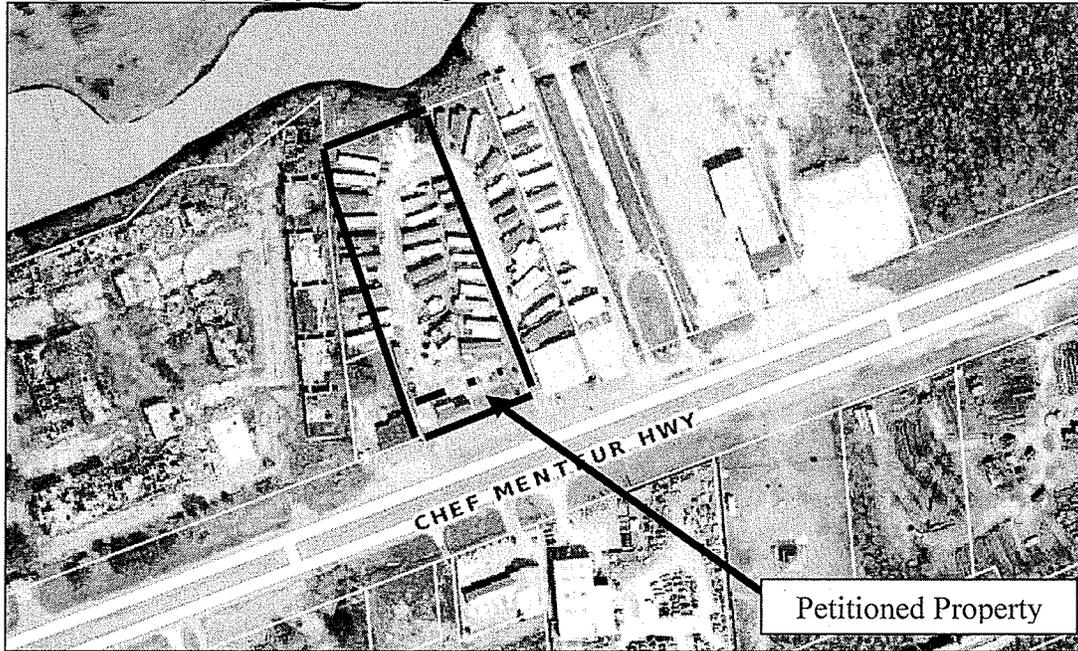
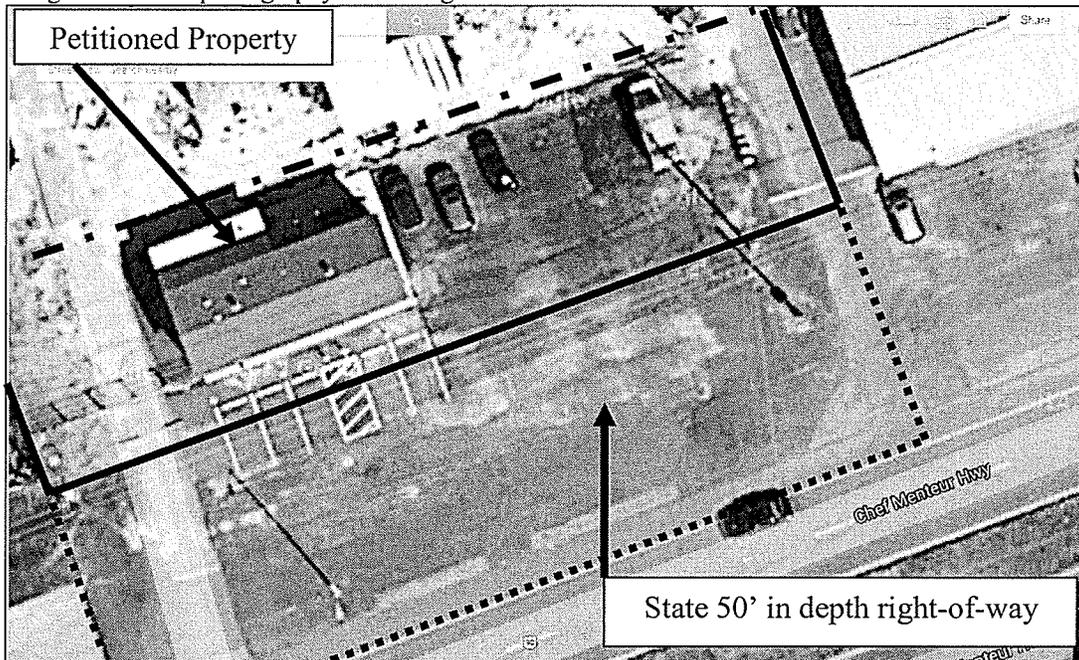


Image #4: Aerial photography of existing site conditions



Sources: Orleans Parish Tax Assessor Online Tool and Google Maps

The applicant proposes to utilize the existing convenience store development for the sale of alcoholic beverages for off-premises consumption. A portion of the existing floor area would be the location(s) for the alcoholic beverage displays.<sup>4</sup> The subject site encompasses two (2) lots of record (5-A Pt. 27 and 7-A Pt. 27) fronting on Chef Menteur Highway (State Highway 90) with the municipal address of 13801 Chef Menteur Highway. When combined, the parcel measures two hundred feet (200') in width and approximately five hundred feet (500') in depth for an approximate total area of 98,800 square feet or ~2.25 acres.

### *Exterior of the Site*

According to the plans submitted by the applicant and a field visit conducted by staff, the site is currently developed with a two-story structure and an impervious surface utilized for automotive parking for the area fronting on Chef Menteur Highway. The first floor of the structure is utilized as a convenience store while the second floor is utilized as a residential dwelling. The main entrance to the convenience store is located at ground level adjacent to Chef Menteur Highway. The second floor residential apartment is accessed via a staircase located along the rear of the structure. The front of the site is setback ten feet five inches (10'5") from the approximate forty eight feet (48') state public right-of-way adjacent to Chef Menteur Highway. Five (5) existing parking spaces are striped and located within this ten feet five inch (10'5") setback in front of the structure. The petitioned site is accessed via this state right-of-way as no curbs or sidewalks exist. The entirety of the state right-of-way is paved with an impervious surface. The request applies only to the entire two hundred feet (200') in width and forty one feet nine inches (41'9") in depth adjacent to Chef Menteur Highway. The remainder of the site is occupied by an existing mobile home park. Limited landscaping is provided between the front façade of the petitioned structure and the parking area located adjacent to that structure. As stated above, the majority of the site is developed with an imperious surface (see Images #3 and #4 above).

The applicant proposes to retain the five (5) parking spaces located between the front façade of the structure and Chef Menteur Highway. The applicant also proposes to provide a parking area on 7-A Pt. 27<sup>5</sup>, as needed. The five (5) designated parking spaces do not meet the **Article 15, Section 15.2.5.1(b)** – *Design Standards (Minimum Area)* depth requirement of a minimum of eighteen feet (18') in length as they encroach into the state right-of-way. Therefore, the staff recommends the following proviso:

- The applicant shall consult with the Louisiana Department of Transportation (LDOT) on determination of public right-of-way encroachment and retaining the five (5) parking spaces located between the front façade of the structure and Chef Menteur Highway, subject to the following:
  - a) If the parking spaces are determined by LDOT to be permitted within the state right-of-way, then the site conditions shall be considered legal non-conforming, based on existing site conditions; or

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<sup>4</sup> The applicants provided floor plan (preliminary) does not indicate the location of the proposed alcoholic beverage display area(s).

<sup>5</sup>

- b) If the existing parking spaces are not permissible, then the applicant shall be subject to requirements of **Article 10, Section 10.1A.11 – Special Site Design Conditions**, subject to the review and approval of the staff of the City Planning Commission.

Information is limited on the previous use of the petitioned structure; however, the staff believes it was once utilized as a commercial structure before becoming vacant as a result of Hurricane Katrina in 2005. On April 19<sup>th</sup>, 2012, Renovation (Non-Structural) permit number 10COM-00383 was issued for “Katrina related repairs to a vacant commercial building: Electrical, Doors, Floors, Windows, Studs and others. No Use and Occupancy. Plans to follow.” On February 5, 2014, Change of Use permit number 14-03839-CUSE was issued for “Change of use to Unit from a vacant commercial space to a convenience store as per sketch.” Because of this, the staff believes the historical use and subsequent parking requirements were subject to Commercial use (see Table #1 below).

Table 1: Most Recent Use - Commercial

Historical Use	Total Floor Area (sq. ft.)	Section 15.2.1 (Table 15.A) Requirement	Required Off-Street Parking
Commercial	2,313	1 per 400 sq. ft. of floor area	6

As shown above, the applicant proposes retail on the first floor and single-family residential on the second floor. Table #2 below depicts the off-street parking requirements for the current use.

Table 2: Current Uses – Retail and Residential

Historical Use	Total Floor Area (sq. ft.)	Section 15.2.1 (Table 15.A) Requirement	Required Off-Street Parking
retail	1,273	1 per 200 sq. ft. of ground floor area	7
residential	1,040	1 per dwelling unit	1
<b>Total Spaces</b>			<b>8</b>

The applicant proposes to retain the five (5) off-street parking spaces located along the front façade of the site and develop additional parking spaces, as needed. As shown in Table # 1 above, a total of six (6) spaces were required for its previous use. However, the applicant was permitted a change of use for the site and because of this; those parking spaces should not be considered grandfathered to the site. The residential parking space at the site is considered to be grandfathered to the site. Therefore, the applicant shall provide a total of seven (7) parking spaces (including one (1) handicapped space) at the proposed site.

As detailed in Section E of this report, the applicant states that the site can provide 10 to 15 off-street parking spaces at the site. The staff also notes that the site plan submitted is inaccurate as the proposed parking area is shown on the wrong side of the existing structure. The staff believes the site has ample opportunity to meet if not exceed the

parking requirement. The applicant should also change the location of the proposed parking area on the re-submitted and detail site plans.

For these reasons, the staff recommends the following proviso:

- The applicant shall submit detailed site plans (including but not limited to additional landscaping, dumpster location and proposed striped off-street parking), floor plans and elevations (including all proposed signage and exterior lighting) of the site subject to final approval by City Planning Commission staff.

### *Building Design*

The staff believes the existing retail and residential structure is consistent with the requirements of **Article 10, Section 10.1B.11 – Building Design** as no changes are proposed to the existing building; therefore no waivers or provisos are necessary.

### *Interior of the Site*

In the submitted application the applicant has supplied floor plans of both the existing retail and residential uses. As stated above, the first floor of the existing structure is utilized as a convenience store that measures 1,273 sq. ft. in total floor area. The second floor of the structure is utilized as a three (3) bedroom residential apartment that measures one thousand forty square feet (1,040 sq. ft.).

The interior of the store includes: a 790 sq. ft. retail area; a 232 sq. ft. utility and storage area; and a 296 sq. ft. kitchen area that includes a restroom. At this time, the staff does not know the square footage of the areas or the stock capacity for the proposed alcoholic beverages sales. However, the staff believes the proposed alcoholic beverages sales will be located within the existing retail area shown on the provided plans. Therefore the staff recommends the following proviso:

- The wholesale cost of package liquor stocked and displayed shall not exceed fifteen (15) percent of the wholesale cost of other merchandise stocked and displayed and the display of packaged alcoholic beverages shall not constitute more than ten (10) percent of all display area. The applicant shall submit revised floor plans to the City Planning Commission staff indicating that the area used for the display of packaged alcoholic beverages does not exceed ten (10) percent of all display area.
- Signage advertising the sale of alcoholic beverages shall not be visible from the public right-of-way.

*Performance Standards – Hours of Operation*

The existing retail establishment's hours of operations are Monday through Saturday 7:00 a.m. to 6:00 p.m. and closed on Sunday. The applicant does not propose to change its hours of operation; therefore, the staff recommends the following provisos:

- The applicant shall retain the establishment's existing hours of operation as Monday through Saturday 7:00 a.m. to 6:00 p.m. and closed on Sunday.

*Trash Storage and Litter Abatement*

The submitted site plan does not indicate the location of a dumpster and trash containment area for the site. For these reasons, the staff recommends the following provisos:

- A dumpster area shall be located on Lot 7-A Pt. 27 and screened from view by an opaque wooden or masonry fence, with latched gate, that is at least six (6) feet tall.
- 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, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street right-of-way. The name and phone number of the owner/operator of the business 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.

*Landscaping & Lighting*

**Article 10, Section 10.1B.12 – *Special Site Design Conditions*** requires standards related to landscape buffer, setbacks, off-street loading, required screening, interior landscaping of vehicular use area, perimeter landscape strip and exterior lighting. The applicant has not submitted a landscape or lighting plan as a part of the application. As stated above, the applicant proposes to utilize an existing and permitted convenience store for the sale of alcoholic beverages for off-site consumption. The existing site conditions do provide for limited landscaped areas between the front façade of the structure and the designated parking area adjacent to the state public right-of-way. The proposed parking area is currently developed in its entirety with an impervious surface that is void of landscaping, screening and lighting. Because of this, the staff recommends the following waivers:

- The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(1) – *Special Site Design Conditions*** requiring a landscape buffer (including all requirements therein) of a depth of not less than twenty feet (20') to permit a depth of zero feet (0') due to existing site conditions.
- The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(2) –**

*Special Site Design Conditions* requiring a building setback requirement of not less than twenty feet (20') from the property line facing the UC Urban Corridor District rights-of-way to permit a depth of ten feet six inches (10'6") due to existing site conditions.

- The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(5)** – *Special Site Design Conditions* requiring interior landscaping of vehicular use area to permit no additional interior landscaping of vehicular use areas due to existing site conditions.
- The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(6)** – *Special Site Design Conditions* requiring a perimeter landscape strip to permit no perimeter landscape strip(s) due to existing site conditions.

However, the staff recommends the following provisos:

- The applicant shall submit a landscape plan detailing all existing vegetative cover at the site between the front façade of the existing structure and the front property line adjacent to the Chef Menteur Hwy. right-of-way, subject to the review and approval of the staff of the City Planning Commission.
- Any proposed site lighting shall conform to **Article 10, Section 10.1B.12(7)- Exterior Lighting** of the Comprehensive Zoning Ordinance.

### *Signage*

The applicant has not included a signage plan with this application. The staff anticipates that no new signage will be proposed at the site. However, if the applicant elects to propose new signage, the staff recommends the following proviso:

- The applicant shall submit proposed signage plans, which will include details of all proposed signage for the site, to which show compliance with **Article 5 C-1 General Commercial District, Section 5.7.6 Permitted Signs, Article 10, Section 10.1B.12.8 - Permitted Attached Identification Signs** and **Article 10, Section 10.1B.12.8 - Permitted Detached Identification Signs** of the Comprehensive Zoning Ordinance.
- Temporary banners, promotional alcoholic beverage signage, or any other type of temporary signage shall be prohibited on the facades and in the windows of the establishment.

**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?**

*Streets*

Chef Menteur Highway is a major street according to the *New Century New Orleans Major Streets Plan*. Chef Menteur Highway is a four-lane, two-way roadway with a neutral ground in the center of the roadway and no parking lanes on either side. As stated above, Chef Menteur Highway is also State Highway 90 that carries a significant amount of traffic. Chef Menteur Highway is also developed with a 50' right-of-way on both sides of the roadway. The proposed use is not likely to significantly increase traffic or impact on Chef Menteur Highway.

*Loading*

According to **Article 15, Section 15.3 Table 15.G**, a retail store that has a floor area of 2,000 to 10,000 square feet is required to provide one (1) off-street loading space. The existing retail establishment's floor area is less than 2,000 sq. ft.; therefore, a designated loading area is not necessary.

*Parking*

As shown in Section D above, the applicant proposes to retain the five (5) off-street parking spaces located along the front façade of the site (subject to a Louisiana Department of Transportation review) and develop additional parking spaces adjacent to the structure. The staff believes the site can provide the required number of off-street parking spaces be provided on site; therefore, a waiver of off-street parking spaces is not necessary.

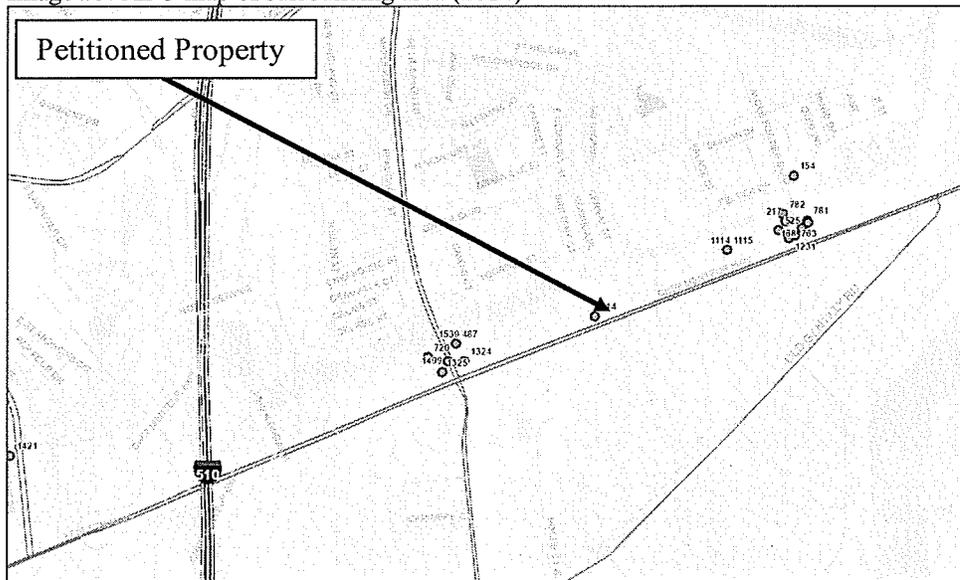
**F. Are there any comments from other agencies, departments or committees?**

The request was considered at the Planning Advisory Committee meeting on October 8, 2014. The applicant summarized the request to the Committee. A representative of the City Planning Commission (CPC) asked the applicant about the structure's previous use, if the structure was shown on the survey, how many parking spots are proposed, and if the designated parking area is accurately shown to the left of the existing structure. The applicant could not clarify the previous use of the building or its depiction on the plans. However, the applicant stated they propose to retain the existing five (5) parking spaces in front of the building and can provide to a total of 10-15 spaces at the site. The applicant also stated that the proposed parking area is in error on the plan and will be corrected on the site plan resubmittal, if the Conditional Use were to be approved. The representative from the CPC made a motion of no objection subject to further review by the CPC.

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

The potential impacts of a convenience store with the sale of alcohol for consumption off-premises are noise, litter and loitering. These impacts are intensified as the existing convenience store is located adjacent to an existing residential mobile home park. The convenience store does provide a service to the area that did not previously exist at this location. As shown in Image #5 below, several ABO licenses are located approximately 0.5 miles from the site and at the intersections of Chef Mentuer Highway and Alcee Fortier Boulevard and Chef Menteur Highway and Michoud Boulevard. The ABO license closest to the petitioned site is for the adjacent Club 1 bar/nightclub.

Image #5: ABO map of surrounding area (2014)



**Article 11, Section 11.13 Uses Which Sell Alcohol** of the *Comprehensive Zoning Ordinance* addresses uses which sell alcoholic beverages in the B-1, B-1A and B-2 Districts. As the petitioned site resides within a C-1 District, the standards of **Article 11, Section 11.13** do not apply to this request.

The staff believes all anticipated effects and impacts as a result of the proposed conditional use to allow packaged alcohol sales for off-premises consumption have been addressed in the Design Review section above relating to signage, litter, screening and landscaping. The staff also believes that the existing hours of operation will mitigate perceived impacts concerning noise and litter.

**III. Are the proposed actions supported by or in conflict with the policies and strategies of the Plan for the 21<sup>st</sup> Century?**

The request is **not addressed** in the *Plan for the 21st Century*, commonly known as the Master Plan, in portions of the petitioned site designated 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 historical institutional, commercial or other non-residential uses.

**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 applicant requests a Conditional Use to permit the sale of alcoholic beverages for off-premises consumption at an existing convenience store located in a C-1 General Commercial District and the Eastern New Orleans UC Urban Corridor District overlay. The staff believes the retail store is consistent with the goal, range of uses, and development character of the future land use designation of Neighborhood Commercial. However, the Master Plan does not address the sale of alcoholic beverages as an accessory use in a retail store.

#### IV. SUMMARY

Zoning Docket 108-14 is a request for a Conditional Use to permit the sale of alcoholic beverages for off-premises consumption at an existing convenience store located in a C-1 General Commercial District and the Eastern New Orleans UC Urban Corridor District overlay. The petitioned site is located on two (2) lots fronting on Chef Menteur Highway (State Highway 90). In total, the approximate area of the petitioned site is 98,800 square feet or approximately 2.25 acres. However, the request applies only to the entire 200' in width and 41'9" in depth areas adjacent to Chef Menteur Highway as the remainder of the site is occupied by an existing mobile home park. The applicant proposes to utilize the existing convenience store to sale alcoholic beverages for consumption off premises.

The staff is supportive of the conditional use to permit the sale of alcoholic beverages for off-premises consumption at an existing convenience store. The applicant shall consult with the LDOT concerning retaining the existing parking areas that encroach into the state public right-of-way. However, if the existing parking spaces are approved by the LDOT, the applicant has the ability to provide increased site landscaping in that existing area and relocate all required off-street parking adjacent to the structure. The staff believes the proposed use would not be offensive to surrounding properties in terms of its operational characteristics. This position is backed by the modest hours of operation and existing use as a retail store providing convenience items to area residents and motorists. The proposed use would have operational characteristics similar to the retail stores which sell of alcoholic beverages for off-premises consumption at nearby Chef Menteur Highway intersections, all of which produce some level of traffic, activity, and noise that are appropriate for the

corridor. The staff is therefore supportive of the request and recommends standard provisos intended to bring the request closer to compliance with the regulations of the Eastern New Orleans UC Urban Corridor District overlay.

## V. PRELIMINARY STAFF RECOMMENDATION<sup>6</sup>

The staff recommends **APPROVAL** of Zoning Docket 108/14, to permit the sale of alcoholic beverages for off-premises consumption at an existing convenience store located in a C-1 General Commercial District and the Eastern New Orleans UC Urban Corridor District overlay, subject to four (4) waiver and twelve (12) provisos.

### *Waivers*

1. The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(1)** – *Special Site Design Conditions* requiring a landscape buffer (including all requirements therein) of a depth of not less than twenty feet (20') to permit a depth of zero feet (0') due to existing site conditions.
2. The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(2)** – *Special Site Design Conditions* requiring a building setback requirement of not less than twenty feet (20') from the property line facing the UC Urban Corridor District rights-of-way to permit a depth of ten feet six inches (10'6") due to existing site conditions.
3. The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(5)** – *Special Site Design Conditions* requiring interior landscaping of vehicular use area to permit no additional interior landscaping of vehicular use areas due to existing site conditions.
4. The applicant shall be granted a waiver of **Article 10, Section 10.1B.12(6)** – *Special Site Design Conditions* requiring a perimeter landscape strip to permit no perimeter landscape strip(s) due to existing site conditions.

### *Provisos*

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.

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<sup>6</sup> Subject to modification by the City Planning Commission

2. The applicant shall consult with the Louisiana Department of Transportation (LDOT) on determination of public right-of-way encroachment and retaining the five (5) parking spaces located between the front façade of the structure and Chef Menteur Highway, subject to the following:
  - a) If the parking spaces are determined by LDOT to be permitted within the state right-of-way, then the site conditions shall be considered grandfathered, based on existing site conditions; or
  - b) If the existing parking spaces are not permissible, then the applicant shall be subject to requirements of **Article 10, Section 10.1A.11 – Special Site Design Conditions**, subject to the review and approval of the staff of the City Planning Commission.
3. The applicant shall submit detailed site plans (including but not limited to additional landscaping, dumpster location and proposed off-street parking), floor plans and elevations (including all proposed signage and exterior lighting) of the site subject to final approval by City Planning Commission staff.
4. The wholesale cost of package liquor stocked and displayed shall not exceed fifteen (15) percent of the wholesale cost of other merchandise stocked and displayed and the display of packaged alcoholic beverages shall not constitute more than ten (10) percent of all display area. The applicant shall submit revised floor plans to the City Planning Commission staff indicating that the area used for the display of packaged alcoholic beverages does not exceed ten (10) percent of all display area.
5. Signage advertising the sale of alcoholic beverages shall not be visible from the public right-of-way.
6. The applicant shall retain the establishment's existing hours of operation as Monday through Saturday 7:00 a.m. to 6:00 p.m. and closed on Sunday.
7. A dumpster area shall be located on Lot 7-A Pt. 27 and screened from view by an opaque wooden or masonry fence, with latched gate, that is at least six (6) feet tall.
8. 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, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street right-of-way. The name and phone number

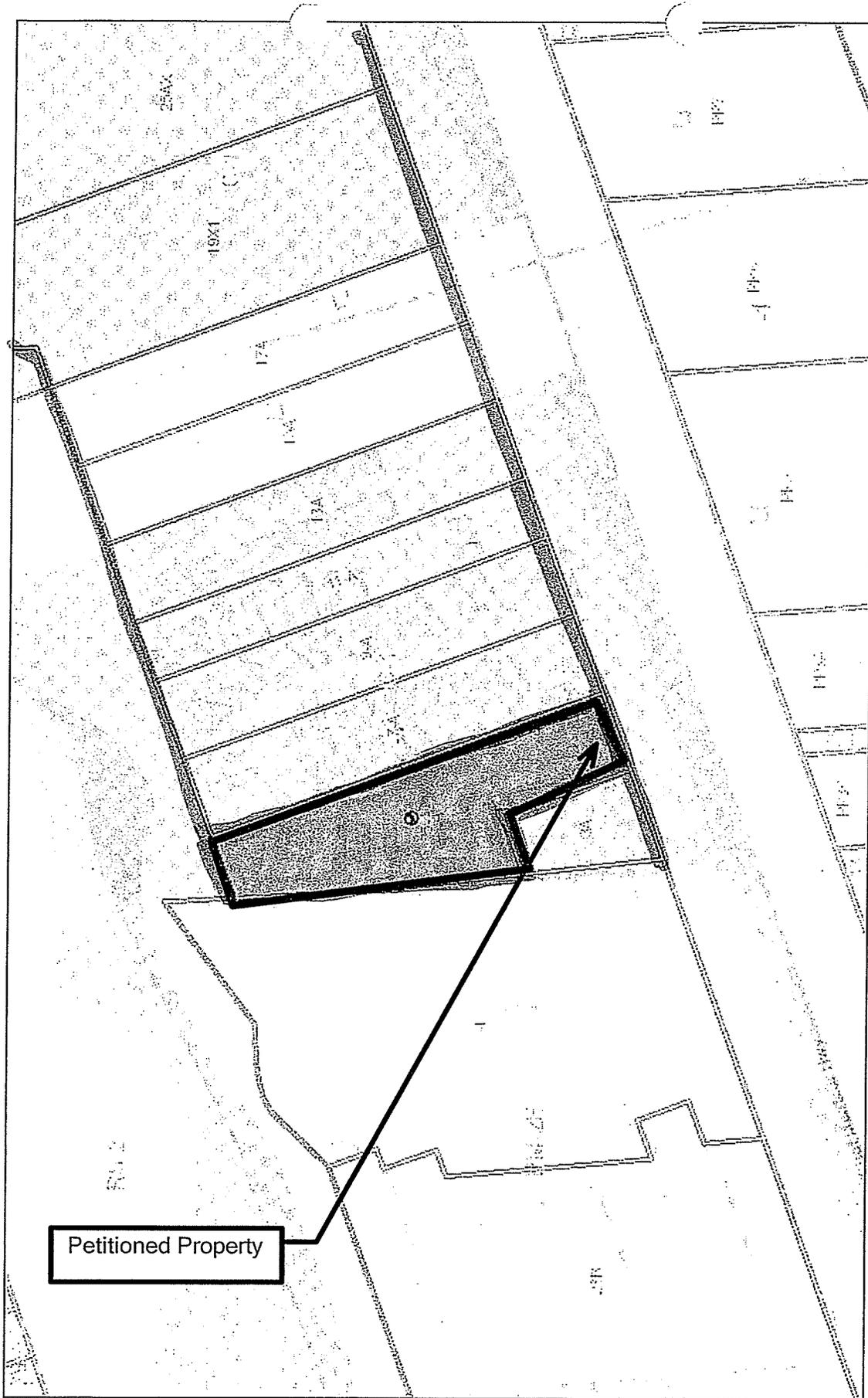
of the owner/operator of the business shall be included in this letter to be kept on file in case of any violation. In no case shall trash be stored so that it is visible from the public right-of-way.

9. The applicant shall submit a landscape plan detailing all existing vegetative cover at the site between the front façade of the existing structure and the front property line adjacent to the Chef Menteur Hwy. right-of-way, subject to the review and approval of the staff of the City Planning Commission.
10. Any proposed site lighting shall conform to **Article 10, Section 10.1B.12(7)-*Exterior Lighting*** of the Comprehensive Zoning Ordinance.
11. The applicant shall submit proposed signage plans, which will include details of all proposed signage for the site, to which show compliance with **Article 5 C-1 General Commercial District, Section 5.7.6 *Permitted Signs*, Article 10, Section 10.1B.12.8 - *Permitted Attached Identification Signs* and Article 10, Section 10.1B.12.8 - *Permitted Detached Identification Signs*** of the Comprehensive Zoning Ordinance.
12. Temporary banners, promotional alcoholic beverage signage, or any other type of temporary signage shall be prohibited on the facades and in the windows of the establishment.

## **VI. REASONS FOR RECOMMENDATION**

1. The negative impacts associated with the proposed use can be mitigated through the use of staff recommended provisos.
2. The proposed retail establishment should be similar in operational character to the other similar ABOs located within the corridor.
3. The site, located on a major street, is appropriate for the use as it is located within a C-1 General Commercial District.

**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.

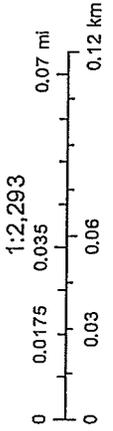


Petitioned Property

September 25, 2014

Override 1

ZD 108-14





# CITY OF NEW ORLEANS PROPERTY VIEWER



SEARCH



MEASURE



LAYERS



BASEMAP



PRINT



HELP



Petitioned Property

0 100ft





# CITY OF NEW ORLEANS PROPERTY VIEWER



SEARCH



MEASURE



LAYERS



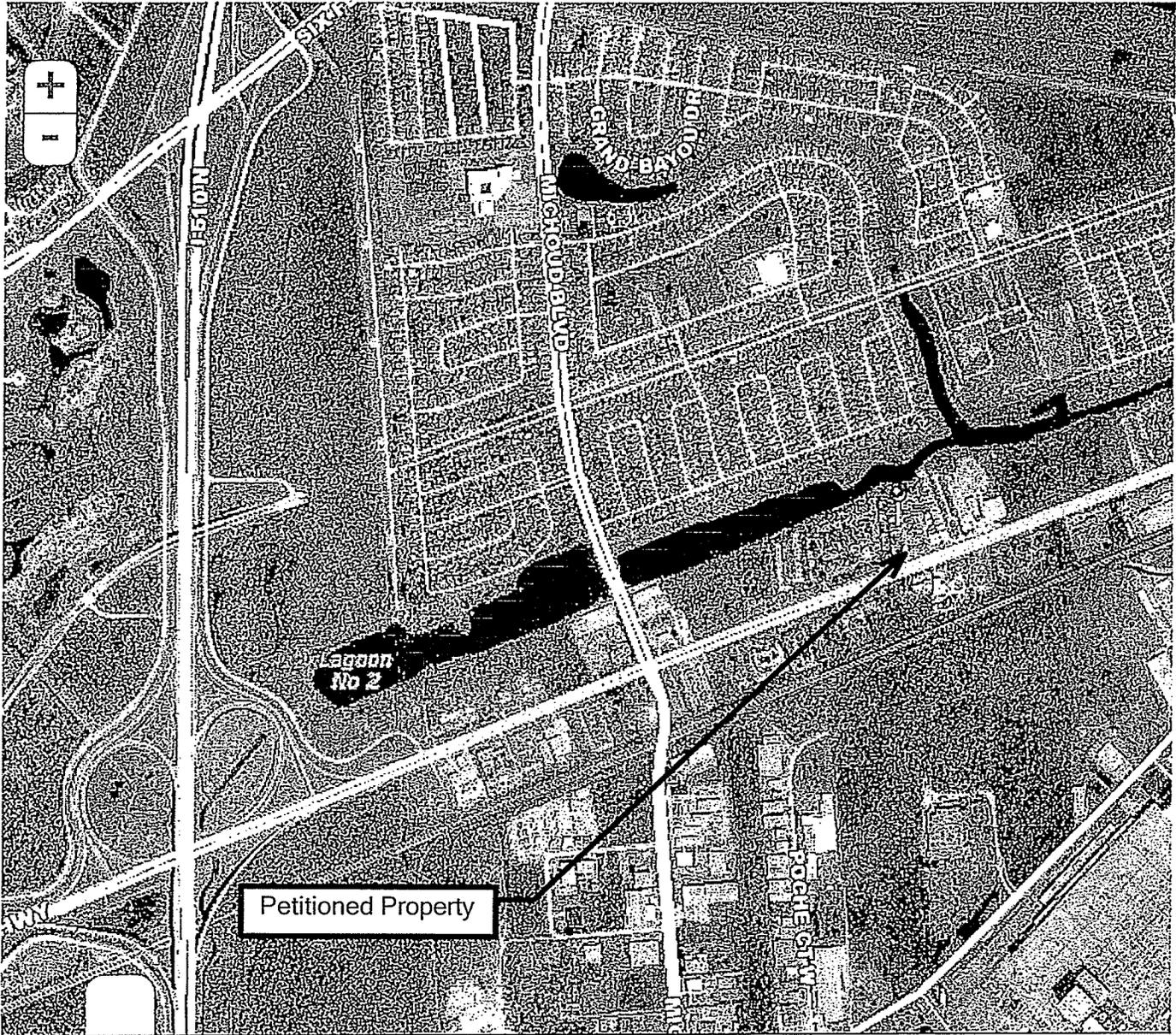
BASEMAP



PRINT



HELP



## PROPERTY INFORMATION

Unit Number: 15  
 Site Address: 13801 CHEF MENTEUR HWY, LA  
 First Owner Name: DO NHAN T  
 Mailing Address: 13801 CHEF MENTEUR HW  
 Mailing City: NEW ORLEANS  
 Mailing State: LA  
 Mailing Zip 5: 70129

## ZONING

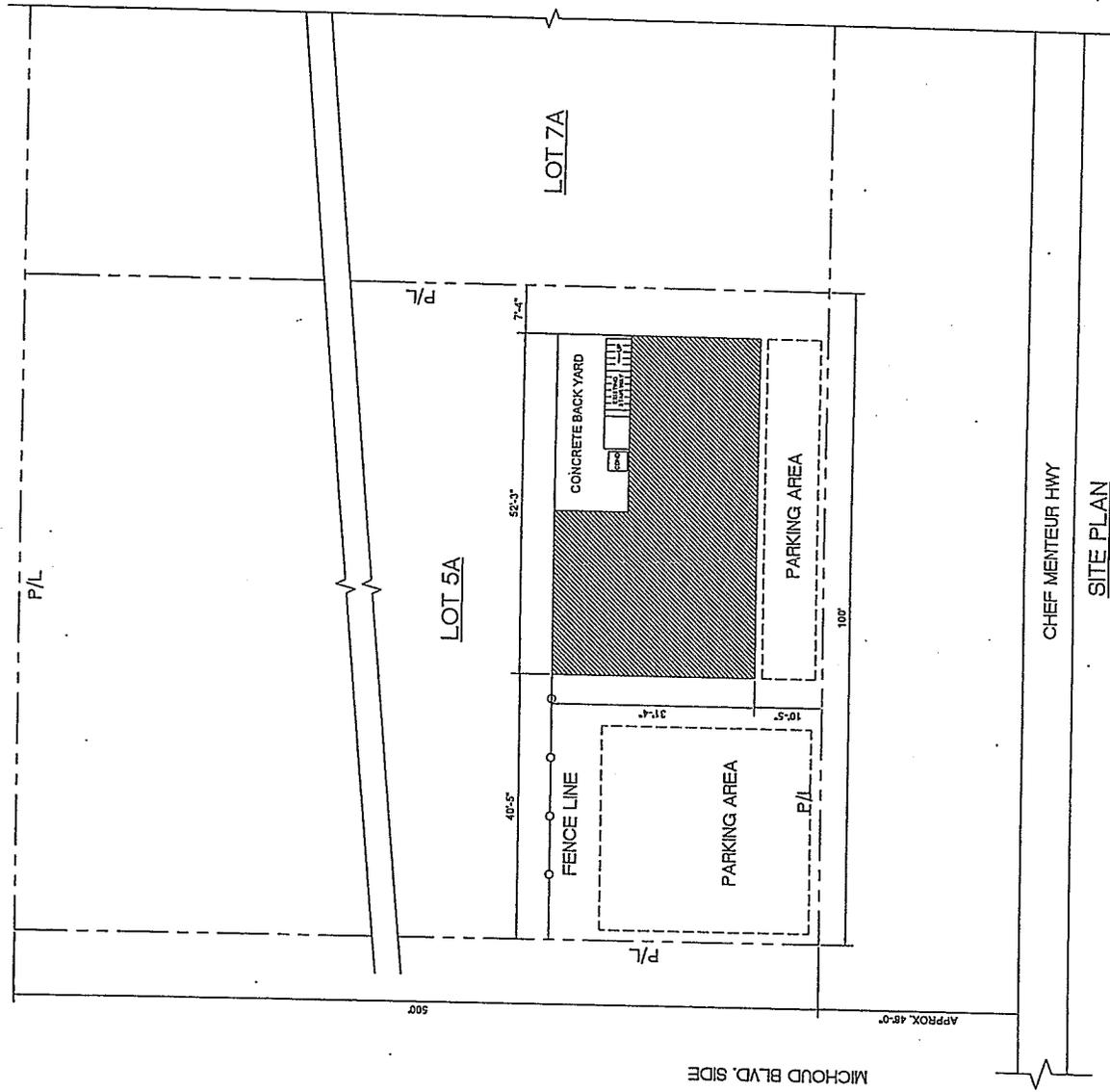
Zoning District: C-1  
 Zoning Description: General Commercial  
 DRAFT Zoning: S-B2  
 DRAFT Zoning Description: Suburban Pe District  
 Future Land Use: NC  
 Future Land Use Description: Neighbo  
 Last Updated: Thu Dec 19 2013

[View Property Information](#)

[View Conditional Use/Exceptional Use/Plann...](#)

[View Zoning](#)





ALCEE FORTNER BLVD. SIDE



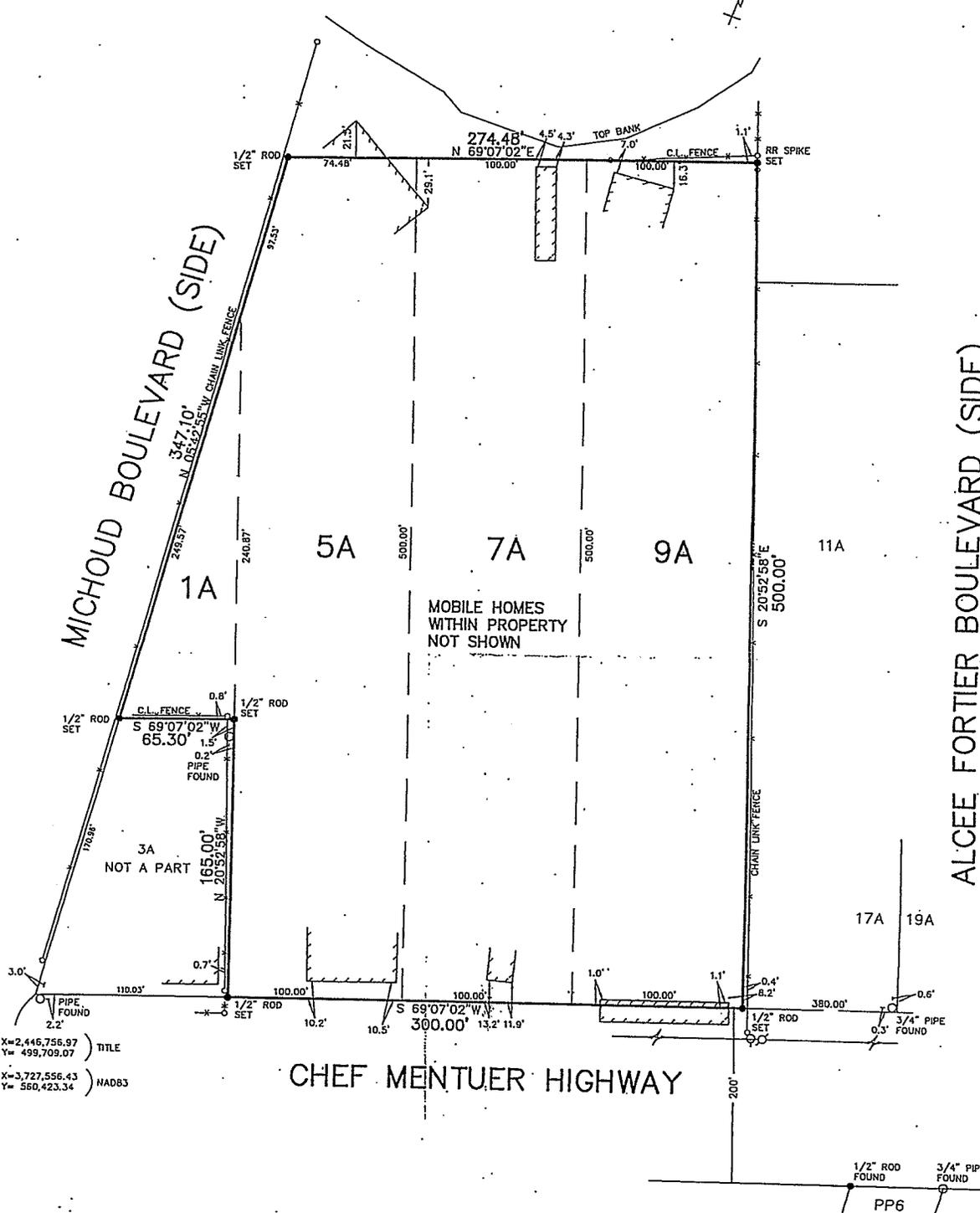
REQUIREMENTS AND SPECIFICATIONS  
 HAVE BEEN PREPARED BY OR UNDER  
 OUR CLOSE PERSONAL SUPERVISION  
 AND TO THE BEST OF OUR  
 KNOWLEDGE AND BELIEF THEY  
 COMPLY WITH ALL CITY REQUIREMENTS,  
 AND THAT WE ARE OBSERVING  
 (NOT OBSERVING) THE WORK

DATE	DESCRIPTION	BY
10/1/14	REVISIONS	PKC/B/10/14
LOUIS KONG, A.J.A. STATE ENGINEER PROFESSIONAL SEAL NO. 483		
SITE PLAN 1380A CHEF MENTEUR HWY NEW ORLEANS, LA 70128 FLOOR PLAN & DETAILS		
SCALE	1" = 10'	

SITE PLAN  
 (EXISTING BUILDING NO WORK)

SECTION A, GENTILLY ROAD SITES  
 FAUBOURG DE MONTLUZIN  
 ORLEANS PARISH, LA

T-4418-S2  
 to the City of Faubourg de Montluzin, Orleans Parish, LA



(X=2,446,756.97  
 Y= 499,709.07) TITLE  
 (X=3,727,556.43  
 Y= 560,423.34) NAD83

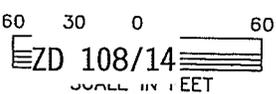
CHEF MENTUER HIGHWAY

ALCEE FORTIER BOULEVARD (SIDE)

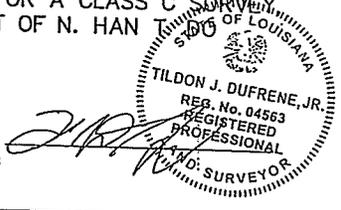
REFERENCE: SURVEY BY GANDOLFO  
 DATED SEPTEMBER 18, 1945

THE SERVITUDES AND RESTRICTIONS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE SET FORTH IN THE DESCRIPTION FURNISHED US AND THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES AND RESTRICTIONS ARE SHOWN HEREON. THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING THE DATA FOR THIS SURVEY.

FEBRUARY 16, 2011  
 SURVEYED IN ACCORDANCE WITH THE  
 LOUISIANA "MINIMUM STANDARDS FOR PROPERTY  
 BOUNDARY SURVEYS" FOR A CLASS C SURVEY  
 MADE AT THE REQUEST OF N. HAN T. DOO



DUFRENE SURVEYING  
 & ENGINEERING INC.  
 1624 MANHATTAN BOULEVARD, HARVEY, LA 70058  
 504-368-6390 PH.  
 504-368-6394 FAX  
 dufrene@dsinc.net



August 30, 2014

Dear Neighbor,

My company, Nguyen Do & Son, L.L.C., owns a convenience store (Sweet Moments) on Chef Hwy. We'd like to add on alcohol as part of our sales to better serve our customers. Hours of operation would be 7AM to 6PM Monday through Saturday.

In order to obtain a liquor license, we are required to have the location changed to Zone C. 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 present questions or concerns to our proposals. We are required to do this before we submit our application to the City Planning Commission.

The meeting will take place:

Friday, September 5, 2014 at 10:00 AM

Sweet Moments at 13801 Chef Menteur Hwy #A, New Orleans, LA, 70129.

If you have any questions or comments, here's how to reach me. I hope to see you at the meeting on September 5<sup>th</sup>.

Sincerely,

Katherine Dung Nguyen

13801 Chef Menteur Hwy #A, New Orleans, LA 70129

[Katherinedung@yahoo.com](mailto:Katherinedung@yahoo.com)

504-475-5234

# Project NPP Report

Date of Report: September 5, 2014

Project Name: Convenience Store

Overview: This report provides results of the Project Neighborhood Participation Program for property located at 13801 Chef Menteur Hwy #A in New Orleans East. The applicant intends to file an application to rezone the property to Zone C to permit the convenience store obtaining a liquor license. This report provides a summary of contacts with citizens, neighbors, public agencies, and interested parties. Opportunities have been provide to learn about the proposed plans. Sign-in lists, letters, and petitions are attached.

## Contact:

Dung Nguyen

13801 Chef Menteur Hwy #A

New Orleans, LA 70129

(504)475-5234

Email: [katherinedung@yahoo.com](mailto:katherinedung@yahoo.com)

Neighborhood Meetings: The following dates and locations of all meetings where citizens were invited to discuss the applicant's proposals.

1. August 8, 2014 – 13801 Chef Menteur Hwy #A, 9am – 12pm, 34 people in attendance.
2. September 5, 2014 – 13801 Chef Menteur Hwy #A, 10am, 0 people in attendance.

## Correspondence and Telephone Calls:

1. August 4-8, 2014 – Fliers posted within 300ft radius of the proposed convenient store site informed citizens in surrounded areas.
2. September 2, 2014 – Letters and emails sent to contact list, including homes, apartments neighborhood associations, and Community Development Corporation.
3. September 5, 2014 – Discussed proposal with neighbor Duong Anh (Lily Pad Spa) via phone call.

## Results:

1. Summary of concerns and issues.
  - Alcohol consumptions may lead to disturbance of peace.
2. Concerns not addressed and why:
  - We only intend to apply for all-closed packaged alcohol licenses. There will be no alcohol consumption on site.

9-15-14

Two meetings were held on August 8, 2014 and September 5, 2014, no one show up for the meeting.



Sweet Moments will be applying for a full liquor license. We are asking you, our neighbors, to show your support by signing this petition to submit to the city.

If you are in agreement with us, will you please print and sign your name along with your full address.

1. NONK NGUYEN 13801 CHEF MENTEUR #49 *Nonk*
2. NGUYEN VAN SAU 13801 CHEF MENTEUR #36 *Sau*
3. Anthony Dingeman 13801 CHEF MENTEUR # 23 *Anthony*
4. KHOI DUYEN 13801 CHEF MENTEUR #6 *Khoi*
5. Jammy Soto 13801 CHEF MENTEUR #24 *Jammy*
6. Alfonso Andre 13801 CHEF MENTEUR #20 *Alfonso*
7. Tommy Chau Tran 13801 CHEF MENTEUR #28 *Tommy*
8. Miguel Galeas 13801 CHEF MENTEUR #44 *Miguel*
9. Hocmy Brooke 13801 CHEF MENTEUR # *Hocmy*
10. TRAN LAM 13801 CHEF MENTEUR #17 *Lam*
11. NGUYEN VAN AN 13801 CHEF MENTEUR #45 *Van An*
12. Herrare Carlos 13801 CHEF MENTEUR #4 *Carlos*
13. Berethy Costa Alameda St Royal, Costa *Berethy*
14. Hilda Osorno 13801 chef Menteur #22 *Hilda*
15. Joe 13801 chef Menteur #16 *Joe*
16. Fran Du 13801 chef Menteur #47 *Fran*
17. Juan Carlos 13801 chef Menteur #31 *Juan Carlos*
18. Marino 13801 chef Menteur #3 *Marino*
19. Dat Le 13801 chef Menteur #32 *Dat*
20. Allison 13801 chef Menteur #38 *Allison*
21. Duc Vo 13801 chef Menteur #10 *Duc*
22. Neyra 13801 chef Menteur #11 *Neyra*
23. Jeremy Ortega 6631 Wales St N.O. LA *Jeremy*
24. Juan Puentes 3122 Dowman Rd. *Juan*
25. Jamie Norton *Jamie*
26. Nelson Soto *Nelson*
27. Cordia Costa 7321 Alameda St, Costa Costa *Cordia*
28. Tancy Casmar Morrison Rd, Tancy Casmar *Tancy*
29. Rolando D 79/998 13801 chef #44 *Rolando*
30. Miguel Maza *Miguel*
31. Kandy M. Still 13921 Chef Menteur Hwy #11 *Kandy*
32. Ricky Purcios 45301 N. Cluseille St *Ricky*
33. KU KITAE TRUNG 13801 chef Menteur #47 *KU*
34. Tracy Bartholomew 13903 chef Menteur #7 *Tracy*
35. Tracy Bartholomew 13903 chef Menteur #7 *Tracy*

Organization Name	Street	City	State	Zip	Point of Contact	Position	Telephone Number	Email Address	Boundaries
Island Homeowners Association of the East Improvement Station	PO Box 872758 P.O. Box 871535	New Orleans New Orleans	LA LA	70188 70187	John Adams Edward Blouin	President President	504-975-2048 504-591-6468	eastindones@gmail.com eblo@chevron.com	Michoud Blvd. from Adventure Dr. To Expedition Dr., Explorer Ave., Voyageur Dr., Horizon Dr., Pierre Ct., W. Cavalier Dr., Trepper Ct., St. Marie Ct., N. Cavalier Dr. Atees Fortier St., Lake Forest Blvd., Chet Menguier Hwy., L510

Notifications  
ZD 108-14

Name	Address1	Address2	City	St	Zip
Chau Trinh To	4612 North East Beaumead Lane		Hillsboro	OR	97124
Nguyen Nam V	916 Palestine Road		Picayune	MS	39466
Nguyen Bac Cao	13900 Chef Menteur Hwy		New Orleans	LA	70129

13863 Chef Menteur Hwy  
13863 Chef Menteur Hwy  
New Orleans, Louisiana

Street View - Oct 2013



Image capture: Oct 2013 © 2014 Google

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. The applicant shall consult with the Louisiana Department of Transportation (LDOT) on determination of public right-of-way encroachment and retaining the five (5) parking spaces located between the front façade of the structure and Chef Menteur Highway, subject to the following:
  - a) If the parking spaces are determined by LDOT to be permitted within the state right-of-way, then the site conditions shall be considered grandfathered, based on existing site conditions; or
  - b) If the existing parking spaces are not permissible, then the applicant shall be subject to requirements of **Article 10, Section 10.1A.11 – Special Site Design Conditions**, subject to the review and approval of the staff of the City Planning Commission.
3. The applicant shall submit detailed site plans (including but not limited to additional landscaping, dumpster location and proposed off-street parking), floor plans and elevations (including all proposed signage and exterior lighting) of the site subject to final approval by City Planning Commission staff.
4. The wholesale cost of package liquor stocked and displayed shall not exceed fifteen (15) percent of the wholesale cost of other merchandise stocked and displayed and the display of packaged alcoholic beverages shall not constitute more than ten (10) percent of all display area. The applicant shall submit revised floor plans to the City Planning Commission staff indicating that the area used for the display of packaged alcoholic beverages does not exceed ten (10) percent of all display area.
5. Signage advertising the sale of alcoholic beverages shall not be visible from the public right-of-way.
6. The applicant shall retain the establishment's existing hours of operation as Monday through Saturday 7:00 a.m. to 6:00 p.m. and closed on Sunday.
7. A dumpster area shall be located on Lot 7-A Pt. 27 and screened from view by an opaque wooden or masonry fence, with latched gate, that is at least six (6) feet tall.
8. 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, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street right-of-way. The name and phone number of the owner/operator of the business 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.

9. The applicant shall submit a landscape plan detailing all existing vegetative cover at the site between the front façade of the existing structure and the front property line adjacent to the Chef Menteur Hwy. right-of-way, subject to the review and approval of the staff of the City Planning Commission.
10. Any proposed site lighting shall conform to **Article 10, Section 10.1B.12(7)-*Exterior Lighting*** of the Comprehensive Zoning Ordinance.
11. The applicant shall submit proposed signage plans, which will include details of all proposed signage for the site, to which show compliance with **Article 5 C-1 General Commercial District, Section 5.7.6 *Permitted Signs*, Article 10, Section 10.1B.12.8 - *Permitted Attached Identification Signs*** and **Article 10, Section 10.1B.12.8 - *Permitted Detached Identification Signs*** of the Comprehensive Zoning Ordinance.
12. Temporary banners, promotional alcoholic beverage signage, or any other type of temporary signage shall be prohibited on the facades and in the windows of the establishment.

## **VI. REASONS FOR RECOMMENDATION**

1. The negative impacts associated with the proposed use can be mitigated through the use of staff recommended provisos.
2. The proposed retail establishment should be similar in operational character to the other similar ABOs located within the corridor.
3. The site, located on a major street, is appropriate for the use as it is located within a C-1 General Commercial District.

**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.