

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

**CPC Deadline:** 12/12/14  
**CC Deadline:** 01/13/15  
**Council District:** B  
**Council Member:** Cantrell

## PRELIMINARY STAFF REPORT

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**To:** City Planning Commission  
**Zoning Docket:** 98/14

**Prepared by:** Editha Amacker  
**Date:** October 20, 2014

### I. GENERAL INFORMATION:

**Applicant:** LEBORNE, LLC

**Request:** This is a request for a zoning change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business District.

**Location:** The property is located on Square 186 or 186A, Lot A, in the Sixth Municipal District, bounded by Fontainebleau Drive, South Gayoso, General Pershing, South Dupre and South Broad Streets. The municipal address is 4401 South Broad Street. (PD 3)

**Description:** The property is located at the end of Napoleon Avenue in the Broadmoor neighborhood at the intersection of Fontainebleau Drive, South Dupre, and South Broad Streets. Rosa Keller Public Library is across South Broad Street from the subject site. The property is developed with a two-story, mixed-use structure that had residential uses on the second floor and commercial uses on the first floor. The most recent commercial use was a Time Saver convenience store which closed in 1993. The applicant has indicated that it was originally Hubert Drug Store which opened in 1917. The name 'Hubert' remains on a parapet above the front entrance.

The irregular-shaped lot has an area of approximately 6,675 square feet. There is approximately fifty-five feet (55') of street frontage on Fontainebleau Drive, ten feet (10') on South Broad Street, and forty-five feet (45') along South Dupre Street. There is a driveway and off-street parking on the Fontainebleau Drive and South Dupre/South Broad Street sides. The two-story building has traditional corner store features and approximately 5,100 square feet of floor area. The first floor is currently vacant and there are two apartments on the second floor. The structure lost its status as a non-conforming commercial use due to vacancy when

the convenience store closed. A zoning change is required in order to resume commercial use of the building. The applicant is proposing to open a restaurant on the first floor. The applicant previously applied for a zoning change at this location on four separate occasions and the requests were denied<sup>1</sup>.

**Why is City Planning Commission action required?**

The City Planning Commission is required to make a recommendation on all requests for zoning map amendments prior to City Council action, in accordance with **Article 16, Section 16.2.3.2 Planning Commission Recommendation** 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?**

*Zoning*

The site is located within a large RD-2 Two-Family Residential District that includes most of the residential areas in Broadmoor, Uptown, and the Carrollton neighborhoods. There is a C-1 General Commercial District along Washington Avenue three blocks from the site.

*Land Use*

The property is located in the Broadmoor neighborhood, at the intersection of Fontainebleau Drive, Napoleon Avenue, South Dupre and South Broad Streets. The building entrance faces South Broad Street. The property has frontage on Fontainebleau Drive which is developed with residential uses, including two multiple-family residences adjacent to the petitioned site. The residential area is developed with early 20<sup>th</sup> century homes that are primarily two-story, single- and two-family residences. There is a commercial area centered on the intersection of Washington Avenue and South Broad Street. There is a beauty salon within a small commercial building approximately two blocks from the site. The petitioned site has frontage on South Dupre Street and is located next to a church that occupies the remainder of the block face. Broadmoor Playspot is a small triangular-shaped playground located across South Dupre Street from the petitioned site. Rosa Keller Public Library and Blessed Trinity Catholic Church are across South Broad Street from the subject site.

The subject site was a commercial use as indicated on the Sanborn map from 1940. It was noted in Zoning Docket 36/02 that the property was listed as a drug store in the 1929 City Directory. The applicant has indicated that the drug store opened in 1917.

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<sup>1</sup> Zoning Docket 67/12, Zoning Docket 97/96, Zoning Docket 82/99, and Zoning Docket 36/02

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

*Zoning:* 1929 – ‘E’ Commercial  
1953 – ‘B’ Two-Family District  
1970 – RD-2 Two-Family Residential District  
Current – RD-2 Two-Family Residential District

*Land Use:* 1929 – Vacant<sup>2</sup>  
1949 – Commercial  
1999 – Institutional/Public and Semi-public<sup>3</sup>

**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?**

The following are land use requests in the surrounding five (5) block area within the last five (5) years.

**Zoning Docket 45-14** was a request for the rescission of Ordinance No. 12,052 MCS (Zoning Docket 041/87 a Conditional Use to permit a vocational school in an RD-2 Two-Family Residential District) and a Conditional Use to permit a neighborhood center in an RD-2 Two-Family Residential District. The City Planning Commission recommended approval of the request which was subsequently approved by the City Council. *The location is two blocks from the petitioned site.*

**Zoning Docket 10-10** was a request for a zoning change from an RD-2 Two-Family Residential District to an RM-4 Multiple-Family Residential District. The City Planning Commission recommended denial of the request which was approved by the City Council. *The location is four blocks from the petitioned site.*

**Zoning Docket 62-09** was a request by City Council Motion M-09-241 for an amendment to Ordinance No.13,257 M.C.S (Zoning Docket 105/88 – a conditional use to permit a branch library in an RD-2 District) to permit the renovation of the Rosa Keller Branch Library to include renovations to the historic structure and a new community center, with waivers of setback and off-street parking requirements, in an RD-2 Two-Family Residential District. The City Planning Commission recommended approval of the request subject to three waivers and eleven provisos. The request was approved by the City Council subject to three waivers and ten provisos. *The location is approximately one block from the petitioned site.*

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<sup>2</sup> In ZD 36-02, it was noted that while not indicated on the 1929 Land Use map, the site was identified as the Louis J. Hubert Drug Store is listed in the 1929 City Directory.

<sup>3</sup> The 1999 Land Use Plan presented a generalized indication of land uses, and was not lot-specific.

**Zoning Docket 32-09** was a request for a Conditional Use to permit a large child care center in an RD-2 Two-Family Residential District. The City Planning Commission recommended approval of the request which was subsequently approved by the City Council subject to one waiver and eight provisos. *The location is approximately two blocks from the petitioned site.*

The following are previous land use requests for the subject site.

**Zoning Docket 67-12** was a request for a zoning change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business District. As noted in the staff report, the purpose of the request was to permit commercial use of the bottom floor. The upper floors were occupied by two apartments. The City Planning Commission recommended denial of the request because it was denied previously. The request was subsequently denied by the City Council.

**Zoning Docket 36-02** was a request for a zoning change from an RD-2 Two-Family Residential District to an RO-1 General Office District. According to the staff report, “the purpose of the proposed rezoning would be to allow professional offices in the building”. It was noted that the second floor was, and would remain, residential. The City Planning Commission recommended denial of the request. Most of the Commissioners were concerned about the impact of the proposed RO-1 General Office District. Some of the Commissioners believed the zoning change was appropriate because the proposed offices were less intense than the previous Time Saver store. The request was subsequently denied by the City Council.

**Zoning Docket 82-99** was a request for a zoning change from an RD-2 Two-Family Residential District to an RO-1 General Office District to permit professional offices. The City Planning Commission recommended approval of the request to an RO-1 General Office District. There was a discussion about including title restrictions but the neighbors were not comfortable with having to enforce the restrictions. The request was subsequently denied by the City Council.

**Zoning Docket 97-96** was a request for a zoning change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business District to permit office uses on the second floor and retail sales on the first floor. The staff recommended modified approval of Zoning Docket 97-96 with modification to RO-1 General Office District. The City Planning Commission recommended denial of the request due to neighborhood opposition to any zoning change at the subject site. The request was subsequently denied by the City Council.

The staff has recommended approval of a zoning change for each request because the building meets the requirements of the Historic Non-Conforming Use Policy and the

request for a zoning change has been consistent with the requisite land use policies and the Master Plan on each occasion.

**D. Are any major streets involved? What impact will the proposed zoning change have on the transportation system, if any?**

*Traffic*

Napoleon Avenue, Fontainebleau Drive, and South Broad Street are major streets according to the *Plan for the 21<sup>st</sup> Century: New Orleans 2030 Major Streets Plan*. These streets experience heavy traffic throughout the day and provide access to other major streets such as South Carrollton, South Claiborne, and Washington Avenues. Napoleon Avenue is a two-way, four lane roadway with a wide neutral ground that includes a walking path. Napoleon Avenue ends and South Broad Street begins in front of the petitioned site. Fontainebleau Drive is two-way, with two traffic lanes, a narrow neutral ground, and on-street parking on either side of the street. South Broad Street is two-way, with two traffic lanes on either side, and turning lanes onto the Fountainbleau Drive and Napoleon Avenue. South Dupre Street is a one-way street, directed river bound, and has on-street parking on either side. South Dupre Street ends and traffic is directed onto Fountainbleau Drive. There is a bus route with stops near the site on Napoleon Avenue. Approximately three blocks from the site, there are three bus routes with stops at the intersection of Washington Avenue and South Broad Street.

The subject site is located in a high traffic area and the last commercial use was a convenience store that likely generated a consistent flow of customer traffic throughout its operating hours. There are curb cuts on the Fontainebleau Street side and the South Broad/South Dupre Street side of the site which provide access to driveways with approximately two off-street parking spaces. The requested B-1A Neighborhood Business District includes uses that are intended to be compatible with and serve the surrounding neighborhood. Most uses would generally draw pedestrian traffic but the location would draw vehicular traffic from the adjacent major streets. On-street parking is available along the street frontage on Fontainebleau Drive and South Dupre Street.

*Off-street Parking*

The requested B-1A Neighborhood Business District requires one off-street parking space for each residential unit. Therefore two (2) parking spaces are required for the two residential units on the second floor. There is a driveway on the Fountainbleau Drive side of the building. There are four backstops indicating four parking spaces in front of the building on the South Broad/South Dupre Street side of the property. Off-street parking is required for commercial uses with floor area over 5,000 square feet. The proposed restaurant would occupy the commercial space on the first floor. The space has a floor area of approximately 2,550 square feet, and will not require off-street parking.

**E. What is the purpose of the proposed rezoning, and what effect would it have on the adjacent land uses?**

The requested B-1A Neighborhood Business District is intended for older developed areas such as the neighborhood surrounding the subject site. The district regulations are designed to encourage compatibility with adjacent or nearby land uses and the general character of the area. The permitted uses include a variety of low intensity retail and service businesses which are generally pedestrian-oriented rather than automobile-oriented. The conditional uses include more intense commercial uses such as fast food and cafeteria restaurants, as well as uses with automobile-oriented characteristics such as drive-in facilities and permitted uses which exceed the floor area restrictions.

The petitioned site was originally a drug store and most recently, it was a large chain convenience store. The permitted uses in the requested zoning district generally attract pedestrian traffic but the location on two major streets would likely generate additional vehicular traffic. The applicant proposes to open a restaurant at the location. Customers would use on-street parking along the adjacent street frontage.

**F. Can the request be considered a spot zone? Does it fall within the Historic Non-Conforming Use Policy?**

The request is a spot zone however it is eligible for consideration under the Historic Non-Conforming Use Policy. Regarding the general criteria, the request is generally consistent with the character of the surrounding neighborhood. The property was listed as a drug store in the 1929 City Directory and therefore has an established history of serving the neighborhood since 1929. The request is for a zoning change to a zoning district that includes a variety of uses that would serve the neighborhood. The requested zoning change is consistent with *The Plan for the 21<sup>st</sup> Century: New Orleans 2030 Plan*.

Of the specific criteria, the building meets the criteria for historically commercial properties. The structure is built to the sidewalk and frames the corner. It has an angled front entrance and display windows on either side with a projection over the front entrance. The building reflects its original construction as a mixed-use building with a business on the first floor and residential uses on the upper floor.

The requested B-1A Neighborhood Business District is the most restrictive classification to accommodate uses that serve a neighborhood need. The proposed zoning of the property is HU-RD2 Two-Family Residential District. Commercial businesses will be authorized as a conditional use in the proposed HU-RD2 District and must meet the requirements for a Neighborhood Commercial Establishment. A standard restaurant would not be permitted as a Neighborhood Commercial Establishment. If the requested zoning change is approved, the restaurant would be permitted as a non-conforming use provided that the applicant obtains an occupational license prior to the effective date of the new zoning ordinance.

**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: New Orleans 2030*?**

“Chapter 14: Land Use Plan” of the *Plan for the 21st Century*, commonly known as the Master Plan, designates portions of the petitioned site as **Residential Low Density Pre-War**. The goals, ranges of uses, and development character for this designation is copied below:

**RESIDENTIAL LOW DENSITY PRE-WAR**

**Goal:** Preserve the scale and character of pre-war (WWII) residential neighborhoods of lower density where the predominant use is single and two-family residential and allow for compatible infill development. Discourage the development of additional multifamily housing that is out of scale with existing character.

**Range of Uses:** New development generally limited to single or two-family dwellings, and preservation of existing multi-family buildings. Business and traditional corner stores may be allowed where current or former commercial use is verified. Supporting public recreational and community facilities (e.g., schools and places of worship) also allowed. Conversion of multifamily may be allowed for certain existing historic institutional, commercial or other non-residential buildings.

**Development Character:** New development will fit with the character and scale of surrounding residential neighborhoods where structures are typically located on smaller lots and have minimal front and side setbacks. Maximum density of 24 units/acre.

The building has the characteristics of a historic commercial structure. Commercial use of traditional corner stores is noted in the range of uses for properties that are designated Residential Low Density Pre-war. The building has a history of commercial use, beginning with Hubert’s Drug store in 1917 and ending with the Time Saver convenience store which closed in 1993. The requested zoning change **is consistent with** the Master Plan designation of the site as *Residential Pre-War Low Density*.

**IV. SUMMARY**

The applicant requests a zoning change in order to restore commercial use to a property that was previously a Time Saver convenience store located at the intersection of Fontainebleau Drive, South Broad Street, and South Dupre Street. The two-story mixed-use structure has a vacant commercial space on the first floor and two residences on the

second floor. The applicant proposes to open a restaurant on the first floor. The request meets the criteria of the Historic Non-conforming Use Policy. The regulations of the requested B-1A Neighborhood Business District are designed to encourage compatibility with adjacent or nearby land uses and the general character of the area. The request is consistent with the *Plan for the 21<sup>st</sup> Century Land Use Plan*.

## V. PRELIMINARY STAFF RECOMMENDATION<sup>4</sup>

The staff recommends **Approval** of Zoning Docket 98/14, a request for a zoning change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business District.

## VI. REASONS FOR RECOMMENDATION

1. The request is consistent with the historic use of the property.
2. The property meets most of the criteria of the Historic Non-conforming Use Policy.
3. The request is consistent with the *Plan for the 21<sup>st</sup> Century: New Orleans 2030 Land Use Plan*.

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<sup>4</sup> Subject to modification by the City Planning Commission



# CITY OF NEW ORLEANS PROPERTY VIEWER



## PROPERTY INFORMATION

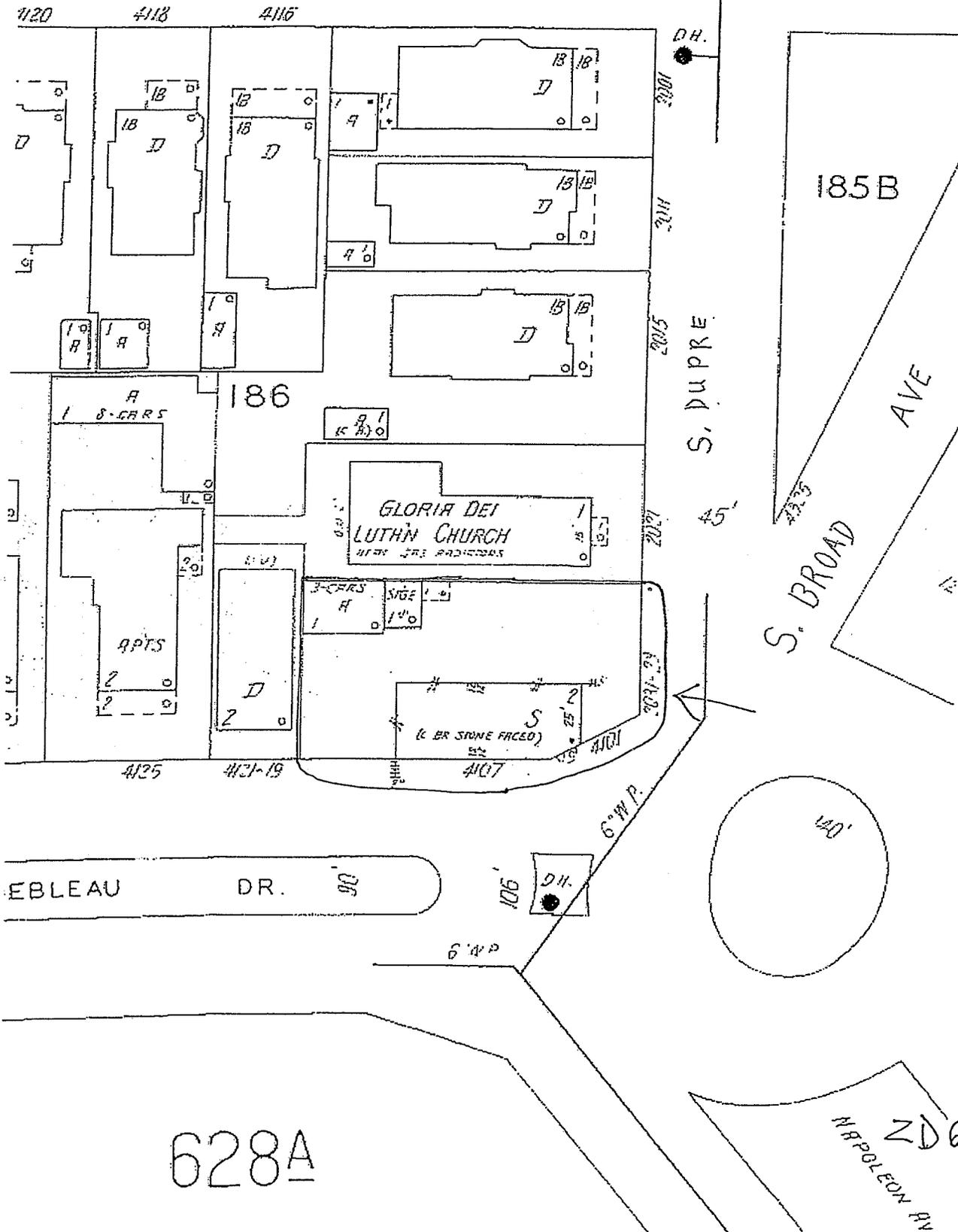
Site Address: 4401 S BROAD ST, LA  
 First Owner Name: LE BORNE LLC  
 Mailing Address: c/o PAMELA M BORNE, 4902 S CLAIBORNE AVE  
 Mailing City: NEW ORLEANS  
 Mailing State: LA  
 Mailing Zip 5: 70125

Property Description: SQ 186 A LOT A FONTAINEBLEAU & S DUPRE 46/60  
 X 91 4001-07 FONTAINEBLEAU STONE BLDG-W/STORE FILE #804152/00

## ZONING

Zoning District: RD-2  
 Zoning Description: Two-Family Residential District  
 DRAFT Zoning: HU-RD2  
 DRAFT Zoning Description: Historic Urban Two-Family Residential District  
 Future Land Use: RLD-PRE  
 Future Land Use Description: Residential Low Density Pre-War  
 Last Updated: Thu Dec 19 2013

GEN. PERSHING



628A

ZD 67/12



## El Pavo Real NPP Report

**Date of Report:** August 13, 2014

**Project Name:** El Pavo Real Restaurant

**Overview:** This report provides details and results of the implementation of the Project Neighborhood Participation Program for property located at 4401 South Broad on the corner of Broad, Napoleon and Fountainbleu streets. The applicant intends to file a land use application requesting a spot zoning variance from residential to a B1A mixed use classification to permit a full service restaurant on the ground floor of the existing 2 story building. This report provides a summary of contacts with citizens, neighborhood leaders and residents within a 300 foot radius of the property. Opportunities have been provided to learn about and comment on the proposed plan. Minutes from the community meeting, sign in sheets and letters are attached.

### **Contact:**

Lindsey McLellan  
3315 Milan Street  
New Orleans, LA 70125  
504-427-3266  
[lindmclellan@aol.com](mailto:lindmclellan@aol.com)

**Neighborhood Meeting:** one general attendance meeting was held on Sunday, August 3<sup>rd</sup> at 2:00pm. The meeting took place on site at 4401 South Broad. 20 people were in attendance. The minutes and sign in sheet from meeting are attached. Letters were mailed to all residents within a 300 foot radius for the property on July 26<sup>th</sup>. Emails were also sent to officers of the neighborhood association and the office of Councilwoman Latoya Cantrell.

**Correspondence:** aside from the general meeting, other correspondence included letters and business plans delivered to Ms. Elisabeth Raeshide and Pastor Gregory Manning resulting in a lengthy phone call from Ms. Raeshide where she was able to express her concerns directly and an in person meeting with Pastor Manning. The meeting with Pastor Manning lasted about one hour and covered the topics of parking, general maintenance and shared goals for the community. Following the general meeting, Ms. Rita Holzenthal called on August 11<sup>th</sup> to express her support for the project although she was initially against it.

### **Results:**

There were 60 letters mailed inviting interested parties to the community meeting. Approximately 20 people attended. Everyone in attendance who wished to speak was able to do so. The concerns and comments are attached in the minutes.

*El Pavo Real*

July 23, 2014

Lindsey McLellan

El Pavo Real

4401 South Broad Street

New Orleans, La. 70125

Dear Neighbor,

Hello! I am a resident of Broadmoor who is seeking to open a restaurant in our neighborhood. I have worked in the food service industry in some capacity since 1993 and am ready to branch out and create something in my own community. The dream I envision is a family centered, comfortable establishment with healthy, affordable, scratch made food. As I'm sure you know, the availability of commercial properties for such a venture is lacking in our area. 4401 South Broad Street, located at the intersection of Napoleon, Broad and Fontainebleau is one of the few viable buildings presently suitable for such a business. It is currently zoned as a strictly residential building, although historically zoned commercial, but I would like to apply for a zoning variance creating a B-1A mixed use classification.

Because you are a close neighbor or otherwise concerned citizen, I am inviting you to a meeting where you can learn more about what we propose and can present questions, concerns, or suggestions. We are required to do this before we submit our application to the City Planning Commission. I look forward to seeing you there.

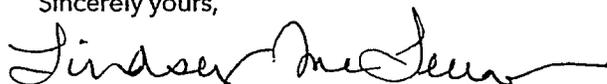
The meeting will take place:

Sunday, August 3, 2014 2:00pm

4401 South Broad Street

New Orleans, La 70125

Sincerely yours,



Lindsey McLellan

Lindsey McLellan

3315 Milan Street  
504-427-3266  
lindmclellan@aol.com

June 22, 2014

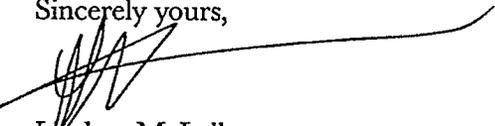
Dr. Elisabeth Raeshide  
3840 Napolean Avenue  
New Orleans, La 70125

Dear Dr. Raeshide,

Hello! My name is Lindsey McLellan. I am the current chef at Lola's Restaurant on Esplanade Avenue. I have been seeking a space in which to open a restaurant on my own for a few years now. Several months ago, while walking my little girls down Napoleon Avenue, I noticed that the property at 4401 S. Broad had become vacant. Even though it was listed as a residential property, I decided to pursue the listing because I knew it had previously housed commercial establishments and mainly because it is perfect for the project that I have in mind.

Since that time I have learned of the opposition to such a zoning variance at that particular address. Being a resident of the neighborhood, I can certainly understand the issues surrounding any new commercial development in such a visible location. That is why I would really like the opportunity to meet with you and any other similarly concerned Broadmoor residents. I am leaving with you my business prospectus which I hope you will consider at your convenience. Please contact me once you have had the time to take a look at my proposal. I would love to hear your thoughts on what I have laid out.

Sincerely yours,



Lindsey McLellan

Lindsey McLellan

3315 Milan Street  
504-427-3266  
lindmclellan@aol.com

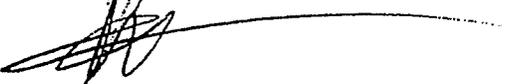
June 22, 2014

Reverend Greg Manning  
Gloria Dei Lutheran Church  
New Orleans, Louisiana

Dear Pastor Manning,

I recently contacted you by email concerning the neighboring property at 4401 South Broad street. In addition to the information in the email, I wanted to provide you with a more detailed overview of the business proposal which you will find enclosed. I really do look forward to speaking with you about your thoughts on such a project and its potential for the community at large. I will call your office in a couple of days to hopefully schedule an informal meeting.

Sincerely yours,



Lindsey McLellan



30 General Pershing St	✓ Ready Edward A Jr	Etal 4130 Gen Pershing St, New Orleans, LA 70125
22 Fontainebleau Dr	✓ RENCH Tyler J	4122 Fontainebleau Dr, New Orleans, LA 70125
4011 General Pershing St	✓ Rolfes John B	4011 Gen Pershing St, New Orleans, LA 70125
4110 Fontainebleau Dr	✓ Sanchez Mina K	4110 Fontainebleau Dr, New Orleans, LA 70125
4210 General Pershing St	✓ Spangler Pagelsdorf C Janelle	4210 Gen Pershing St, New Orleans, LA 70125
3837 Napoleon Ave	✓ Strangi Janet	3837 Napoleon Ave, New Orleans, LA 70125
4200 General Pershing St	✓ Thomas George E	Et Al 4200 Gen Pershing St, New Orleans, LA 70125
4001 General Pershing St	✓ Timberlake Michelle A	3908 Simone Garden, Metairie, LA 70002
4123 General Pershing St	✓ Wechsler Antonia K	4123 Gen Pershing St, New Orleans, LA 70125
4217 Fontainebleau Dr	✓ Whitmarsh, L L C	Et Al 5426 Bellaire Drive, New Orleans, LA 70124
4116 Fontainebleau Dr	✓ Yazgi Mary A	4116 Fontainebleau Dr, New Orleans, LA 70125
4120 General Pershing St	✓ Zinnerman Carolyn V	4120 Gen Pershing St, New Orleans, LA 70125

# Sign in

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## El Pavo Real Neighborhood Meeting

Sunday, August 3, 2014

In Attendance: (see attached sign-in sheet)

2:00 p.m. Opening remarks from Lindsey McLellan, Proprietor of El Pavo Real.

- Proposal for opening El Pavo Real Restaurant
- Introduction and personal and professional biography of Ms. McLellan
- Business description of the proposed restaurant, proposed menu, hours of operation, and community mission
- No liquor will be served on the premises
- Moderate price point
- Support burgeoning pedestrian community of Broadmoor

2:10 p.m. Open the floor for questions and comments

Question: Can you explain the process of the invitations to this meeting for those that may not be aware of it?

McLellan Answer: The building lost zoning, and after being rezoned residential, the city put in place requirements for the application for rezoning. This is the very first hearing on the restaurant. It was required that we send letters to all residents and businesses in a 300 foot radius of the restaurant. This is the first step, and I am here to listen and to respond as best as I can to your concerns.

Q: I own the two adjacent properties, and I'd like to know what your plans are as far as dumpsters and ventilation.

McLellan Answer: Dumpsters will be located on the side yard behind the fence on flat surfaces, as required. Ventilation would also be on that side.

Q: Is this the first time you have opened a business and how long is your lease?

McLellan Answer: Currently I have a provisional lease. This is the first business I have proposed opening. After the proposal process, I will be able to negotiate a long term lease, probably 3 years. Right now it is month to month.

Q: After your lease is up, would the zoning be changed?

McLellan Answer: I do not know. That will have to be determined.

Q: Have you done a forecast of profits and loss and all the financials?

McLellan Answer: I have. You can find all of the financials in my business proposal.

Comment: Once zoning is changed, it is the genie out of the bottle.

Response, Pastor: That is incorrect. There is a temporary clause in the zoning agreement; if it is no longer used as a restaurant, it reverts back to residential.

Comment: Do you know the history of this place? This is the fifth time the zoning has tried to be changed. We oppose it, and each time it has not changed. There has been a lot of opposition. I object for safety issues. Cars will be parked in my drive. I think putting commercial business in the middle of a residential neighborhood is almost never a good idea. LaToya Cantrell would like it to be a business, but the use should be residential. I am not in favor of the zoning change because of traffic, crime, noise, safety.

Comment: There can be an agreement between the neighborhood and the city so that if it is no longer a restaurant, it reverts, so that it can never be a corner store, a bar, an auto body shop. We can make it part of a variance.

Comment: It is 10 feet from a church, so those things can not be located here.

Q: Here's my issue, are past business proposals from the owner. It's quite obvious that he wants it to be a commercial space. How would we be assured the owner would take care of all of these concerns we have been talking about?

McLellan Answer: If you have concerns, you can bring them to me. I want to please the community. I want to work with the community. If you have concerns, bring them to me and I will take care of them.

Q: I just wonder why did you pick this place? Why pick some place that the neighborhood doesn't want to change?

Comment: I think it improves the quality of life. I bought my home in this neighborhood. I understand your concerns, but parking is an issue in all places in New Orleans. I think it would be a quality of life improvement to the neighborhood.

McLellan Answer: It's a pleasant building. I want to be involved in my own neighborhood. I want my business to be in the community in which I live. I want my business and my life to work together. I'd like my business to give back to my community. I want people to come in and their neighbors. I want to be a part of the community. I pursued it.

It is such a walkable neighborhood. The walkability creates a closer sense of community. I would love for people to walk and stop in. People from all sides of the neighborhood would benefit.

Q: When you say you will not have a liquor license, is there a technicality, a loop hold for that?

McLellan Answer: There are two types of liquor licenses. One is a high volume alcohol license. Another is a beer and wine license. But when you are adjacent to a church, like we are, both are off limits.

Q: Would you occupy the whole building, both downstairs and upstairs?

McLellan Answer: No. The top floor would remain a residential apartment.

Comment: The gentlemen [who was speaking before] flips houses. He renovates, lives in them for two years to get a tax credit, and leaves. He won't be here long.

Response: In my opinion, having a business like this here give credence to people buying houses and living here. It increases my property value.

McLellan Answer: One of the things I was looking for that the neighborhood does not have is a walkable cafe. A meeting place. I wanted healthy food. Before I moved here, I lived in the Bayou St. John neighborhood, and the businesses there led to a vibrant community.

Comment: Crime happened everywhere. There are hold ups everywhere. It happens.

Q: Do you have a parking plan?

McLellan A: The Pastor and I have been in discussion, and we feel we may be able to come up with a plan that is cohesive for both of us. We could probably negotiate a rental agreement to use the church parking spots.

Comment: If you look at some of the businesses nearby, the strip mall, the commercial activity, it worries me that if this is rezoned, and mom and pop could move in here long term. It bothers me.

McLellan Answer: That is a valid concern, and one I have heard. This is the first hearing. I will research what we can do and make sure it is taken in to consideration.

Comment: We can write that in to the variance.

Comment: I've lived 84 years in Broadmoor. The last 40 years, I've lived less than 20 feet away from this corner store. When it was a Time Saver, it was robbed so many times. I'm not the new kid on the block. It is not a good idea to have anything commercial here. Also, I have seen so many accidents at that intersection. There is not enough space for parking.

Comment: I have lived in Mid-City previously. We live here now. The neighborhood is changing. I think we should embrace and be excited by the fact that a business like this wants to be located here. It is an investment in the neighborhood.

Comment: I would love to have a restaurant that I could walk to. I think we should support the idea. We bought in Broadmoor and we love to be a part of the community. I love walking and I would love to meet people out and be involved. When people are out and come together, it makes it a safer place.

Comment: We already have a meeting place at the library. This would be spot zoning, and once it goes into effect, it is very hard to change. We have talked about it before. Lawyers would have to be hired. It is expensive.

Comment: The restrictions would come with the zoning. If a new tenant came in, they would have to go through the same process as she is going through.

McLellan Answer: To answer your concern, it would be spot zoning, but there is a provision for buildings like this, for former corner stores.

Comment: We have tried negotiating with the owner before. Along with the change in zoning, there is a mistrust of the owner.

Comment: My daughter-in-law can't get a hold of the landlord. He is difficult to deal with. I think he is having you do his dirty work.

Q: Will the owner be present at future zoning meeting?

McLellan Answer: I can't speak for him. His mother died yesterday and he is out of town planning her funeral. I understand your concerns, of course.

Q: How many tables do you propose to have?

McLellan Answer: About 40 tables. Three larger seats. There will also be a service bar with coffee, and 15 stools.

Q: What is your best case scenario for an opening?

McLellan Answer: The process should take about 3 to 6 months. Then we would need to build in a kitchen, which is another 4 to 6 months.

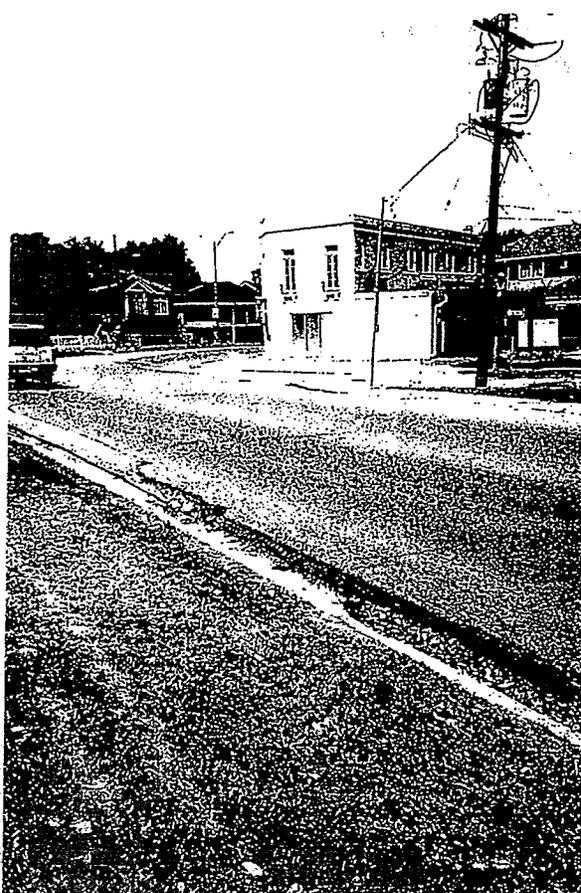
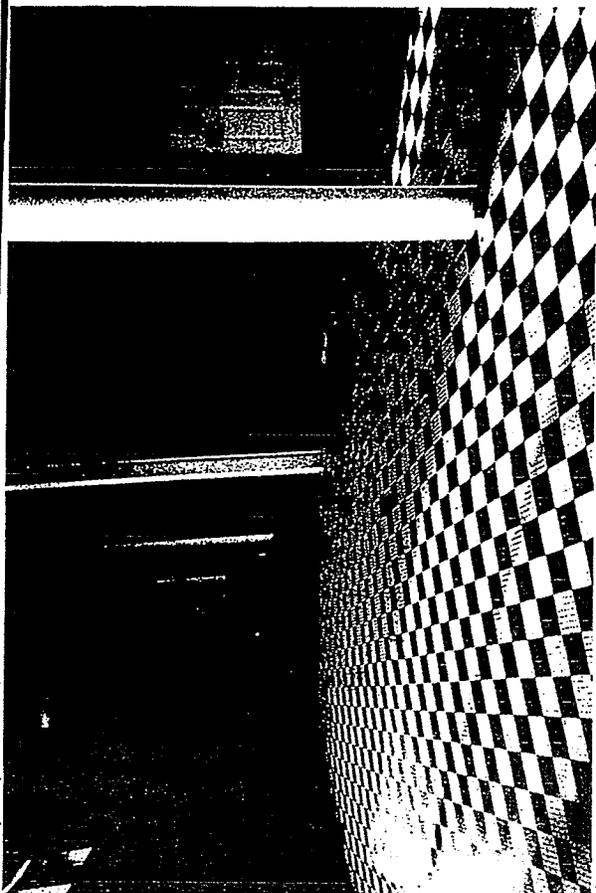
Q: What would be your hours of operation?

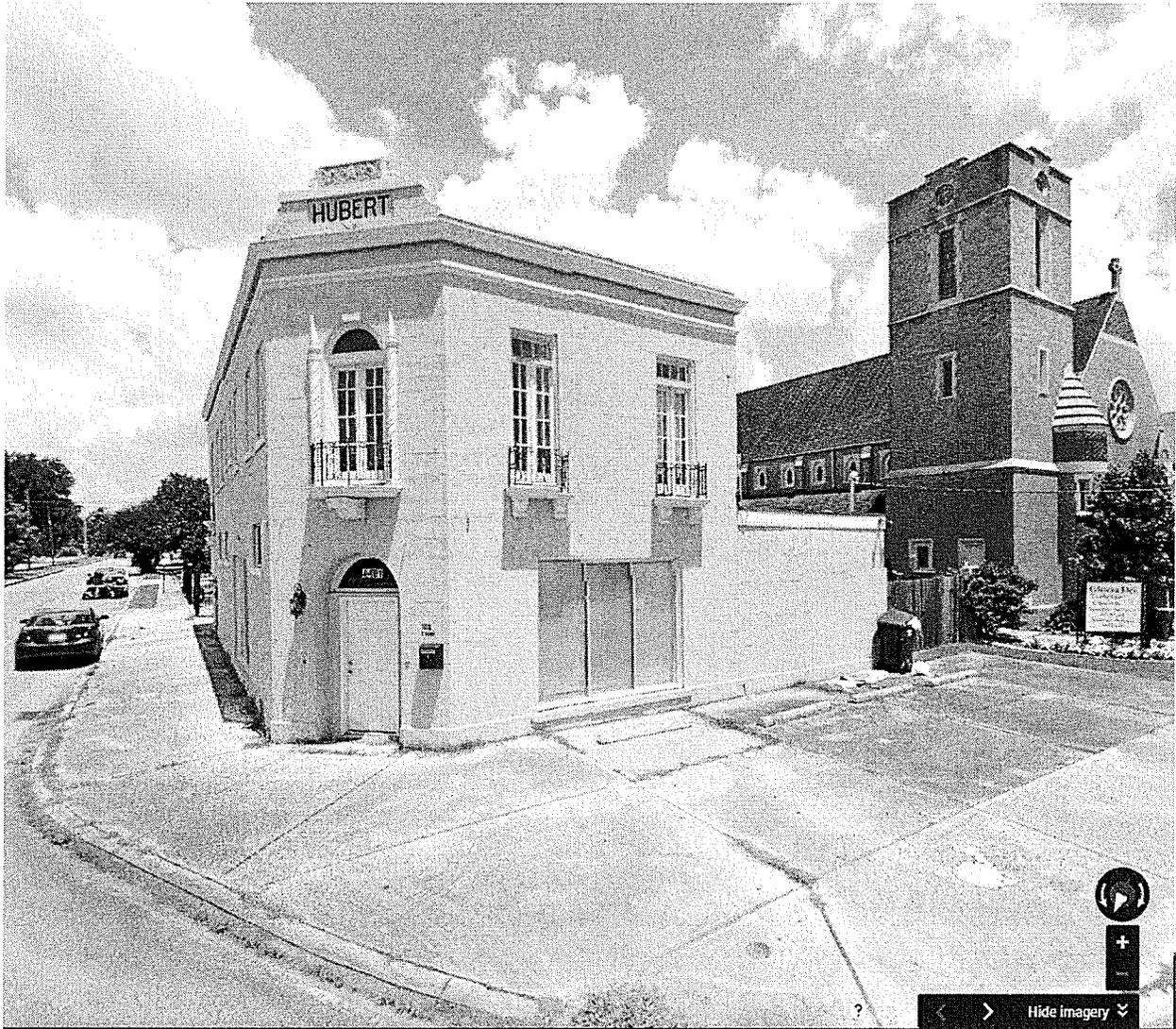
McLellan Answer: We would open at 8 a.m. for breakfast service. We would then be open continuously for lunch. Close for a short shift change, and then open for a short dinner service. We would have family dining and a heavy take-out for working parents. We would probably close at 8:30p.m. We would also be closed on Mondays.

Q: What is the next step?

McLellan Answer: I will file a formal application with the city for rezoning. They will then review it. We will post signage proposing the change, and there will be a more formal meeting at City Hall to discuss that change.

2:46 Meeting is closed.





3840 Napoleon Avenue  
New Orleans, LA 70125  
October 1, 2014

New Orleans City Planning Commission  
1300 Perdido Street, Suite 7W03  
New Orleans, LA 70112

OCT2'14 03:27PM

RE: Zoning Docket 098/14  
4401 South Broad Street

**I am opposed to the above request for a Zoning Change.**

I live at 3840 Napoleon Avenue, within 100 feet of the building at 4401 South Broad. I have resided at my address since December, 1963. After Katrina I returned to the city within a month and repaired my extensively damaged house. I have always been active in my neighborhood and worked to improve it.

Allen Borne, the owner of 4401, has given a tentative lease to someone who proposes opening a Mexican restaurant at the location, if the zoning change is granted. I am opposed for the following reasons:

**A restaurant is not needed at that location.**

Many nearby options are available. There are other eating places only a few blocks away in the Washington, Broad Street corridor, on South Claiborne Avenue and further away on Freret Street. The person seeking the change wanted a restaurant close to her home. There is an empty commercial building on South Claiborne with about the same square footage as 4401 that is several blocks closer to her residence on Milan Street.

**Such a commercial establishment attracts crime.**

The Broadmoor Improvement Association was informed recently that drug dealing is taking place at the play spot directly across from 4401. Patrons, waiters and others leaving the restaurant would be easy targets for an element already in the area. Several years ago when the location was a convenience store, the store was one of the most robbed businesses in the city. The ease of a fast getaway made crime a headache for the police.

### **Insufficient parking for the business, additional trash and noise.**

There is almost no parking available at the location, so cars would be parked in the neighborhood. The street in front of my house would be a prime spot. When cars are parked in front of my house, I have difficulty leaving my driveway. My view of cars turning onto Napoleon from Fontainebleau is blocked and this creates a hazard. This is also true for my neighbors. Obviously there is much trash generated by a restaurant and accompanying noise and traffic. Residents and property owners closest to the building are opposed.

### **Other options available for the vacant building.**

Some feel that it is better to have a commercial establishment in the building than to have it vacant. These are not the only two options – vacant or commercial. It could be rented as a residential unit. The owner has insisted that it doesn't "look residential" and is difficult to rent. A few minor changes to the front entrance, or the advice of an architect, could change the appearance. Commercial buildings all over the city are changed to residential. A true market based rent would attract renters.

### **History of Zoning Requests**

The Time-Saver business **closed in March, 1993** and the building was vacant for the next two years. Allen Borne purchased it for \$70,000 in **May, 1995**. The non-conforming use had been lost.

In **June, 1996** Mr. Borne applied for a zoning change to the non-conforming use. The request was denied by the City Council.

Three years later in **1999** Mr. Borne again applied for a zoning change from RD-2 to RO-1. The BIA, as well as four other neighborhood associations, was opposed. 950 residents signed a petition, indicating their opposition, and the City Council once more denied the request.

In **2002** Mr. Borne was back to the City Planning Commission and the City Council with the same petition. Both denied the change. The Planning Commission noted that the neighborhood had consistently opposed the change. The Council not only denied the change, but told Mr. Borne not to return with this zoning request.

In **2007** Mr. Borne intended to bring his petition for the zoning change to the City Council. However, faced with much opposition from the neighborhood (almost 350 residents signed urging denial), Mr. Borne dropped his request and it never came before the Council.

Two year ago, in **2012**, the same request was made. The City Planning Commission rejected the request and stated that the petition had been denied three times in the last fifteen years and there had been no changes that called for a different result. 192 residents signed opposing the zoning change. The BIA, upon receiving many letters in opposition, decided not to take a position.

### **Summary**

Putting a commercial establishment in the middle of a residential neighborhood does not improve the neighborhood. This is spot zoning. **Spot zoning creates an exception that financially benefits the owner to the detriment of neighboring property owners, while providing no public benefit.** The whole reason for the zoning laws is to protect neighborhoods and as a result protect the city itself.

Mr. Borne has been fighting the neighborhood for almost twenty years. During that time he has preferred to forego rental income for the property and instead engage in these constant zoning requests. Nor is he willing to sell. The reasons for opposition have not changed over the years.

I respectfully ask that the zoning change for the property at 4401 South Broad be denied. Thank you for consideration of this request.

Sincerely,



Elisabeth A. Rareshide

## CPCinfo

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**From:** Liz Raeshide <lizrare@cox.net>  
**Sent:** Wednesday, October 15, 2014 11:09 AM  
**To:** CPCinfo  
**Subject:** Zoning Docket 098/14 4401 S. Broad Street  
**Attachments:** NO City Planning Commission.doc

3840 Napoleon Ave  
New Orleans, LA 70125  
October 15, 2014

New Orleans City Planning Commission  
Kelly Brown  
Craig Mitchell  
Lois Carlos-Lawrence  
Joseph Williams  
Pamela Bryan  
Robert Steeg  
Royce Duplessis  
Kyle Wedberg  
Nolan Marshall III

RE: Zoning Docket 098/14 4401 S. Broad Street

Dear Sir or Madam:

I live at 3840 Napoleon Avenue, and am opposed to the change in zoning at the above location. The owner proposes to open a Mexican restaurant in the building.

A restaurant is not needed at that location. Many eating places are nearby. Other commercial buildings are available. Such a commercial establishment attracts crime. There is insufficient parking for the business. Additional trash and noise would result. Other options are available for the vacant building. It could remain residential.

Attached is further explanation of the objections, which I mailed to the COC, as well as a summary of the history of all the owner's zoning requests in the past eighteen years. All his attempts to change the zoning to commercial have been denied.

This is spot zoning. Spot zoning creates an exception that financially benefits the owner to the detriment of neighboring property owners, while providing no public benefit.

I ask that my objections be entered into the record and I ask that the Commission reject the request for a zoning change. Thank you for your consideration of this matter

Sincerely,

Elisabeth A. Raeshide

New Orleans City Planning Commission  
1300 Perdido Street, Suite 7W03  
New Orleans, LA 70112

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I respectfully ask that the zoning change for the property at 4401 South Broad be denied. Thank you for consideration of this request.

Sincerely,

Elisabeth A. Rareshide

3739 Napoleon Ave  
New Orleans, La.  
Oct. 14, 2014

Dear City Planning Commission,  
RE: Zoning Docket 098-14  
4401 South Broad Street.

I live at 3739 Napoleon Avenue, this residence has been in our family since 1933. I was born and raised in Brookwood and attended St. Matthias School and Church as did my brother & cousins. We still have cousins who live in Brookwood.

I am very opposed to a zoning change at 4401 St. Broad Street. When it was a Tene-Saver business it was robbed frequently resulting in a shooting death during the last robbery. That is why it was zoned residential. The little park across the street has been a known drug dealing area for many years and still is.

There is limited parking available, which means patrons would have to park in front of people's homes and perhaps blocks away, which would possibly put them in danger.

Due to the increased traffic on Napoleon Ave and the Fontainebleau area it poses an

additional risk for patrons and residents  
with respect to driving, parking, and crime.

It appears, Mr. Borne, the owner has really  
not tried to rent the building as a two family  
dwelling. He could collect very good rent but  
he only wants it commercial, even tho he  
bought it as a residence.

I request the zoning remains the  
same.

Thank you for your time,

Sincerely

Euphonia Sue Mary

