



Staff Report

Expanded Conditional Use Case#ECU2013-2-1

Zoning Commission Public Hearing: Thursday March 7, 2013

City Council: Introduction – 3/19/2013 Final – 4/2/2013

Attachments: Application, Property Information Sheet, Zoning Map, Aerial Map, Photos, Ord#00-2687

CITY COUNCIL REQUEST: (Ordinance)

Approval of Expanded Conditional Use request by Los Primos Supermarket LLC (occupant) and Times Square 45, LLC (owner) to allow consumption of alcohol in a deli in a B2-District located at 1320 N. Morrison Blvd. Suites 118 &119 (ECU2013-2-1) recommend approval with conditions by Zoning Commission

SITE INFORMATION:

Location (Address): 1320 N. Morrison Blvd. Suite 118 & 119

Council District: 4-Lemar Marshall

Existing Zoning: B2- Restricted Business District

Existing Land Use: Supermarket

Proposed Land Use: Deli w/alcohol

ADJACENT LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use/Zoning</u>
North:	Residential/B2(across Western Ave)
South:	Undeveloped Land/R5
East:	Residential/R5
West:	Insurance/Auto Parts Store/Oil Change/C2

ADDITIONAL INFORMATION:

This location is currently operating as the Los Primos Supermarket which is located in the Times Square shopping center. The supermarket is current located in suite 118 and would like to rent the adjacent suite 119 to expand the deli for seating.

After the planning commission hearing on 3/19/2013 the planning department verified there is a church operating at 1320 N. Morrison Blvd. Suite 117. Previous to the public hearing the Planning Dept received a list of occupational licenses, only to discover that churches do not need an occupational license therefore the church was not discovered until after the public hearing.1`

ZONING COMMISSION PUBLIC HEARING:

Speaking in favor: Martin Salgado (occupant)

Speaking Against: Louise Bostic

EXPANDED CONDITIONAL USE FINDINGS:

- 1) Will this diminish the value the surrounding properties? Yes_____No_____
- 2) Will this alter the essential character of the neighborhood? Yes_____No_____
- 3) Will granting this request be detrimental to the public welfare? Yes_____ No_____
 - a. Light & Air? Yes_____No_____
 - b. Traffic congestion or hazard? Yes_____No_____
 - c. Overburden existing drainage or utilities? Yes_____No_____
 - d. Emissions of odors, fumes, gasses, dust, smoke? Yes_____No_____
 - e. Noise & Vibrations? Yes_____No_____

CITY PLANNER RECOMMENDATION:

Taylor recommended approval to allow consumption of alcohol (high) for the current occupant Los Primos Supermarket with the understanding that such use is a personal right that expires upon a change in occupancy of the property.

ZONING COMMISSION RECOMMENDATION:

Motion: Ralph Ross to recommend approval in accordance with the City Planner's recommendation.

For: William Travis, Jimmy Meyer, Ralph Ross **Against:** Sam McClugage

Absent: Stanley Young

RECOMMENDED ORDINANCE LANGUAGE:

WHEREAS, on March 7, 2013 the Zoning Commission held a public hearing on Case#ECU2013-2-1 request for Expanded Conditional Use by Los Primos Supermarket (applicant and occupant) to allow the consumption of alcohol (High) at a deli in the B2 District located at 1320 N. Morrison Blvd. Suites 118 & 119; and

WHEREAS, the Zoning Commission recommended approval of this Expanded Conditional Use request with the condition that approval is with the understanding that such use is a personal right that expires upon a change in occupancy of the property from Los Primos Supermarket.

NOW, THEREFORE, BE TO ORDAINED, that the City Council of Hammond, Louisiana hereby approves the Expanded Conditional Use request to allow the consumption of alcohol (high) in a deli being Los Primos Supermarket in the B2 District located at 1320 N. Morrison Blvd. Suites 118 & 119 with the condition that approval shall be with the understanding that such use is a personal right that expires upon a change in occupancy of the property from the occupant, Los Primos Supermarket.

From: Josh Taylor, City Planner _____

APPLICATION FOR REZONING, CONDITIONAL USE, OR INITIAL ZONING

CITY OF HAMMOND

219 East Robert Street, HAMMOND, LA 70401 / PHONE: (985) 277-5640 - FAX: (985) 277-5637

FILING DATE: 2/14/13

PERMIT# ECU 2013-2-1

The next Zoning Commission Meeting will be held on 2-7-13, at 5:00pm in the City Council Chambers, 312 E. Charles Street. Application to be submitted to Zoning Commission must be filed with the City at least 21 days before the date of the next Public Meeting.

This Application for: [] REZONING [] CONDITIONAL USE: [X] EXPANDED -OR- [] RESTRICTED [] INITIAL ZONING

REZONING FEE: [X] Single Lot \$120.00 [] Block or Area \$250.00 (Fees are not refundable based on decisions) Fifty percent (50%) of fee is refundable if application is withdrawn before first newspaper notice is filed.

PARCEL# 2674721106.00
SITE ADDRESS: 1320 N. Morrison Blvd. Suite 118+119
Legal Description or Survey
PROPERTY OWNER NAME: Times Square 45, LLC
Owner Address: P.O. Box 2607 Hammond La. 70404
Telephone: (985) 542-2556 or Cell #: ()

PLEASE READ AND SIGN BELOW

APPLICANT NAME: Martin Salgado
COMPANY NAME: Los primos LLC
Applicant Mailing Address: 1320 N Morrison Blvd 118 Hammond LA
Applicant Telephone: (985) 429-1722 or Cell #: (225) 303-8710

PERMIT INFO-ADDITIONAL INFO
PRESENT ZONING IS: AL B(B2) C1 C2 C3 C4 C4A H I L R4 R5 R5S R8 R11 RA RP RS S
REQUESTED ZONING IS: AL B1 B2 C1 C2 C3 C4 C4A H I L R4 R5 R5S R8 R11 RA RP RS S
REASON FOR REZONING: To consume Alcohol on premise
SPOT ZONING NOTE: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan. Spot zoning is discouraged in Hammond

I/We being the legal owner(s) request zoning of my property from a District to a District. I/We fully understand and agree to abide by the zoning restrictions for a District. I am including with this application a copy of any covenants or restrictions and deeds governing this property.

If there is more than one owner or a corporation is the owner of the property, each owner or authorized agent of the corporation must sign. If conditional zoning, submit in writing an explanation for this request on separate sheet. If you are applying for an area or block zoning furnish a map of area or block and a petition signed by at least 50% of the property owners in the area (including their addresses).

ALL INFORMATION ON THIS APPLICATION MUST BE COMPLETE AND ALL FEES PAID BEFORE THIS APPLICATION WILL BE ACCEPTED ON THE AGENDA FOR THE CITY OF HAMMOND PLANNING & ZONING COMMISSION.

X [Signature] APPLICANT SIGNATURE DATE
X [Signature] OWNER SIGNATURE DATE

X CITY PLANNER DATE

AMOUNT PAID \$ 120 CHECK# 1945 CASH [] DATE PAID 1/23/13

NAMES & ADDRESSES OF ADJACENT PROPERTY OWNERS REQUIRED

Sec. 5-23. - Issuance for premises within certain proximity to schools, churches, libraries and playgrounds restricted.

- (a) No permit shall be granted under this article in contravention of any city ordinance.
- (b) No permit required by this article shall be granted for any premises situated within three hundred (300) feet or less distance of a building occupied exclusively as a church or synagogue, public library, public playground, residence or school except a school for business education conducted as a business college or school. The measurement to be taken shall be as a person walks using the sidewalk from the nearest point of property line of the church or synagogue, public library, public playground, residence or school to the nearest point of the premises to be permitted as described in the application; provided, however, that these restrictions shall not apply to any premises which are maintained as a bona fide hotel, railway car, or bona fide fraternal organization. If the area to be zoned is an undeveloped area, the distance shall be measured in a straight line from nearest point to the nearest point of the respective premises. The restrictions contained in this subsection do not apply to premises which are maintained as a bona fide hotel, railway car, or fraternal organization, nor to any premises permitted for a period of one year prior to August 31, 1965.
- (c) For purposes of this section, the prohibition in paragraph (b) herein pertaining to the permitting of premises within three hundred (300) feet of certain buildings shall not apply to any premises within the Hammond historical districts which is zoned C-i and actually permitted and operated as a restaurant.

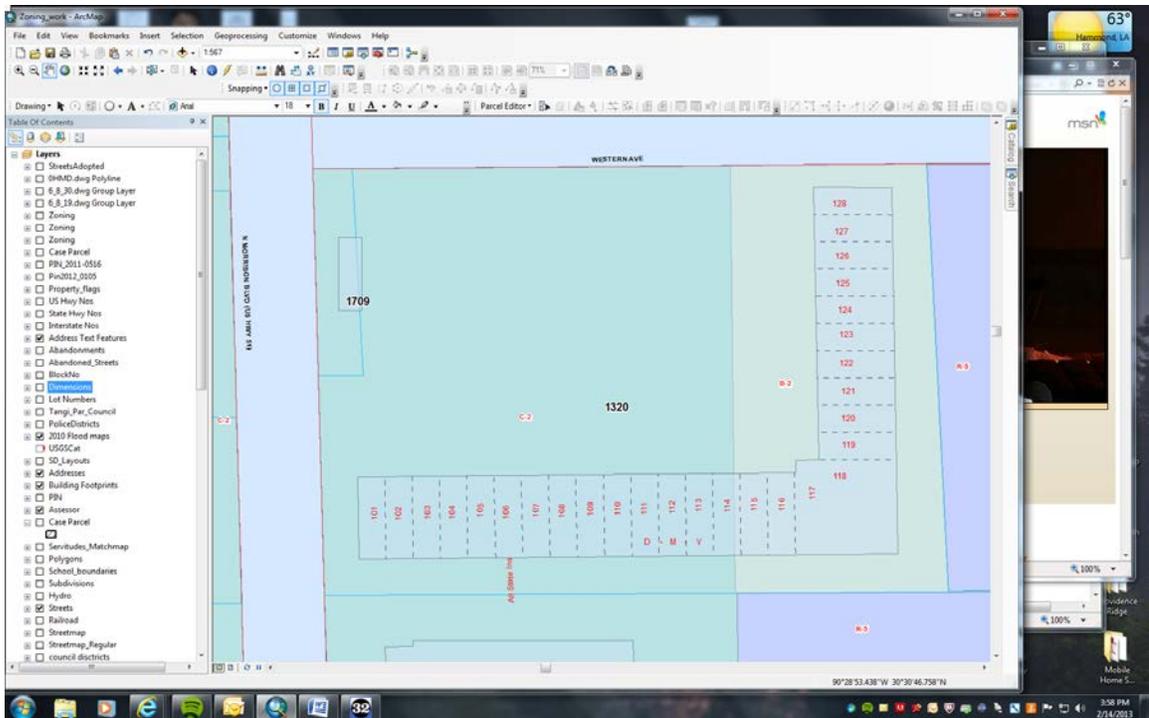
(Ord. No. 2687, C.S., 5-2-00; Ord. No. 2708, 8-15-00)

PROPERTY INFORMATION SHEET

<input type="checkbox"/>	Type of Permit	ECU	<input type="checkbox"/>	Date:	02/14/2013
<input type="checkbox"/>	Permit/Case #	ECU2013-2-1			
<input type="checkbox"/>	Parcel #	2676721106.00			
<input type="checkbox"/>	Address	1320 N. MORRISON BLVD SUITE 118 & 119			
<input type="checkbox"/>	Owner	TIMES SQUARE 45 LLC			
<input type="checkbox"/>	Assessment #	3271609			
<input type="checkbox"/>	Zoning	B2 & C2			
<input type="checkbox"/>	Overlay District	NONE			
<input type="checkbox"/>	Flood Zone	AE- ELEVATION CERT REQUIRED			
<input type="checkbox"/>	Flood Way	NO			
<input type="checkbox"/>	Holds/Taxes	NO/NO			
<input type="checkbox"/>	Bldg Tax Value		(x 10% Res/15% Cml)	50% =	

(Renovations/additions 50% or more of the bldg value for properties in a flood zone-see regulations)

Screen
Print



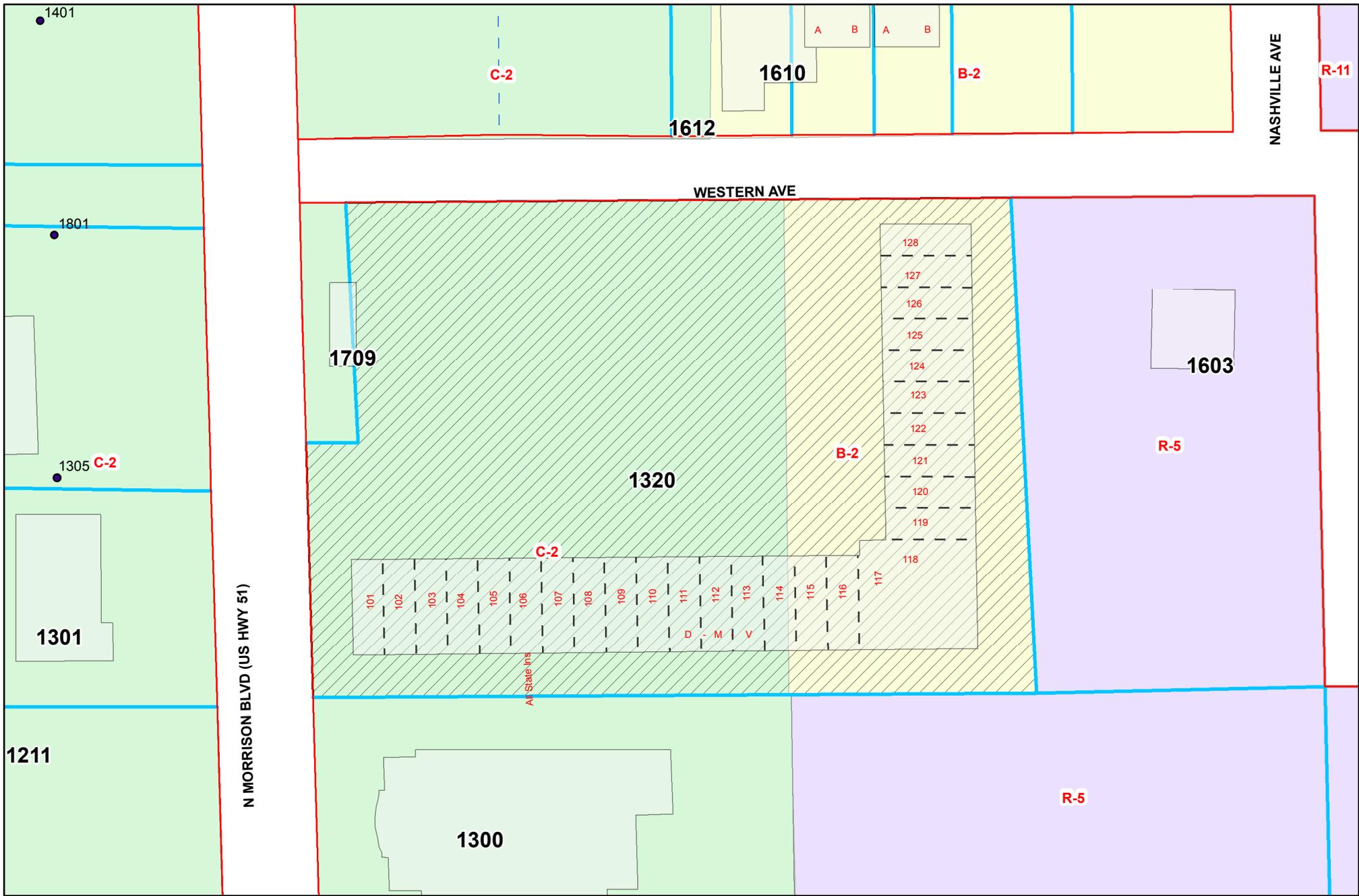
Preparer Initials _____

Reviewer Initials _____

1320 S. Morrison Blvd. Suite 118 & 119

ECU2012-2-1





1320 N. Morrison Blvd Suites 118 & 119

ECU2013-2-1

Legend

- Lot_of_Record
- Parcel
- Right_of_Way

This Parcel Map is a model of the area requested. IT IS NOT A LEGAL SURVEY.



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1320 N. Morrison Blvd Suites 118 & 119

ECU2013-2-1

Legend

 Case Parcel