

Minutes
PLANNING AND ZONING COMMISSION MEETING
November 9, 2009
5:00 P.M.

THE FOLLOWING PROCEDURES AND RULES APPLY TO PUBLIC COMMENT:

In accordance with Title 1, Section 1.7 of the Code of Ordinances, all items on this agenda are open for public comment. Those members of the public desiring to speak on a particular item should approach the podium and request to speak after the item is announced by the Chairman. They will be required to give their name and address and the Chairman will allocate a specific amount of time for members of the public to speak.

1. A statement setting forth the applicant's proposal, together with the Planning Commission Staff recommendation will be made by the Planning Director and Staff after which the applicant and the public will be heard. Each speaker, before speaking on the proposal, shall give his or her name and the address and state whom he/she is representing. Anyone speaking as a civic association representative shall document that their presented views are those of the organization. A resolution or official minutes from the organization are acceptable forms of documentation.
2. Applicant and applicant representatives for the proposal will speak first for a period not to exceed fifteen (15) minutes. Proponents for the proposal will speak second and a period of three (3) minutes will be allowed for each proponent not to exceed fifteen (15) minutes in total time. Opponents or other interested parties will speak next and a period of three (3) minutes will be allowed for each opponent. There will be no limit to the number of persons who may speak, but speakers are encouraged to avoid duplication in their presentations.
3. Applicant will be allowed a total period of five (5) minutes to offer rebuttal. Opponents will not be allowed to rebut. This procedure shall be followed except as such time when the presiding officer may extend such time limitation in exceptional and unusual cases.
4. The Commission Members may ask any questions and make comments, but are urged to cooperate in an effort to spend no more than fifteen (15) minutes in discussion of a case after all speakers have been heard.
5. Items placed on the Consent Agenda by the Planning Commission Staff will not have time allocated for speaking, unless there is a member of the public present at the meeting who wishes to speak on the item. In such cases, the proposal will follow the standard.
6. Revocations, Street Name Changes, and Zoning cases heard tonight by the Planning Commission will be heard by the Metropolitan Council on Wednesday, December 2, 2009, at 4:00 P.M. unless the case is deferred by the Commission or has been pre-introduced by the Council. It is important that the applicant of each case also attend the Council Zoning Meeting to present the case before the Council.

1. ROLL CALL

Herb Gomez, Chairman of the Planning Commission called the meeting to order with the following members present for roll call: Herb Gomez, Kathleen Callaghan, Ervie Ellender, Audrey Nabors Jackson, Laurie Marien, Frank Muscarello, Roxson Welch, Councilwoman Tara Wicker, and W.T. Winfield. Also present were Troy Bunch, Planning Director, Lael Holton, Advance Division Manager, Gilles Morin, and Glenn Hanna, Current Division Planners, and Annette Chambliss, Advance Division Clerical.

2. APPROVAL OF THE MINUTES (October 19, 2009)

COMMISSION ACTION: *Motion by Muscarello and seconded by Callaghan to approve.*

9 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, Wicker, and Winfield), 0 Nays, 0 Absent, and motion carried.

3. HORIZON PLAN

Lael Holton presented an update of the Horizon Plan.

- *The Comprehensive Plan Update*

The project has been approved by the LRA; this is the first program application in the state approved under the Gustav/Ike recovery program.

The Mayor has signed the Contract with Fregonese; the public meeting and update process has moved into full swing. The next meeting of the Administrative Committee will be December 3.

Additional meetings on December 3: Fregonese will give a presentation to the Growth Coalition; parish-wide kickoff on evening of December 3.

Planning Commission Staff attended and presented at the Mayor's 2nd Annual Neighborhood Expo on November 7. This event focused on what organizations could do for the citizens of the City-Parish. Presentations were given by the Planning Commission, DPW, the Mayor's Office, the Parish Attorney and the Police and Fire Departments.

- *Brownfields:*

Brownfields Coordinator (Barrett Chaix) will be moderating a panel at the National Brownfields Conference in New Orleans on November 18. This is the annual conference for all Brownfields practitioners throughout the US and the world. This panel will focus on the success of the EBR program and its relationship with local non-profits. Tyson Hackenberg (La Brownfields Association), Samuel Sanders (Mid-City Redevelopment Alliance) and Noel James (Gulf Coast Housing Partnership) will discuss the efforts they have undertaken to revitalize brownfield sites within the City-Parish and the ways that the EBR program has assisted them.

- *Gilles Morin announced the Bicycle Bronze Award*

League of American Bicyclist designated Baton Rouge as a bicycle friendly community at the bronze level. Baton Rouge is the first and only city in Louisiana to be designated. The recommendation were made possible in the efforts of the Mayor's Healthy Baton Rouge Initiative and with the help of the Planning Commissioners to recommend to approve an adoption of bicycle parking requirements.

4. AMENDMENTS AND CONSENT AGENDA

The Planning Director presented deferred items, withdrawn items, and consent items.

-----**PLANNING**-----

- 5. S-1-09 (Deferred from October 19, 2009) Stromberg Townhouses** This property is located at 13421 Jefferson Highway on the north side of Jefferson Highway between Mourning Dove Drive and Quinn Drive, on the Collie Diez Property. (Council District 9-Boé)

COMMISSION ACTION: *Motion by Winfield and seconded by Wicker to defer until December 7, 2009.*

9 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, Wicker, and Winfield), 0 Nays, 0 Absent, and motion carried.

- 6. SS-57-09 A.R. Annison Property** This property is located on the north side of Flanacher Road to the east of Ligon Road. (Council District 1-Welch).

The Planning Commission Staff Recommendation: The Planning Commission Staff recommends approval of this subdivision provided that all comments from the Department of Public Works are met prior to the Planning Commission meeting.

COMMISSION ACTION: *Motion by Ellender and seconded by Winfield to approve.*

9 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, Wicker, and Winfield), 0 Nays, 0 Absent, and motion carried.

- 7. SP-16-09 Richard's Honda** This property is located at 7791 Florida Boulevard on the north side of Florida Boulevard west of Wooddale Boulevard. (Council District 6-Collins-Lewis).

The Planning Commission Staff Recommendation: The Planning Commission Staff recommends the proposed car dealership meets all requirements established in the Florida Boulevard Urban Design Overlay District Six (UDOD 6). Therefore, the Planning Commission Staff recommends to approve this site plan provided that the applicant resolves all comments from the Department of Public Works prior to the Planning Commission meeting.

COMMISSION ACTION: *Motion by Ellender and seconded by Winfield to approve.*

9 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, Wicker, and Winfield), 0 Nays, 0 Absent, and motion carried.

- 8. SW-4-09 9940 Airline Highway (Holiday Inn)** This property is located west of Airline highway and Interline Avenue and north of Interstate 12. (Council District 11-Cascio).

The Planning Commission Staff Recommendation: The Planning Commission recommends to deny the requested waiver in size.

Scott Michelet spoke in favor of the application.

COMMISSION ACTION SUBSTITUTE: *Motion by Ellender and seconded by Muscarello to deny.*

5 Yeas (Ellender, Jackson, Marien, Muscarello and Welch), 4 Nays (Gomez, Callaghan, Wicker and Winfield), 0 Absent and motion carried.

COMMISSION ACTION: *Motion by Winfield and seconded by Wicker to approve and motion failed.*

-----**ZONING**-----

- 9. PUD 3-00 (Deferred from September 21, and October 19, 2009) Southgate Towers Final Development Plan Revision (Phases I-IV)** This property is located near the southeast corner of Burbank Drive and Nicholson Drive on a portion of Tract B, Old Blouin and Bryne Tracts. A proposed Final Development Plan Revision for a PUD (Planned Unit Development). Section 66, T7S, R1W, GLD, EBRP, LA. (Council District 12-Bourgeois).

Planning Commission Staff Recommendation: The proposed Planned Unit Development Final Development Plan Revision is consistent with the Horizon Plan and the adjacent land use character. Therefore, the Planning Commission Staff recommends approval provided that the applicant completes the continuation of the sidewalk along Nicholson Drive, resolves all comments from CSRS regarding the Green Light Plan, and resolves all comments from The Department of Public Works prior to the Planning Commission Meeting.

COMMISSION ACTION: *Motion by Ellender and seconded by Winfield to approve.*

9 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, Wicker, and Winfield), 0 Nays, 0 Absent, and motion carried.

- 10. PUD 15-06 (Deferred from October 19, 2009) Cheval Trails Final Development Plan (Lake After Hours)** This property is located at the intersection of Zimmerman Road and Old Scenic Highway on the west side of LA Highway 964 (Scenic Highway) north of Meadow Glen Avenue on Tract B of the Barber Property. A proposed Final Development Plan for a PUD (Planned Unit Development). Section 59, T5S, R1W, GLD, LA. (Council District 1-Welch).

Planning Commission Staff Recommendation: The proposed Planned Unit Development Final Development Plan is consistent with the PUD Concept Plan approved on November 15, 2006 and with the Horizon Plan. Therefore, the Planning Commission Staff recommends approval provided that the applicant resolves all comments from The Department of Public Works prior to the Planning Commission Meeting.

COMMISSION ACTION: *Motion by Ellender and seconded by Winfield to approve.*

9 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, Wicker, and Winfield), 0 Nays, 0 Absent, and motion carried.

- 11. Case 53-09 (Deferred from October 19, 2009) 3010 and 3012 Mission Drive** This property is located on the east side of Mission Drive to the south of Winbourne Avenue on Lots 13-A and 15 of Berkeley Subdivision. To amend the "2010 Land Use Plan" from Low Density Residential to Neighborhood Commercial and to rezone from A2 (Single Family Residential) to NC (Neighborhood Commercial). Section 61, T6S, R1E, GLD, EBRP, LA. (Council District 7 – Marcelle)

Planning Commission Staff Recommendation: The proposed rezoning to NC (Neighborhood Commercial) is not consistent with the "2010 Land Use Plan" and is not consistent with the surrounding land use character. Therefore, the Planning Commission Staff recommends to deny the requested amendment to the "2010 Land Use Plan" from Low Density Residential to Neighborhood Commercial and deny the rezoning from A2 (Single Family Residential) to NC (Neighborhood Commercial).

Stacy Hall spoke in favor of the application.

COMMISSION ACTION: Motion by Callaghan and seconded by Wicker to approve.

6 Yeas (Gomez, Callaghan, Ellender, Marien, Welch, and Wicker), 3 Nays (Jackson, Muscarello, and Winfield), 0 Absent, and motion carried.

- 12. TND 1-07 Rouzan Final Development Plan Phase 1B** This property is located to the south of Perkins Road, east of Lee Drive between Glasgow Avenue and Moss Side Lane on Tract F of the Richland Plantation Subdivision. A proposed Phase 1B Final Development for a TND (Traditional Neighborhood Development). Section 94, T7S, R1E, GLD, EBRP, LA, (Council District-12 Bourgeois).

Planning Commission Staff Recommendation: The proposed plan is consistent with the general character requirements, minimum development standards and review criteria. The Planning Commission Staff recommends to approve the Final Development Plan for Phase 1B of this Traditional Neighborhood Development, provided that all comments from the Department of Public Works and the Planning Commission Staff have been resolved prior to the Planning Commission meeting.

Tommy Spinosa spoke in favor of the application.

Alex St. Amant spoke in opposition of the application.

Angela Angeloz spoke in opposition of the application.

Tad Hardy spoke in opposition of the application.

Councilman R.J. "Smokie" Bourgeois spoke in opposition of the application.

COMMISSION ACTION: Motion by Callaghan and seconded by Winfield to approve.

5 Yeas (Gomez, Callaghan, Ellender, Jackson, and Winfield), 3 Nays (Marien, Muscarello, and Welch), 1 Abstention (Wicker), 0 Absent, and motion carried.

COMMISSION ACTION SUBSTITUTE: Motion by Marien and seconded by Muscarello to deny.

3 Yeas (Marien, Muscarello and Welch), 5 Nays (Gomez, Callaghan, Ellender, Jackson, and Winfield), 1 Abstention (Wicker), 0 Absent and motion failed.

- 13. TND 1-07 Rouzan Final Development Plan Phase 4A** This property is located to the south of Perkins Road, east of Lee Drive between Glasgow Avenue and Moss Side Lane on Tract F of the Richland Plantation Subdivision. A proposed Phase 4A Final Development for a TND (Traditional Neighborhood Development). Section 94, T7S, R1E, GLD, EBRP, LA. (Council District-12 Bourgeois).

Planning Commission Staff Recommendation: The proposed plan is consistent with the general character requirements, minimum development standards and review criteria. The Planning Commission Staff recommends to approve the Final Development Plan for Phase 4A of this Traditional Neighborhood Development, provided that all comments from the Department of Public Works and the Planning Commission Staff have been resolved prior to the Planning Commission meeting.

*Tommy Spinosa spoke in favor of the application.
Alex St. Amant spoke in opposition of the application.
Angela Angelloz spoke in opposition of the application
Tad Hardy spoke in opposition of the application.
Councilman R.J. "Smokie" Bourgeois spoke in opposition of the application.*

COMMISSION ACTION: Motion by Callaghan and seconded by Winfield to approve.

5 Yeas (Gomez, Callaghan, Ellender, Jackson, and Winfield), 3 Nays (Marien, Muscarello, and Welch), 1 Abstention (Wicker), 0 Absent, and motion carried.

COMMISSION ACTION SUBSTITUTE: Motion by Marien and seconded by Muscarello to deny.

3 Yeas (Marien, Muscarello and Welch), 5 Nays (Gomez, Callaghan, Ellender, Jackson, and Winfield), 1 Abstention (Wicker), 0 Absent and motion failed.

- 14. ISPUD 2-09 4260 Dodson Avenue** This property is located southwest of Dodson Avenue to the northeast of East Boyd Drive on Lot A of the University View Homesites Subdivision. To amend the "2010 Land Use Plan" from Medium Density Residential to Planned Unit Development and to rezone from A3.1 (Limited Residential) to I-SPUD (Infill/Mixed Use Planned Unit Development). Section 66, T7S, R1W, GLD, EBRP, LA. (Council District 12- Bourgeois)

Planning Commission Staff Recommendation: The proposed rezoning to ISPUD (Infill/Mixed Small Planned Unit Development) is not consistent with the Horizon Plan and the proposed "head-in/back-out" parking is not consistent with Unified Development Code (UDC) requirements and increases the potential for vehicle conflict on Dodson Avenue. Therefore, the Planning Commission Staff recommends to deny amending the "2010" Horizon Land Use Plan from Medium Density Residential to Planned Unit Development and to rezone from A3.1 (Limited Residential) to ISPUD (Infill/Mixed Use Small Planned Unit Development).

Greg Mann spoke in favor of the application.

COMMISSION ACTION: Motion by Welch and seconded by Winfield to approve.

8 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, and Winfield), 0 Nays, 1 Absent (Wicker), and motion carried.

- 15. ISPUD 3-09 Nicholson Rows** This property is located south of the intersection of Nicholson Drive and Oklahoma Street on the east side of Nicholson Drive. To amend the "2010 Land Use Plan" from Light Commercial to Planned Unit Development and to rezone from C2 (Heavy Commercial) to I-SPUD (Infill/Mixed Use Planned Unit Development). Section 51, T7S, R1W, GLD, EBRP, LA. (Council District 10- Wicker)

COMMISSION ACTION: Motion by Winfield and seconded by Wicker to defer until December 7, 2009.

9 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, Wicker, and Winfield), 0 Nays, 0 Absent, and motion carried.

- 16. Case 56-09 18135 East Petroleum Drive** This property is located on the northeast side of East Petroleum Drive to the south of Highland Road, on a portion of Lot 8-A, 2nd Filing, Highland Business Park. To rezone from R (Rural) to C-AB-1 (Commercial Alcoholic Beverage One). Section 54, T8S, R2E, GLD, EBRP, LA. (Council District 9 – Boé)

Planning Commission Staff Recommendation: The proposed rezoning to C-AB-1 (Commercial Alcoholic Beverage One) is consistent with the "2010 Land Use Plan" and consistent with the surrounding land use character. Therefore, the Planning Commission Staff recommends to approve the requested rezoning from R (Rural) to C-AB-1 (Commercial Alcoholic Beverage One).

COMMISSION ACTION: Motion by Ellender and seconded by Winfield to approve.

8 Yeas (Gomez, Callaghan, Ellender, Marien, Muscarello, Welch, Wicker, and Winfield), 1 Nay (Jackson), 0 Absent, and motion carried.

- 17. Case 57-09 3058 and 3076 Gladden Street** This property is located on the south side of Gladden Street between Hearthstone Drive and Kenmore Avenue, on Lot 58 and 59, East-Land Subdivision. To rezone from A1 (Single Family Residential) to A2 (Single Family Residential). Section 96, T7S, R1E, GLD, EBRP, LA. (Council District 7 – Marcelle)

Planning Commission Staff Recommendation: The proposed rezoning to A2 (Single Family Residential) is consistent with the "2010 Land Use Plan" and is consistent with the adjacent land use character. Therefore, the Planning Commission Staff recommends to approve rezoning from A1 (Single Family Residential) to A2 (Single Family Residential).

COMMISSION ACTION: Motion by Ellender and seconded by Winfield to approve.

9 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, Wicker, and Winfield), 0 Nays, 0 Absent, and motion carried.

- 18. Case 58-09 5229 Highland Road, Suite 9 and 10** This property is located on the northeast side of Highland Road to the northwest of Lee Drive, on a portion of Lot B of the Clara A. Duplantier Property. To rezone from C1 (Light Commercial) to C-AB-1 (Commercial Alcoholic Beverage One). Section 70, T7S, R1W, GLD, EBRP, LA. (Council District 12 – Bourgeois)

Planning Commission Staff Recommendation: The proposed rezoning to C-AB-1 (Commercial Alcoholic Beverage One) is consistent with the "2010 Land Use Plan" and with the surrounding land use character. Therefore, the Planning Commission Staff recommends to approve rezoning from C1 (Light Commercial) to C-AB-1 (Commercial Alcoholic Beverage One).

COMMISSION ACTION: Motion by Ellender and seconded by Winfield to approve.

8 Yeas (Gomez, Callaghan, Ellender, Marien, Muscarello, Welch, Wicker, and Winfield), 1 Nay (Jackson), 0 Absent, and motion carried.

- 19. Case 59-09 16013 North Firewood Avenue** This property is located on the north side of North Firewood Avenue to the west of O'Neal Lane, on Lot 159, Wedgewood Subdivision, Second Filing. To rezone from B1 (Transition) to A3.1 (Limited Residential). Section 47, T7S, R2E, GLD, EBRP, LA. (Council District 8 – Walker)

Planning Commission Staff Recommendation: The proposed rezoning to A3.1 (Limited Residential) is consistent with the "2010 Land Use Plan" and with the surrounding land use character. Therefore, the Planning Commission Staff recommends to approve rezoning from B1 (Transition) to A3.1 (Limited Residential).

COMMISSION ACTION: Motion by Ellender and seconded by Winfield to approve.

9 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, Wicker, and Winfield), 0 Nays, 0 Absent, and motion carried.

- 20. Case 60-09 2935 Millerville Road** This property is located on the east side of Millerville Road to the north of South Harrell's Ferry Road, on Tract B-2-B of the G.B. Munding Tract. To rezone from R (Rural) to LC2 (Light Commercial Two). Section 46, T7S, R2E, GLD, EBRP, LA. (Council District 8 – Walker)

Planning Commission Staff Recommendation: The proposed rezoning to LC2 (Light Commercial Two) is consistent with the "2010 Land Use Plan" and with the surrounding land use character. Therefore, the Planning Commission Staff recommends to approve the rezoning from C1 (Light Commercial) to LC2 (Light Commercial Two).

COMMISSION ACTION: Motion by Ellender and seconded by Winfield to approve.

9 Yeas (Gomez, Callaghan, Ellender, Jackson, Marien, Muscarello, Welch, Wicker, and Winfield), 0 Nays, 0 Absent, and motion carried.

- 21. Case 61-09 11904 Coursey Boulevard** This property is located on the south side of Coursey Boulevard to the east of Parkside Drive, on Lot 32, Coursey Village, First Filing. To amend the "2010 Land Use Plan" from Neighborhood Commercial to Light Commercial and to rezone from R (Rural) to C-AB-1 (Commercial Alcoholic Beverage One). Section 50, T7S, R2E, GLD, EBRP, LA. (Council District 8 – Walker)

Planning Commission Staff Recommendation: The proposed rezoning to C-AB-1 (Commercial Alcoholic Beverage One) is not consistent with the "2010 Land Use Plan" but is consistent with the surrounding land use character. The Planning Commission Staff recommends to deny amending the "2010 Land Use Plan" from Neighborhood Commercial to Light Commercial and the rezoning from C1 (Light Commercial) to C-AB-1 (Commercial Alcoholic Beverage One). To ensure that the building remains small and consistent with the "2010 Land Use Plan", the Planning Commission Staff recommends to approve rezoning the property from C1 (Light Commercial) to NC-AB (Neighborhood Commercial Alcoholic Beverage).

*Larry Smith spoke in favor of the application.
Johanna Hajiakbarifini spoke in favor of the application.
Larry Amedee spoke in opposition of the application.
Joyce Amedee spoke in opposition of the application.
Andrew Gregory spoke in opposition of the application.*

COMMISSION ACTION: Motion by Callaghan and seconded by Marien to approve NC-AB.

5 Yeas (Gomez, Callaghan, Marien, Wicker, and Winfield), 3 Nays (Jackson, Muscarello, and Welch), 1 Absent (Ellender), and motion carried.

22. COMMUNICATIONS

The Planning Director reminded the Planning Commissioners that the Planning Commission fall luncheon is Thursday, November 12, 2009 at 12:00 p.m.

The Planning Director reminded the Planning Commissioners that the 4th Planning Commission Workshop for the year is schedule for Thursday, November 19, 2009 at 4:00 p.m. on the subject of Infill Development Tools.

The Planning Director reminded the Planning Commissioners that the next Planning Commission meeting is early and it will be Monday, December 7, 2009 at 5:00 p.m.

The Planning Director informed the Planning Commissioners that on Tuesday, November 11, 2009 at the Metropolitan Council meeting, the Mayor will present a Proclamation for Geographic Information Systems the week of November 16-20 and Geographic Information Systems Day, Wednesday, November 18, 2009. The Director complimented the GIS staff for the outstanding work they have done presenting and promoting the GIS program all over the United States.

W.T. Winfield informed the Planning Commissioners that on Wednesday, December 2, 2009, he will begin the first of a series of lectures bringing authority and experts to Baton Rouge to highlight the importance of education and will be held at the McKinley Alumni Center from 6:00 to 8:00 p.m.

23. ADJOURN

Adjourned at 6:13 p.m.