Zoning Board Public Hearing: Thursday Oct. 2 2014 City Council: Introduction – 10/7/2014 Final- 10/21/2014

**Attachments:** Application, Property Information Sheet, Zoning Map, Aerial Map, Survey, Future Land Use Map, Photos, Ord#07-5045, Excerpt of prior minutes, Ord#12-5321

### **CITY COUNCIL REQUEST: (Ordinance)**

Approval to amend Ordiance#12-5321 to add the sale and consumption of high alcohol at a restaurant in an MX-C Mixed Use Commercial District by Wanda Tillis (owner) & Two Brothers Plaza (occupant) located at 900 Magazine St. (ECU2014-9-1) recommended approval with conditions by the Zoning Commission

**COUNCIL DISTRICT:** 1-Johnny Blount

### **SITE INFORMATION:**

Location (Address): 900 Magazine St.

Site Description: Lot 1A of the Gallup and Saint Subdividsion measuring 158.50' along Magazine St. and 100' along Fleet Lane. Current this lot has an existing restaurant.

Existing Zoning: MX-C Mixed Use Commercial with conditional use

**Existing Land Use:** Restaurant Future Land Use Map: Business

### **ADJACENT LAND USE AND ZONING:**

Direction Land Use/Zoning

North: Single Family Residential/RS-3 (across Magazine St)

South: Single Family Residential/RM-3 Single Family Residential/RS-3 East:

West: Single Family Residential/RS-3 (across Fleet Ln)

#### ADDITIONAL INFORMATION:

**11/6/2007:** Lot 1 (100'x108.5') was rezoned from R4 to B2 by Ord#07-5045

1/10/2012: a resubdivision was approved making original Lot 1 into Lot 1A (100'x 158.50')

11/20/2012: City Council approved Ord#12-5321 for Expanded Conditional Use allowing "Low-Alcohol" sales

and consumption located at Two Brothers Plaza

12/20/2012: Wanda Tillis became the sole owner by act of donation of Two Brothers Plaza

### **PUBLIC HEARING:**

For: Wanda Tillis (Owner)

Charles Tillis Against: None

### **REZONING FINDINGS:**

Will this diminish the value of the surrounding properties? YesNo				
) Will this alter the essential character of the neighborhood? Yes No No				
Will granting this request be detrimental to the public welfare? Yes No				
a. Light & Air? YesNo				
b. Traffic congestion or hazard? YesNo				
c. Overburden existing drainage or utilities? YesNo				
d. Emissions of odors, fumes, gasses, dust, smoke? YesNo				
e. Noise & Vibrations? YesNo				

### **ZONING COMMISSION RECOMMENDATION:**

Motion: Stanley Young recommend approval with the following conditions:

- 1) The approval is with the understanding that such is a personal right that expires upon a change in ownership being Wanda Tillis and/or occupant being Two Brothers Plaza; and
- 2) To allow the addition to "Low-Alcohol" that "High-Alcohol" permit be allowed

For: Jimmy Meyer, Sam McClugage, William Travis Against: None Absent: None

### **ORDIANCE TO READ:**

WHEREAS, on November 20, 2012 the Hammond City Council approved Ordinance #12-5321 an Expanded Conditional Use request by Two Brothers Plaza (occupant) and Charles & Wanda Tillis (owners) to allow the sale and consumption of alcohol at a restaurant in B2 District on 1A of the Gallop and Saint Subdivision located at 900 Magazine with the following conditions:1) the approval is with the understanding that such use is a personal right that expires upon a change in ownership or occupancy of the property from the current owner, Charles and Wanda Tillis or the occupant, Two Brothers Plaza; and 2) Only that a "Low-Alcohol" permit be allowed; (ECU2012-10-1)

WHEREAS, on October 2, 2014 the Zoning Commission recommended approval to amend Ordiance#12-5321 to add the sale and consumption of high alcohol at restaurant in an MX-C Mixed Use Commercial District and change in ownership to Wanda Tillis and the occupant being Two Brothers Plaza. (ECU2014-9-1)

**NOW, THEREFORE, BE IT ORDAINED**, that the City Council of Hammond, Louisiana hereby approves the amendment to Ordianace#12-5321 to allow the sale and consumption of high alcohol at a restaurant in an MX-C Mixed Use Commercial District on 1A of the Gallop and Saint Subdivision located at 900 Magazine with the following conditions:

- 3) The approval is with the understanding that such is a personal right that expires upon a change in ownership being Wanda Tillis and/or occupant being Two Brothers Plaza; and
- 4) To allow the addition to "Low-Alcohol" that "High-Alcohol" permit be allowed.

From: Jo	osh Taylo	r, Cit	y Planner	
----------	-----------	--------	-----------	--

BODIN, JR. PROFESSIONAL ALND SURVEYOR, DATED

DESCRIPTION OF LOT 6-A

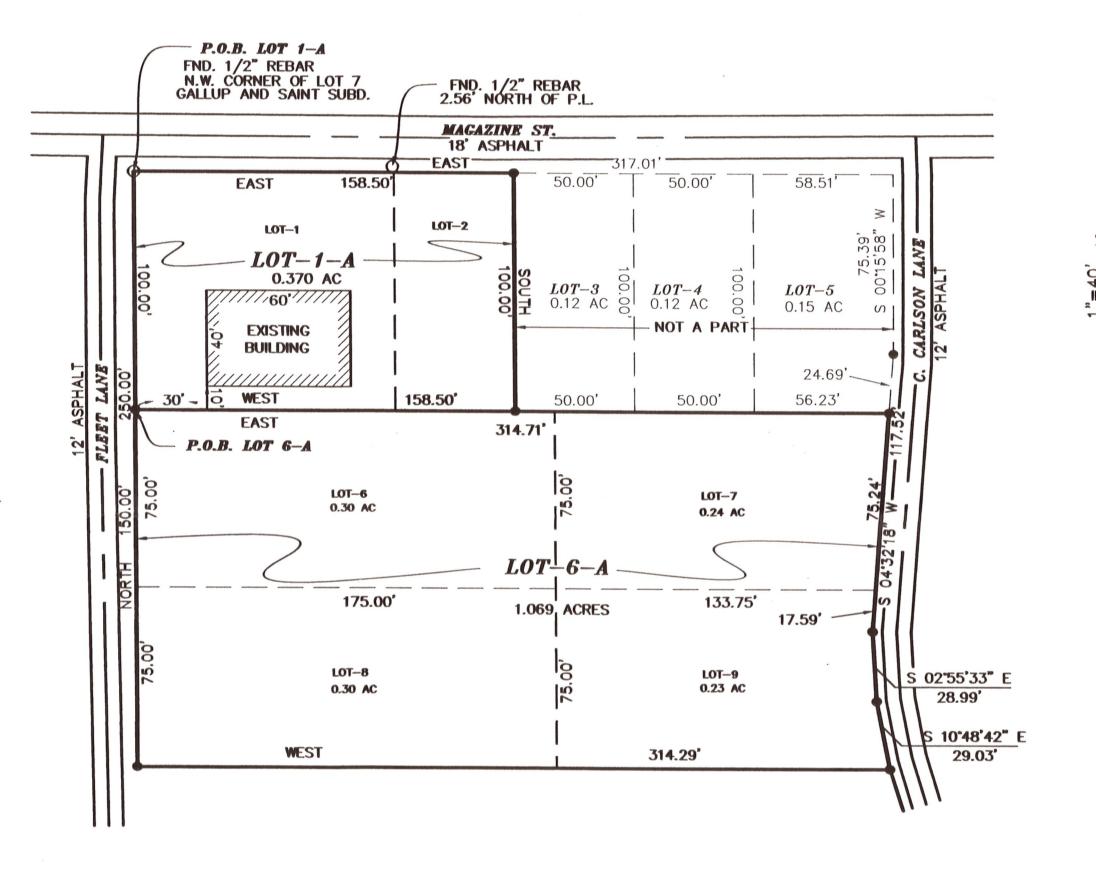
7-27-2007.

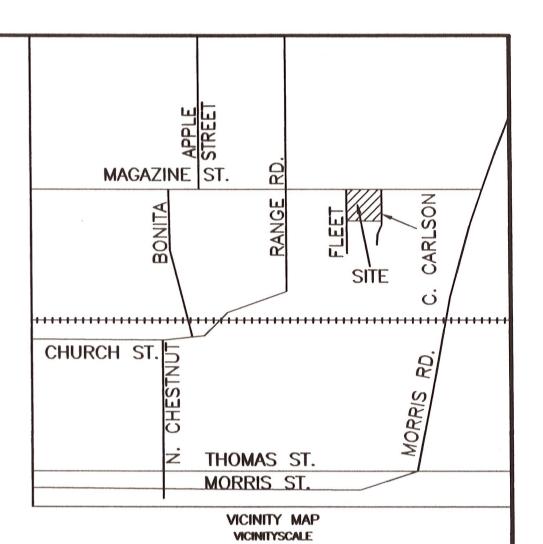
A 1.069 ACRE PARCEL OF LAND BEING THE COMBINATION OF LOTS 6, 7, 8 AND 9, OF A SUBDIVISION FOR CHARLES TILLIS BY BODIN AND WEBB INC. DATED 7-27-07. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 7 OF THE GALLUP AND SAINT SUBDIVISION, LOCATED IN THE WEST 1/2 OF THE N.W. 1/4 OF SECTION 19, T6S-R8E, THENCE PROCEED SOUTH 100.00 FEET TO THE POINT OF BEGINNING: THENCE EAST A DISTANCE OF 314.71 FEET; THENCE S 04°32'18" W A DISTANCE OF 92.83 FEET: THENCE S 02°55'33" E A DISTANCE OF 28.99 FEET; THENCE S 10°48'42" E A DISTANCE OF 29.03 FEET; THENCE WEST A DISTANCE OF 314.29 FEET; THENCE NORTH A DISTANCE OF 150.00 FEET: BACK TO THE POINT OF BEGINNING CONTAINING, 1.069 ACRES, ALL LOCATED IN SECTION 19, T6S-R8E, GREENSBURG LAND DISTRICT, CITY OF HAMMOND, PARISH OF TANGIPAHOA, STATE OF LOUISIANA. THIS DESCRIPTION IS BASED ON THE BOUNDRY SURVEY AND PLAT MADE BY WILLIAM J. BODIN, JR. PROFESSIONAL LAND SURVEYOR DATED 7-27-2007.

CHARLES TILLIS I WANDA TILLIS DATE

**ADMINISTRATIVE APPROVAL** CITY PLANNER/BUILDING OFFICIAL DISTRICT COUNCILMAN PLANNING COMMISION CHAIRMAN

RESUBDIVISION OF LOTS 6, 7, 8 AND 9 OF THE GALLOP AND SAINT SUBDIVISION INTO LOT 6-A; AND CORRECTION OF RESUBDIVISION OF LOTS 1 AND 2 OF THE GALLUP AND SAINT SUBDIVISION TO BE NAMED LOT 1-A





1.) CORRECTION OF PRIOR RESUBDIVISION OF LOT 1 & 2 OF SURVEY BY WILLIAM J. BODIN, JR. DATED 5/2/2008 RECORDED ON 5/16/2008 BOOK 1142 PAGE 713 TO GIVE NEW LOT # 1-A

2.) EXISTING BUILDING LOCATION ON LOT 1-A WAS TAKEN FROM ARCHITICUAL PLANS.

> ZONING NOTE: LOT 1-A IS ZONE B-2 LOT 1-A IS ZONE R-4

O FOUND CORNER SET 1" I.P. REFERENCE MAP #1

BY ANSIL BICKFORD DATED 9-27-1971

(FLOOD PRONE) COMMUNITY NO. 220208 MAP NO. 22105C0340F DATED: 7-22-2010

FLOOD ZONE "AE"

REFERENCE MAP #2 PLAT OF LOT 7 AND 8 PLAT OF 1.8 ACRES BY BODIN AND WEBB INC. DATED 7-27-2007

THIS SURVEY WAS PERFORMED BY MYSELF OR UNDER MY DIRECT SUPERVISION AND CONTROL AND REPRESENTS AN ACTUAL GROUND SURVEY OF A 0.370 & 1.069 ACRE PARCELS OF LAND CERTIFYING THAT NO ENCROACHMENTS WERE FOUND TO EXIST EITHER WAY ACROSS ANY PROPERTY LINES OTHER THAN SHOWN, ALL LOCATED IN SECTION 19, T6S-R8E, GREENSBURG LAND DISTRICT, CITY OF HAMMOND, PARISH OF TANGIPAHOA, STATE OF LOUISIANA.

CERTIFICATION: THIS IS TO CERTIFY THAT THIS MAP IS MADE IN ACCORDANCE WITH LOUISIANA REVISED STATUTES 33:5051 AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND. THIS MAP IS MADE IN ACCORDANCE WITH THE MIMINUM STANDARDS FOR BOUNDARY SURVEYS FOR CLASS "C" SURVEYS.

LA. REG. NO. 4253

11-21-11 REVISED TO MAKE LOT-1 AND LOT-2 INTO LOT 1-A AND LOT 6, ?, 8 AND 9 INTO LOT 6-A W.J.B. W.J.B. 12-20-11 REVISED TO MAKE CORRECTIONS TO PRIOR PLAT. BY PH# (985) 345-3947 DATE REVISION

BODIN AND WEBB, INC. CONSULTING ENGINEERS 1024 S. CYPRESS HAMMOND, LOUISIANA 70403

C.D.B. CHECKED: W.J.B. SCALE: 1"=40" FAX# (985) 345-0213

SURVEY FOR: CHARLES E. TILLIS III & WANDA TILLIS 900 MAGAZINE STREET, HAMMOND, LA. 70401

PROJECT NO. SHEET NO.

900 Magazine St. ECU2014-9-1







900 Magazine St. ECU2014-9-1





Tangi Clerk BK 1299 PG 617 inst # 888368 12/18/12



# CITY OF HAMMOND ORDINANCE N° 12-5321 C.S. Charles and Wanda Tillis Expanded Conditional Use (ECU2012-10-1)

BE IT ORDAINED by the City Council of Hammond, Louisiana, that: An Ordinance has been approved to grant an Expanded Conditional Use requested by Two Brothers Plaza (occupant) and Charles & Wanda Tillis (owners) to allow the sale and consumption of alcohol at a restaurant in a B2 District on 1A of the Gallop and Saint Subdivision located at 900 Magazine St. (ECU2012-10-1)

WHEREAS, on November 1, 2012 the Zoning Commission held a public hearing on Expanded Conditional Use

Case#ECU2012-10-1 request by request by Two Brothers Plaza (occupant) and Charles & Wanda Tillis (owners) to allow the sale and consumption of alcohol at a restaurant in a B2 District on 1A of the Gallop and Saint Subdivision located at 900 Magazine St. and found that this request meets all of the requirements of an Expanded Conditional Use as defined in Sec. 8 of the Zoning Code.

NOW, THEREFORE, BE TO ORDAINED, that the City Council of Hammond, Louisiana hereby approves the Expanded Conditional Use request by Two Brothers Plaza (occupant) and Charles & Wanda Tillis (owners) to allow the sale and consumption of alcohol at a restaurant in a B2 District on 1A of the Gallop and Saint Subdivision located at 900 Magazine Street, with the following conditions:

- 1) And the approval is with the understanding that such use is a personal right that expires upon a change in ownership or occupancy of the property from the current owner, Charles and Wanda Tillis or the occupant, Two Brothers Plaza: and
- 2) Only that a "Low-Alcohol" Permit be allowed

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on November 7<sup>st</sup>, 2012 of the Hammond City Council and discussed at a public meeting held on November 20<sup>th</sup>, 2012; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Johnny Blount and Second by Robert "Bobby" Martin the foregoing ordinance was hereby declared adopted on **November 20<sup>th</sup>**, **2012** by the following roll call vote:

<u>Votes:</u> Johnny Blount (Y) Jason Hood (Y) Robert "Bobby" Martin (Y) Lemar Marshall (Y) Mike Williams (A) Motion carried approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this 20<sup>th</sup>, Day of
November, in the year 2012, at Hammond, Tangipahoa Parish, Kouisiana.

Honorable Mayson H. Foster

Wayor, City of Hammond

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to

Hammond Efforcation of Receipt Received from the

Mayor of the City of Hammond on the 26 day of Normby in the year 2012 at 4:10 o'clock P.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Anotte Kiryle, Clerk
Hammond City Council

Anette Kirýlu, Cierk of Hammond City Council

calendar days after adeption, exclusive of weahered

and state heliforn

the Mayor of the City of Herrical ca (2)
6 day of November, in the year 2012
0 clock P.m. said delivery being within three (3)

### CITY OF HAMMOND ORDINANCE NO. 07-5045 C.S.

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An Ordinance has being accepted to rezone property at 900 Magazine St. (Lot 1)

Final Adoption of an Ordinance to approve a rezoning request for Charles E. Tillis, for property located at 900 Magazine St. (Lot 1). Request rezoning from R4 to B2. As recommended by the Planning and Zoning Commission on October the 4th 2007.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on October 16, 2007 of the Hammond City Council and discussed at a public meeting held on November 6, 2007; after motion and second was submitted to the official vote of the Hammond City Council.

Votes: Johnny Blount (N) Jason Hood (Y) Mike Williams (Y) Kathy Montecino (Y). Willie Jackson (A) Motion carried.

4 Yeas

0 Nays

1 Absent

WHEREFORE the above and foregoing ordinance was declared duly adopted on this 6th day of November, in the year 2007, at Hammond, Tangipahoa Parish, Louisiana.

Kathy Monteoino

President, Hammond City Council

Honorable Mayson H. Foster Mayor City of Hammond

Alma Mitchell, Acting Clerk

Hammond City Council

CERTIFICATE OF DELIVERY

In accordance with Home Rule Charter Article II. Section 2-12 (A), the above Ordinance was delivered to

the Mayor of the City of Hammond on the , in the year

.m. said delivery being within three (3) calcuda: days after adeption, exclusive of weekends

and state aolidays.

Anette Kirylo, Clerk of Hammond City Council

Recordation of Receipt Received from the ZMayor of the City of Hammond on

\_ in the year o'clock .nt., in accordance with

Home Kule Churter Article Section 2-12 (B). Uma

Anette Kirylo, Clerk

Hammond City Council

# PUBLIC NOTICE A PUBLIC MEETING OF THE HAMMOND PLANNING AND ZONING COMMISSION 312 EAST CHARLES STREET City Council Chamber

AGENDA for OCTOBER 4, 2007 5:00 P.M.

### CALL MEETING TO ORDER:

ROLL CALL: Jimmy Meyer ( ), Stanley Young ( ), Jarrod Goudeau ( ), Louise Bostic ( ), William Travis ( )

### **OLD BUSINESS**

1. Approval of minutes from meeting held September 6, 2007

### **NEW BUSINESS**

- 1. Rezoning application for Charles E. Tillis, for property located at 900 Magazine St. (Lot 1). Request rezoning from R4 to B2.
- 2. Minor Subdivision request for Charles E. Tillis, for property located at 900 Magazine St., for Single Family, Multi Family, & Hamburger Stand
- 3. Variance request for Needham C. Dillon Jr., for property located at 1627 M.C. Moore Rd. To allow 7 foot Lot Variance (43 ft wide, should be 50 ft wide) to place a 2007 Trailer.
- 4. Variance request for Sam Ciolino Properties, 200-206 West Clark St, (Lots 34–37 of Blk 3)
- 5. Minor Subdivision request for Sam Ciolino Properties, located at 200, 202, 204, and 206 W. Clark St. for single family.
- 6. Minor Subdivision request for Smokey Properties, LLC, located at 47081 Conrad Anderson Dr., to be split into Tract A -3.953 acres, and Tract B -1.009 acres, for Industrial use.

# HAMMOND PLANNING AND ZONING COMMISSION MINUTES OCTOBER 4, 2007

Roll Call: Stanley Young (P), Jarrod Goudeau (A), Louise Bostic (P), Jim Meyer (Y), William Travis (P).

### **OLD BUSINESS**

1. Approval of minutes from meeting held September 6, 2007.

After careful review of the minutes it was motioned by Louise Bostic and seconded by William Travis to approve the minutes without corrections. All members were in favor.

### **NEW BUSINESS**

1. **Rezoning** application for Charles E. Tillis, for property located at 900 Magazine St. (Lot 1). Request rezoning from R4- to B2.

Charles Tillis was present in favor of the rezoning. The floor was opened for anyone in opposition of the rezoning and Ms. Mary Stuart was present and not in favor of a business that would bring in increased traffic both vehicle and foot traffic. She stated that she was not notified of the rezoning. After discussing the issue it was determined that the business will be located on a different street front that Ms. Stuart understood it to be. The location is farther away from Ms. Stuart's home. Mr. Tillis explained that he only wanted to sell hamburgers, sodas and other food items, but no alcohol.

It was motioned by Stanley Young and seconded by Jim Meyer to **approve a B-2 zoning with no alcohol sold or allowed on the property**. Votes: Louise Bostic (Y), Stanley Young (Y), William Travis (Y), Jim Meyer (Y). Motion carried.

2. **Minor Subdivision** request for Charles E. Tillis, for property located at 900 Magazine St., for Single Family, Multi Family, & Hamburger Stand. According to survey of Bodin and Webb of 7-21-99 there are 9 lots of records. The property owner, Mr. Charles Tillis, is asking to establish a hamburger shop on a piece of the property. After discussion and review by the Board the floor was opened for anyone in opposition and there was no one present in opposition at that time.

It was motioned by Stanley Young and seconded by William Travis to **approve** the minor subdivision. Votes: Jim Meyer (Y), William Travis (Y), Stanley Young (Y), Louise Bostic (Y). Motion carried.

3. Variance request for Needham C. Dillon Jr., for property located at 1627 M.C. Moore Rd. To allow 7 foot Lot Variance (43 ft wide, should be 50 ft. wide) to place a 2007 trailer. The floor was opened for discussion and there was no one present in opposition at that time. Mr. Dillon is requesting an 8' variance for lot width.

The Board discussed the issue and Louise Bostic motioned to **approve** the variance request and Stanley Young seconded the motion. Votes: Williams Travis (Y), Louise Bostic (Y), Jim Meyer (Y), Stanley Young (Y). Motion carried.

Items #4 and #5 were withdrawn at the request of the property owner according to Greg Drudge, developer. All Board members were in favor of with drawing items #4 and #5. (Withdrawn)

- 4. Variance request for Sam/Charles Ciolino Properties, 200-206 West Clark St, (Lots 34-37 of Blk 3). (Withdrawn)
- 5. **Minor Subdivision** request for Sam/Charles Ciolino Properties, located at 2 Properties, located at 200, 202, 204, and 206 W. Clark St. for single family. (Withdrawn)

6. **Minor Subdivision** request for Smokey Properties, LLC, located at 47081 Conrad Anderson Dr., to be split into Tract A-3.953 acres, and Tract B-1.009 acres, for industrial use. The floor was opened for opposition and there was no one present in opposition at that time.

It was motioned by William Travis and seconded by Stanley Young to **approve** the minor subdivision request. Votes: William Travis (Y), Louise Bostic (Y), Stanley Young (Y), Jim Meyer (Y). Motion carried.

It was motioned by Stanley Young to adjourn, William Travis seconded the motion. All rnembers were in favor.

Certification of Secretary

I, Alma Mitchell Recording Secretary of

The Hammond Zoning and Planning Commission do hereby certify that the above and foregoing Is a true and correct recitation of the business transacted at the regular meeting of the Hammond Zoning & Planning Commission

held October 4, 2007

## CITY OF HAMMOND 219 E. ROBERT ST, HAMMOND, LA 70401 / PHONE: (985) 277-5649 - FAX: (985) 277-5638 FILING DATE: 4 / PERMIT#ECU 7014 The next Zoning Commission Meeting will be held on at 5:00pm in the City Council Chambers, 312 E. Charles Street. Application to be submitted to the Planning Department according to the deadline This Application for: ☐ REZONING CONDITIONAL USE: ☐ EXPANDED --OR-- ☐ RESTRICTED ☐ INITIAL ZONING/ANNEXATION REZONING FEE: 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# SITE ADDRESS Legal Description or Survey PROPERTY OWNER NAME: Owner Address: Telephone: or Cell #: PLEASE READ AND SIGN BELOW APPLICANT NAME: COMPANY NAME: □Owner □Other Applicant Mailing Address: or Cell #: **985**) Applicant Telephone: PERMIT INFO-ADDITIONAL INFO MX-N MX-CMX-CBD C-N C-H C-R I-H I I-L PRESENT ZONING: RS-3 RS-5 RM-2 RS-8 RS-11 RM-3 RP RS-11.A S-1 S-2 SC **REQUESTED ZONING:** MX-N MX-C MX-CBD C-N C-H C-R I-H I I-L RS-3 RS-5 RM-2 RS-8 RS-11 RM-3 RP RS-11.A S-1 S-2 SC **REASON FOR REZONING:** 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 or furthering the comprehensive zoning plan. Spot zoning is discouraged in Hammond District. I/We fully I/We being the legal owner(s) request zoning of my property from a \_ District to a 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, ALL FEES PAID, AND ALL REQUIRED DOCUMENTS RECEIVED BEFORE THIS APPLICATION WILL BE ACCEPTED ON THE AGENDA FOR THE CITY OF HAMMOND ZONING COMMISSION WNER(S)SIGNATURE CITY PLANNER DATE \*\*\*\*\* FOR OFFICIAL USE \*\*\*

APPLICATION FOR REZONING, CONDITIONAL USE, OR INITIAL ZONING

**OUNT PAID \$** 

CHECK#

CASH

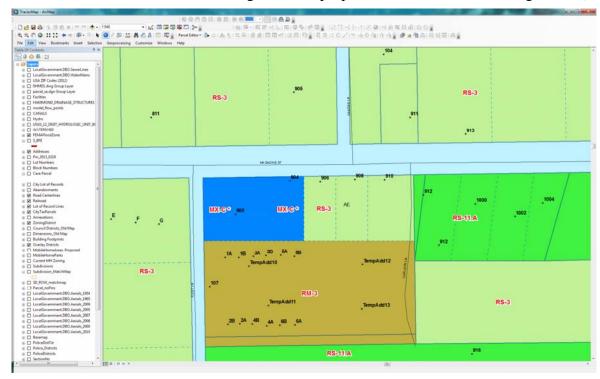
DATE PAID

### PROPERTY INFORMATION SHEET

Type of Permit	<b>ECU</b> Date: 9/10/2014
Permit/Case #	ECU2014-9-1
Parcel #	2796721002.00
Address	900 MAGAZINE
Owner	WANDA TILLIS
Assessment #	1715100
Zoning	MX-C
Overlay District	NO
Flood Zone	AE-ELEVATION CERT REQUIRED
Flood Way	NO
Holds/Taxes	ECU/None
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	S





900 Magazine St.

ECU2014-9-1

Legend

Case Parcel





900 Magazine St.

Legend

Case Parcel