



Staff Report

Rezoning

Case #: Z-2020-07-00079

Attachments:

Staff Report, Site Photos, Survey, Ord#10-5217 & 17-5540, MX-C Zoning Uses, Application, Future Land Use Map, Zoning Map, Aerial Map

Zoning Commission Public Hearing: Thursday, December 3, 2020

City Council Introduction: Tuesday, December 8, 2020

City Council Final: Tuesday, December 22, 2020

City Council Request (Ordinance):

Introduction for an Ordinance to rezone property located at 807 E. Church Street currently zoned as RM-2 Expanded Conditional Use to allow prepared food to MX-C request by Anthony Perkins (Z-2020-07-00079) Recommend approval by Zoning Commission 2-1 vote

Site Information:

Location (Address): 807 E Church St

Council District: City Council District 1

Existing Zoning: RM-2*ECU

Future Land Use: Low Density Residential

Existing Land Use: Grill/Catering

Site Description:

Property located on E. Church St. Existing Tee-Pee's Grill & Catering. Located in flood zone

Adjacent Land Use and Zoning:

Direction:	Land Use/Zoning:
North	RM-2/Single Family
South	RM-2/ Undeveloped
West	RM-3/New construction Duplex
East	RM-2/ Single Family

Additional Information:

July 8, 2010: Mr. Perkins applied for rezoning from R5 to RS. This rezoning was denied, but an Expanded Conditional Use to allow a snowball stand/sweetshop was approved with conditions: (Ord#10-5217)

1) That the snowball stand/sweetshop meets all the conditions of the definitions of these two uses as defined in Section 8 Definitions of the zoning code including the requirements that allowable items are sold for consumption off the premises; that there is no customer seating and the use is no more than 200 sq. ft. in area;

2) That a city license is obtained; and

3) That the expanded conditional use expires upon a change in ownership of the property or the use.

The recommendation by the Zoning Commission to allow for an ECU (Expanded Conditional Use) instead of rezoning was due to the fact that rezoning would allow for other uses. These other uses could negatively impact the neighborhood, and that the ECU would allow Mr. Perkins to do business.

AND the rezoning request was considered a "Spot Zoning" which is discouraged in Hammond and per State Law.

October 2017: Mr. Perkins applied to revise the previously approved ECU Ord#10-5217 to allow him to prepare food that the snowball stand/sweet shop definitions did not allow. He was approved to allow prepared food at this location by Ord#17-5540.

August 2020: Mr. Perkins has applied to rezone his property to commercial. He has not stated which commercial zoning he wants to request. All the commercial zoning districts allow for multiple uses including the sale and consumption of alcohol, apts, offices, medical, personal services, convenience stores w/wo gas, all vehicle services, lumber yards, and many other uses.

UDC Definition of ECU states "ECU is a personal right and expires upon a change in ownership of the property from the person or persons originally granted the conditional use.

The future land use map that guides development in the City shows this area as Low Density Residential.

September 10, 2020: Mr. Perkins asked to table his request.

Public Hearing:

For: Anthony Perkins (owner)

Against: NONE

Commission Recommendation:

Motion: recommend approval (2-1 Vote)

For: William Travis, Kylan Douglas

Against: Matt Sandifer

Abstain: NONE

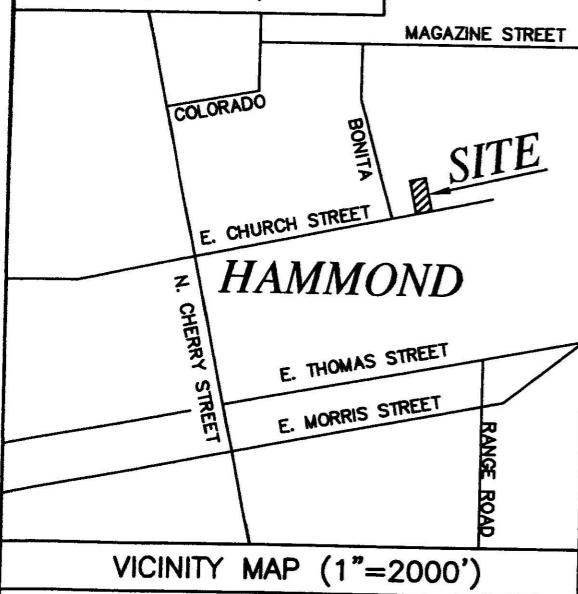
Absent: Jimmy Meyer, Jeffrey Smith











NOTE
 FENCE ON EAST SIDE TO BE MOVED TO PROPERTY LINE.
 ● SET 1" IRON PIPE
 ◎ 1/2" I.P. FOUND
 FLOOD ZONE "AE"
 (FLOODWAY-FLOODPRONE)
 MAP NO. 220208-0002-D
 DATED: 7-21-99

Ord # 10-5217
 recorded 9/7/2010
 MOB 1222 Pg 401
 inst # 837098

DESCRIPTION OF PROPERTY

BEGIN AT THE SOUTHWEST CORNER OF LOT 6, KENMORE ADDITION TO THE CITY OF HAMMOND, THENCE PROCEED N 14°30'00" W A DISTANCE OF 284.00'; THENCE N 75°30'00" E A DISTANCE OF 60.00'; THENCE S 14°30'00" E A DISTANCE OF 284.00'; THENCE S 75°30'00" W 60.00'; RETURNING TO THE P.O.B., AND CONTAINING 0.39 ACRES, ALL LOCATED IN SECTION 24, T6S-R7E, CITY OF HAMMOND, TANGIPAHOA PARISH, LOUISIANA.

REFERENCE MAP

PLAT OF ABANDONED RIGHT OF WAY BY ROY EDWARDS DATED 9-3-99

MAY 26, 2004

A PLAN OF AN ACTUAL GROUND SURVEY OF A 0.39 ACRE PARCEL OF LAND, ALSO BEING LOT 6, AND THE EAST 1/3 OF LOTS 7, 8, 9, 10, KENMORE ADDITION, AND 30' OF AN ABANDONED RIGHT OF WAY, CERTIFYING THAT NO ENCROACHMENTS WERE FOUND TO EXIST EITHER WAY ACROSS ANY PROPERTY LINES OTHER THAN SHOWN, ALL LOCATED IN SECTION 24, T6S-R7E, CITY OF HAMMOND, TANGIPAHOA PARISH, LOUISIANA.

THIS PERIMETER SURVEY SHALL NOT CONSTITUTE A LEGAL OPINION OF TITLE, AND SHALL NOT BE RELIED UPON FOR THAT PURPOSE. THERE IS NO WARRANTY THAT IT CONFORMS TO A LEGAL TITLE, AND WAS MADE SOLELY ACCORDING TO INFORMATION PROVIDED THE SURVEYOR. SURVEY MADE AT THE REQUEST OF ANTHONY PERKINS.

THIS SURVEY COMPLIES WITH THE LOUISIANA "MINIMUM STANDARDS" FOR A CLASS "C" SURVEY.

SURVEY FOR:

ANTHONY PERKINS

Wm. J. Bodin, Jr.
JUNE 17, 2010
 REVISED TO CORRECT DESCRIPTION AND ACREAGE.

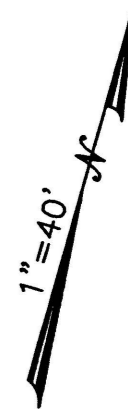
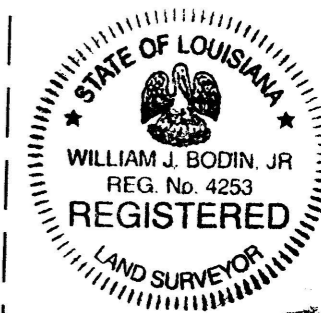
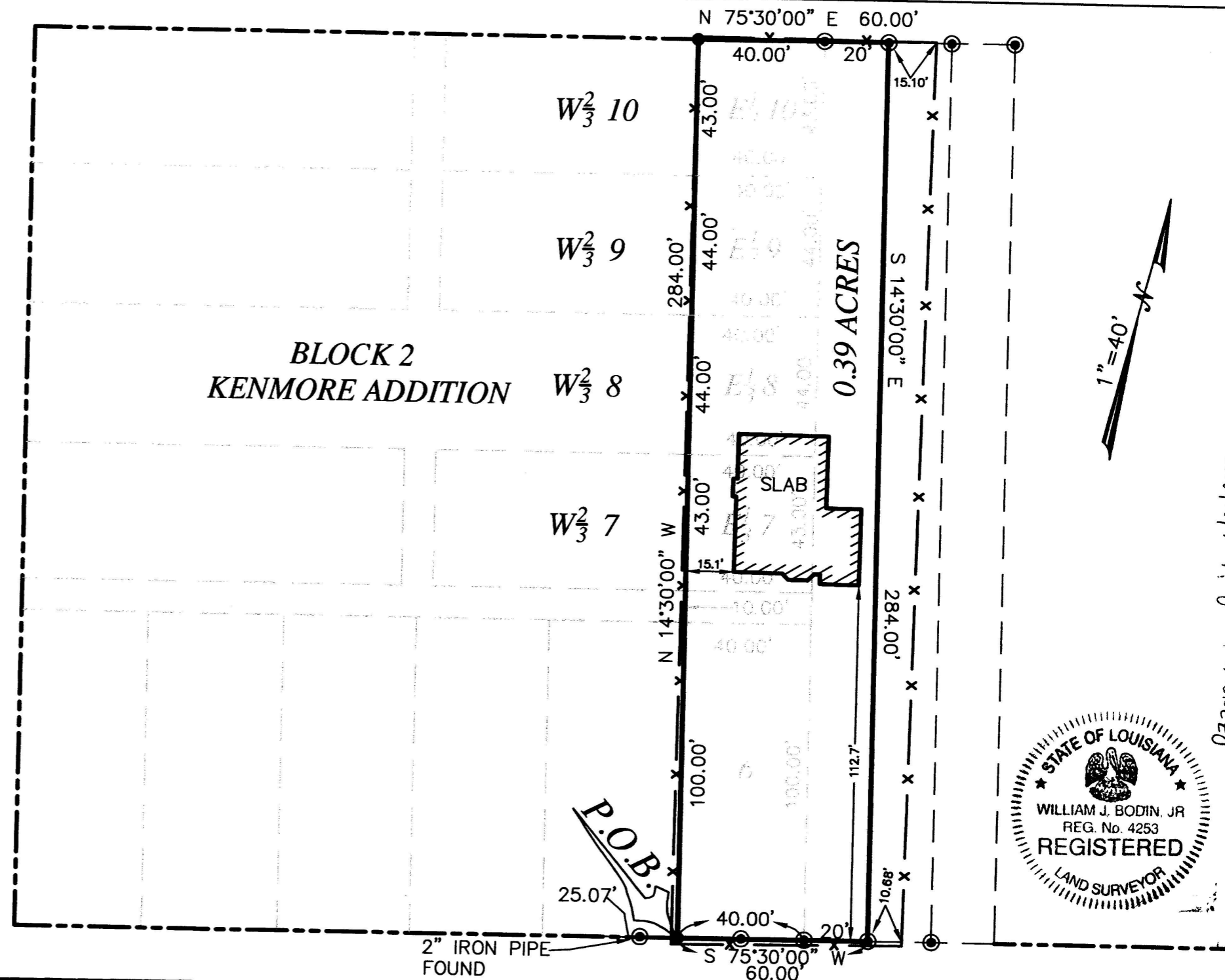
Wm. J. Bodin, Jr.
MARCH 14, 2006
 REVISED TO SHOW SLAB LOCATION

Wm. J. Bodin, Jr.
FEBRUARY 15, 2010
 REVISED TO SHOW CORRECTION TO EAST PROPERTY LINE

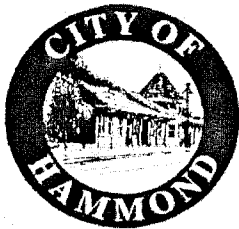
Wm. J. Bodin, Jr.
 BODIN AND WEBB, INC.
 ENGINEERS & SURVEYORS
 1024 S. CYPRESS ST.
 HAMMOND, LA 70403

BONITA STREET

E. CHURCH STREET



R22010-16-1 Recd 6/21/2010



**CITY OF HAMMOND
ORDINANCE N° 10-5217 C.S.**

**Expanded Conditional Use for Anthony Perkins
809 East Church for a snowball stand/sweetshop**

WHEREAS, it is in the interest of the City to support walkable communities where goods and services are within walking distance and there are no stores within walking distance where sodas, snowballs or snacks are available,

NOW THEREFORE BE IT ORDAINED, that the City Council hereby approves an Expanded Conditional Use for a snowball stand/sweet shop as an accessory use on the site of the single-family home at 809 East Church Street (being Lot 6, and the east 1/3 of Lots 7, 8, 9, & 10 in Block 2 of the Kenmore Addition and the west 20' of the revoked 60' Campo Street right-of-way as shown on the survey by William J. Bodin Jr. dated revised 6/17/2010 attached hereto and made a part hereof, with the following stipulations:

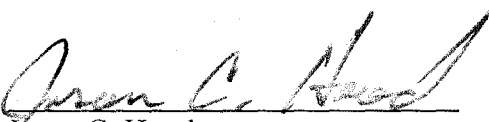
1. That the snowball stand/sweetshop meets the conditions of the definitions of these two uses as defined in Section 8-Definitions of the zoning code including the requirement that allowable items are sold for consumption off the premises; that there is no customer seating and the use is no more than 200 square feet in area;
2. That a city license is obtained; and
3. That the expanded conditional use expires upon a change in ownership of the property or the use.

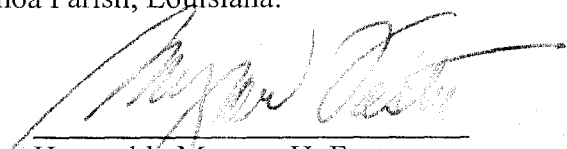
The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **July 20th, 2010** of the Hammond City Council and discussed at a public meeting held on **August 17th 2010**; after motion and second was submitted to the official vote of the Hammond City Council.

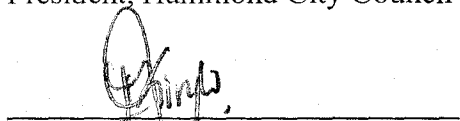
On motion by Johnny Blount and Second by Willie Jackson the foregoing ordinance was hereby declared adopted on **August 17th 2010** by the following roll call vote:

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

WHEREFORE the above and foregoing ordinance was declared duly adopted on this **17th Day of August, in the year 2010**, at Hammond, Tangipahoa Parish, Louisiana.

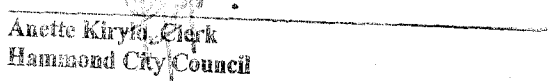

Jason C. Hood
President, Hammond City Council

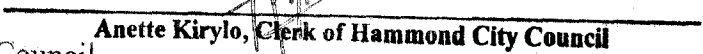

Honorable Mayson H. Foster
Mayor, City of Hammond


Anette A. Kirylo, 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 18 day of August, in the year 2010 at 10:43 o'clock a.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

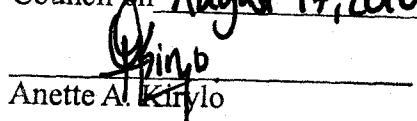
Recordation of Receipt Received from the Mayor of the City of Hammond on the 18 day of August in the year 2010 at 10:43 o'clock a.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).


Anette Kirylo, Clerk
Hammond City Council


Anette Kirylo, Clerk of Hammond City Council

I Anette A. Kirylo, Clerk of the Council, do certify that this is a true and correct copy of Ordinance# 10-5217 C.S. Adopted by the Hammond City Council on August 17, 2010.

recorded 9/7/2010
MOB 1222 PS 401
inst # 837698


Anette A. Kirylo



ORDINANCE No. 17-5540 C.S.

An ordinance to Amend Ordinance #10-5217 an Expanded Conditional Use to allow prepared food located at 809 E. Church Street requested by Anthony Perkins; Zoned RM-2 (Z-2017-09-00041).

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

NOW THEREFORE BE IT ORDAINED, that the City Council hereby approves an Expanded Conditional Use to allow prepared food located at 809 E. Church Street requested by Anthony Perkins; Zoned RM-2 (Z-2017-09-00041).


The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on **September 26, 2017** of the Hammond City Council and discussed at a public meeting held on **October 10, 2017**; after motion and second was submitted to the official vote of the Hammond City Council.

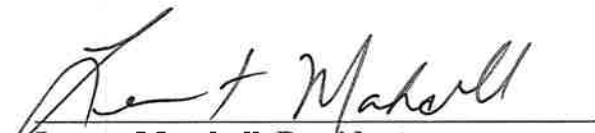
On motion by Mike Williams and a Second by Janice Carter Beard, the foregoing ordinance was hereby declared adopted on **October 24, 2017**, by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (A) Janice Carter Beard (Y) Lemar Marshall (Y), Mike Williams (Y) Motion carried approved

WHEREFORE the above and foregoing ordinance was declared duly adopted on this **24th day of October, in the year 2017**, at Hammond, Tangipahoa Parish, Louisiana.

ATTEST:


Tonia Banks Clerk,
Hammond City Council


Lemar Marshall, President
Hammond City Council


Honorable, Mayor Pete Panepinto

INTRODUCED: September 26, 2017

PUBLISHED: October 25, 2017

ADOPTED: October 10, 2017

DELIVERED TO MAYOR: October 30th, 2017

APPROVED BY MAYOR: October 31st, 2017

RECEIVED FROM MAYOR: October 31st, 2017

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY


CLERK OF COUNCIL

APPLICATION FOR REZONING, CONDITIONAL USE, OR INITIAL ZONING

CITY OF HAMMOND

219 E. ROBERT ST, HAMMOND, LA 70401 / PHONE: (985) 277-5649 - FAX: (985) 277-5638

FILING DATE: 7/27/2020

PERMIT# Z-2020-17-00079

The next Zoning Commission Meeting will be held on Sept. at 5:00pm in the City Council Chambers, 312 E. Charles Street. Application to be submitted to the Planning Department according to the deadline schedule.

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

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#
SITE ADDRESS: 807 East Church Street
Legal Description or Survey
PROPERTY OWNER NAME: Anthony W Perkins
Owner Address: 809 East Church St. Hammond LA 70401
Telephone: () or Cell #: 985 510-0434

PLEASE READ AND SIGN BELOW

APPLICANT NAME: Anthony W. Perkins
COMPANY NAME: TEE-PEE'S Grill & Catering
Applicant Mailing Address: 809 East Church Hammond LA 70401
Applicant Telephone: (985) 520-5198 or Cell #: (985) 510-0434

PERMIT INFO-ADDITIONAL INFO
PRESENT 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
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

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, ALL FEES PAID, AND ALL REQUIRED DOCUMENTS RECEIVED BEFORE THIS APPLICATION WILL BE ACCEPTED ON THE AGENDA FOR THE CITY OF HAMMOND ZONING COMMISSION.

X Anthony W. Perkins APPLICANT SIGNATURE DATE 7/27/20
X Anthony W. Perkins OWNER(S) SIGNATURE DATE 7/27/20
X CITY PLANNER DATE

AMOUNT PAID \$ 120.00 CHECK# 1183 CASH [] DATE PAID 7/27/2020

12. Country Club
 13. All indoor recreation except sexually oriented business
 14. All medical
 15. All office
 16. Overnight lodging
 - a. Bed and Breakfast
 17. Services
 - a. All personal services
 - b. Tanning bed facilities
 - c. Barber and beauty shops
 - d. Florists
 - e. Mortuary
 - f. Real Estate office
 - g. Banks, financial institutions
 - h. Dry Cleaning
 18. Animal Care
 - a. Animal hospital with side and rear yards of at least 20 feet each. The rear yard shall be at least 40 feet where there is adjacent residential zoning.
 19. All restaurant
 20. All retail sales
 21. Art Studio/gallery, no including tattoo parlors
 22. Convenience store without gas
 23. Convenience store with gas
 24. All vehicle sales and services
 25. All water oriented sales and services
 26. All research and development
 27. All vehicle services
 28. Off street parking
 29. Reception/Banquet Hall
 30. Cemeteries and/or Memorial Gardens
- B. Conditional Uses
1. Tattoo parlor
 2. Major utilities
 3. Commercial parking lots and garages
 4. All outdoor recreation
 5. Sweet Shop
- C. Accessory Uses
1. Gardens for non-commercial purposes
 2. Storage garages and parking lots for use solely by occupants and guests of the premises.
 3. Tennis courts, swimming pools
 4. Radio and television towers incidental to a permitted use
 5. Incidental storage not to exceed 40 percent of the floor area
 6. Home occupations

C. MX-C Commercial Mixed Use

MX-C is intended to provide for a variety of residential, retail, service, and commercial uses. While MX-C accommodates commercial uses, the inclusion of residential and employment uses are strongly encouraged in order to promote live-work and mixed use opportunities.

B. Allowed Uses

1. Detached Living (Single-Family Dwelling)
2. Attached House

3. Modular without chassis
 4. Row Houses
 5. Apartments (multi-family dwelling)
 6. Group living
 7. Social Services
 8. Civic Uses
 9. Parks and open space
 10. Minor utilities
 11. Day Care
 12. Country Club
 13. All indoor recreation except sexually oriented business
 14. All medical
 15. All office
 16. All overnight lodging
 - a. Bed and Breakfast
 17. Services
 - a. All personal services
 - b. Tanning bed facilities
 - c. Barber and beauty shops
 - d. Florists
 - e. Mortuary
 - f. Real Estate office
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 - h. Dry Cleaning
 18. Animal Care
 - a. Animal hospital with side and rear yards of at least 20 feet each. The rear yard shall be at least 40 feet where there is adjacent residential zoning.
 19. All restaurant
 20. All retail sales
 21. Art Studio/gallery, no including tattoo parlors
 22. Convenience store without gas
 23. Convenience store with gas
 24. All vehicle sales and rentals
 25. All water oriented sales and services
 26. All light industrial
 - a. Bottling plant
 - b. Publishing establishment, printing plant
 - c. Canning and preserving foods
 - d. Lumber yard as part of retail establishment
 - e. Contractor's storage yard
 - f. Carpentry shop
 - g. Any retail or wholesale use not the storage above ground of petroleum and other inflammable liquids in excess of 100,000 gallons.
 27. All research and development
 28. All self-storage
 29. All vehicle services
 30. Off street parking
 31. Reception/Banquet Hall
 32. Cemeteries and/or Memorial Gardens
- D. Accessory Uses
1. Gardens for non-commercial purposes
 2. Storage garages and parking lots for use solely by occupants and guests of the premises.
 3. Tennis courts, swimming pools

4. Radio and television towers incidental to a permitted use
 5. Incidental storage not to exceed 40 percent of the floor area
 6. Home occupations
 7. Sale of alcohol in conjunction with a full-service restaurant
- E. Conditional Uses
1. Tattoo parlor
 2. Major utilities
 3. Commercial parking lots and garages
 4. All outdoor recreation
 5. Sweet Shop

6.1.4 Commercial

A. C-N Commercial Neighborhood

The C-N Neighborhood Commercial District is a non-industrial commercial area more restrictive than other Commercial districts and allowing multi-family residential uses. The C-N district allows buildings up to three stories in height.

A. Permitted Uses

1. Detached Living (Single-Family Dwelling)
2. Attached House
3. Row Houses
4. Modular without chassis
5. Apartments (multi-family dwelling)
6. Group living
7. Social Services
8. Civic Uses
9. Parks and open space
10. Minor utilities
11. Day Care
12. Country Club
13. All indoor recreation except sexually oriented business
14. All medical
15. All office
16. Overnight lodging
 - a. Bed and Breakfast
17. Services
 - a. All personal services
 - b. Tanning bed facilities
 - c. Barber and beauty shops
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 - f. Real Estate office
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18. Animal Care
 - a. Animal hospital with side and rear yards of at least 20 feet each. The rear yard shall be at least 40 feet where there is adjacent residential zoning.
19. All restaurant
20. All retail sales
21. Art Studio/gallery, no including tattoo parlors
22. Convenience store without gas

- 1 Anthony Musacchia Jr. Et Al.
- 2 Robin Williams 802 Hope St. Hammond
- 3 Uplander Dangerfield 801 Hope St. Hammond, LA
- 4 Debra Kay Roberts 315 Wilbert Dangerfield Drive
45335 E. Hoover Alley
- 5 Juli Jordan ~~1211 Mc Moore Rd. Hammond~~
- 6 Wesley ~~_____~~ 1201 Mc Moore Rd
- 7 Demeka Jordan 1307 Mc Moore Rd Hamms LA 70410
- 8 Jason Edman 1213 Mc Moore Rd Hammond LA 70401
- 9 Pamela Duff 1307 Mc Moore Rd Hamms LA 70410
- 10 Tele Hayes 1211 Mc Moore Rd
- 11 Ruth Cate 801 East Illinois St.
- 12 Nancy Jordan 45335 E Hoover Alley
- 13 Alyse Jordan 45335 E Hoover Alley
- 14 Bobby Jones 808 E. Louisiana Ave.

15. Reginald Smith 310 N. BARONNE Ponchartraine, La. 70459

16. John Burton 503 Campo St.

17.

18.

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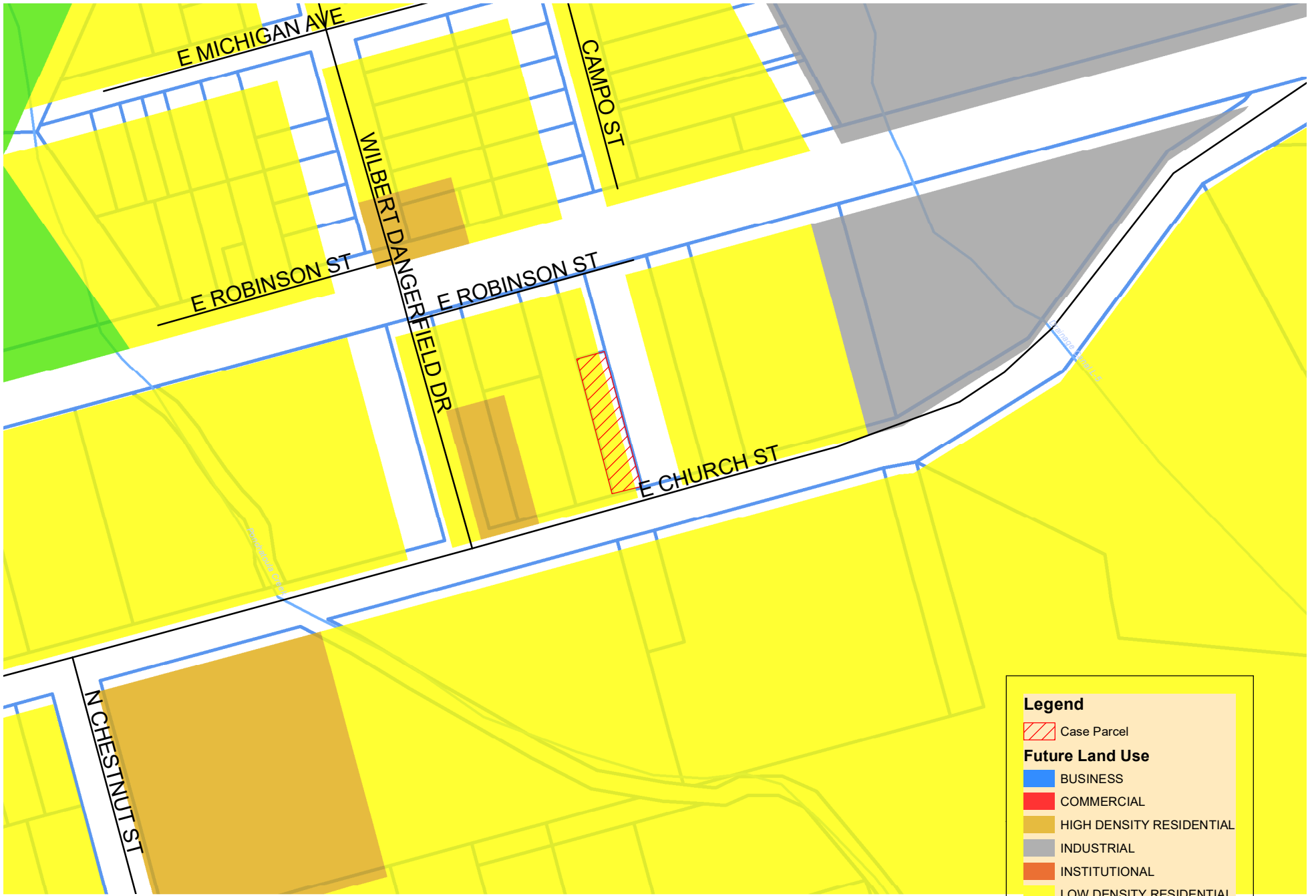
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







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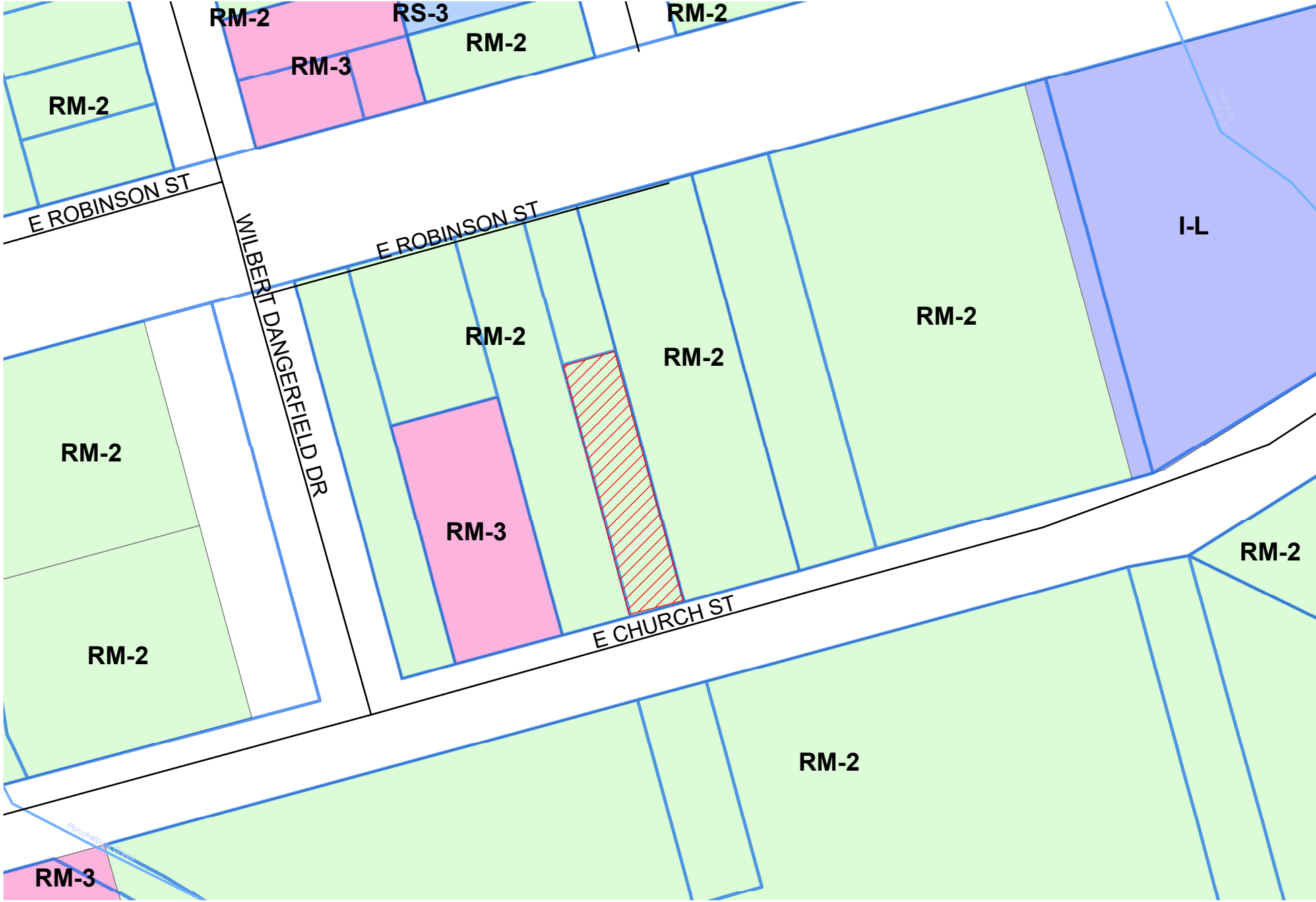


Legend

-  Case Parcel
- Future Land Use**
-  BUSINESS
-  COMMERCIAL
-  HIGH DENSITY RESIDENTIAL
-  INDUSTRIAL
-  INSTITUTIONAL
-  LOW DENSITY RESIDENTIAL
-  MIXED USE
-  OPEN SPACE



Rezoning Request
 807 E. Church St.
 Z-2020-07-00079



Rezoning Request
807 E. Church St.
Z-2020-07-00079

Legend

 Case Parcel



Rezoning Request
807 E. Church St.
Z-2020-07-00079

Legend

 Case Parcel