

ORDINANCE NO. ____ OF 2021

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SHREVEPORT UNIFIED DEVELOPMENT CODE, BY REZONING PROPERTY LOCATED ENTER GENERAL LOCATION SOUTHWEST CORNER OF MILAM STREET AND ARKANSAS AVENUE, SHREVEPORT, CADDO PARISH, LA., FROM C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO C-3, GENERAL COMMERCIAL DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY:

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, LA, in due, legal and regular session convened, that the zoning classification of property located on the southwest corner of Milam Street and Arkansas Avenue, Shreveport, Caddo Parish, Louisiana, legally described below: be and the same is hereby changed from C-1, Neighborhood Commercial District to C-3, General Commercial District

LOTS 29 & 30, BLK. 5, WASHINGTON SUBN., & ½ ADJ. ABDN. ALLEY, SECTION 34, T18N, R14W, CADDO PARISH, LOUISIANA.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

21-76-C
BELCHER ENTERPRISE CONSTRUCTION AND REMODELING LLC

STAFF REPORT – CITY OF SHREVEPORT

AUGUST 4, 2021

AGENDA ITEM NUMBER: 7
MPC Staff Member: Ben Mohler
City Council District: G/Jerry Bowman, Jr
Parish Commission District: 2/Johnson

CASE NUMBER 21-76-C: ZONING REQUEST

APPLICANT: BELCHER ENTERPRISE CONSTRUCTION AND REMODELING L.L.C
OWNER: Belcher Enterprise Construction and Remodeling L.L.C
LOCATION: 2901 Milam St. (SW corner of Milam St. and Arkansas Ave)
EXISTING ZONING: C-1
REQUEST: C-1 to C-3
PROPOSED USE: Convenience Store with Liquor Sales

DESCRIPTION: The applicant is requesting approval to alter the zoning of a 0.28 acre tract of land from C-1 (Neighborhood Commercial) to C-3 (General Commercial) for the purpose of operating a convenience store with Retail Sales of Alcohol - Liquor. Adjacent to the west is zoned C-1 and adjacent to the south is zoned R-1-5 (Single-Family Residential). Across Milam Street and Arkansas Avenue is also zoned as R-1-5.

There is one previous cases associated with this property: BAC-85-16, which was resulted in a denial of a Special Exception Use for alcohol sales at a grocery store; Nearby relevant cases include: Approval for a rezoning to B-1-E for a restaurant (C-78-01); Denial of a multiple rezoning requests to R-1H-E for a bait stand, a church and barbershop (C-15-00, C-16-00); and a denial of rezoning to B-1 for a billboard (C-12-83).

Nearby neighborhoods include: Allendale, Hearne Extension. Lakeside, Queensborough, South Lakeshore.

REMARKS: A rezoning of the property from C-1 to C-3 is requested for the purpose of obtaining a zoning designation to allow the applicant to conduct the retail sales of liquor within the premises under a follow-up Special Use Permit request should the rezoning request be approved (21-101-C). The applicant has prior approval of beer and wine sales within the premises and is currently allowed to conduct sales as a legal non-conforming use.

Looking at the surrounding zoning of the area, the site is surrounded in every direction barring the immediately adjacent western property by R-1-5, while the adjacent property itself is zoned a similar C-1. The argument can be made that with a successful rezoning, spot zoning will have been created as the C-3 zoning would be entirely unique to the area, introducing heavier uses than the neighborhood is accustomed to.

Currently, the retail sales of liquor are only allowed by right within a C-4 (Heavy Commercial) zoned district. When looking at uses by right, this would be considered a heavy use for an area that is

STAFF REPORT – CITY OF SHREVEPORT

almost entirely residential in character. While a rezoning should not only take the use into consideration, the heavy character of the applicants intended use is in and of itself the largest factor in regards to the rezoning request.

Originally the applicant approached the Metropolitan Planning Commission to restore the property's zoning to C-2 (Corridor Commercial), the zoning type of the subject property prior to the adoption of the Unified Development Code in 2017. While this would both be more agreeable to the zoning of the area as it would be less intensive to the area, it would not solve the applicants issue of wanting to sell hard liquor within the property. According to Article 6.1.FF.3 of the Shreveport UDC, *"retail sales of alcohol are not permitted within any C-2 Corridor Commercial Zoning District property which abuts a residential zoning district."* As the property in question immediately abuts residential on 3-sides, the applicant would not be allowed increase their existing non-conforming status by expanding on any type of alcohol sales without a Special Use Permit.

Regarding the Master Plan vision, the Future Land Use Map of the 2030 Great Expectations Master Plan shows that the site in question as well as a large amount of the immediate surrounding area is to be utilized as "Residential Medium". This is defined as "a mix of single-family, townhouse, and small apartment buildings. Schools and churches are also permitted, as are corner stores by special permit". A rezoning to C-3 can be considered to result in a more intensive use for the area, potentially allowing for uses that are not compatible with the existing neighborhood or future plans of the Master Plan.

STAFF

ASSESSMENT: Based on the information contained in the application, and analysis of the facts of record, MPC Staff concludes that: denial of the rezoning request from C-1 (Neighborhood Commercial) to C-3 (Corridor Commercial) is warranted due to the increased intensity of use that would be allowed within the primarily residential district.

Alternatively, based on information provided at the public hearing the MPC may:

1. Approve the rezoning request for a different zoning type.
 - a. It should be noted that should the Board find a C-2 zoning to be more reasonable for the subject property, the applicant would still not be allowed to obtain approval for the retail sales of liquor due to the property's close proximity to existing residential.

It should be noted that affiliated case 21-101-C for Special Use Approval of the Retail Sales of Liquor is contingent on the granted approval regarding this case. Should the rezoning be denied 21-101-C will automatically be denied as well.

PUBLIC ASSESSMENT: One spoke in support; five spoke in opposition.

STAFF REPORT – CITY OF SHREVEPORT

MPC BOARD

RECOMMENDATION: The Board voted 6-1 to recommend this application for denial.

R-3

21-76-C

MISSOURI

ABBIE

R-1-5

POLAND

C-1 to
C-3

MILAM

C-1

MISSOURI

LOONEY

ALABAMA

ASHTON

MISSOURI

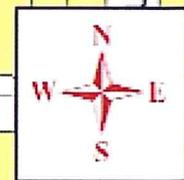
500' NOTIFICATION
AREA

METAL

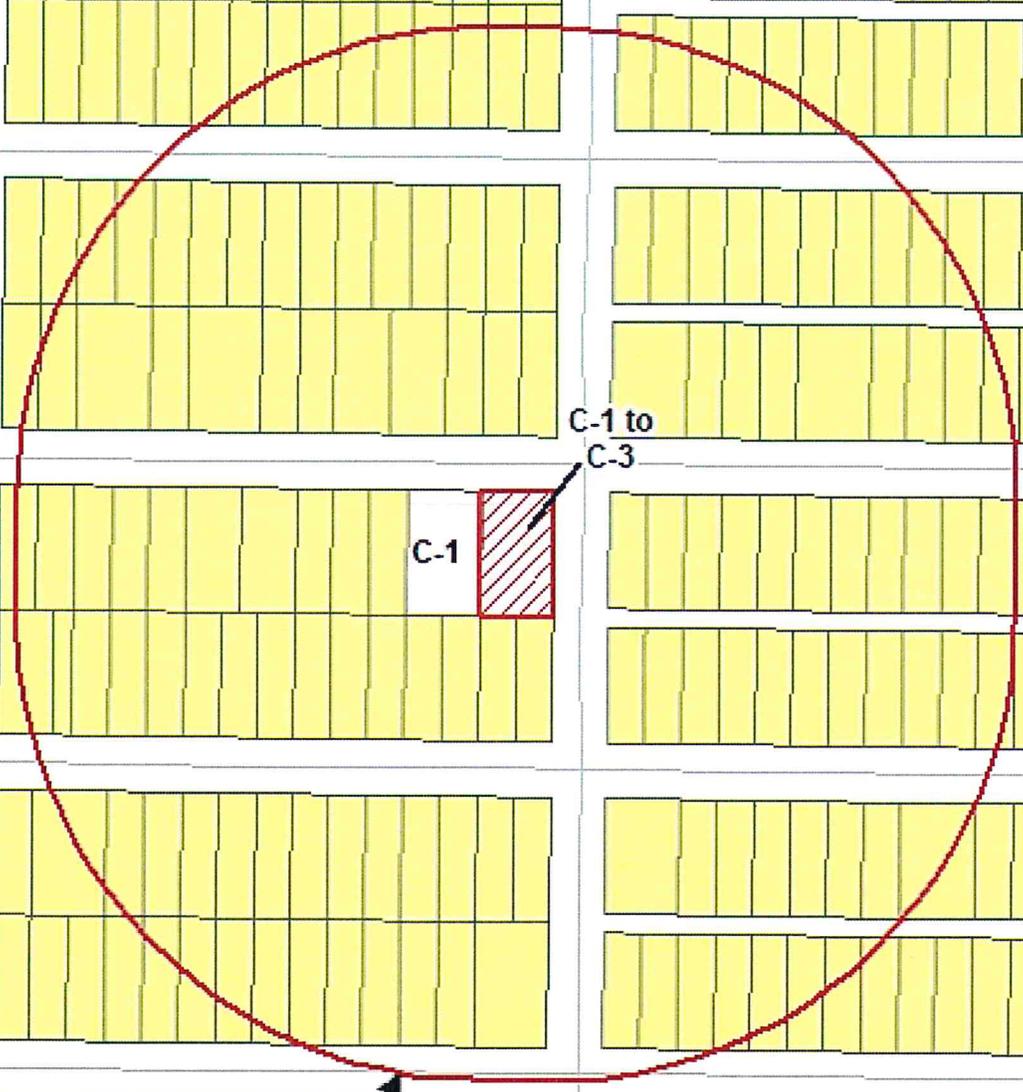
ARKANSAS

METAL

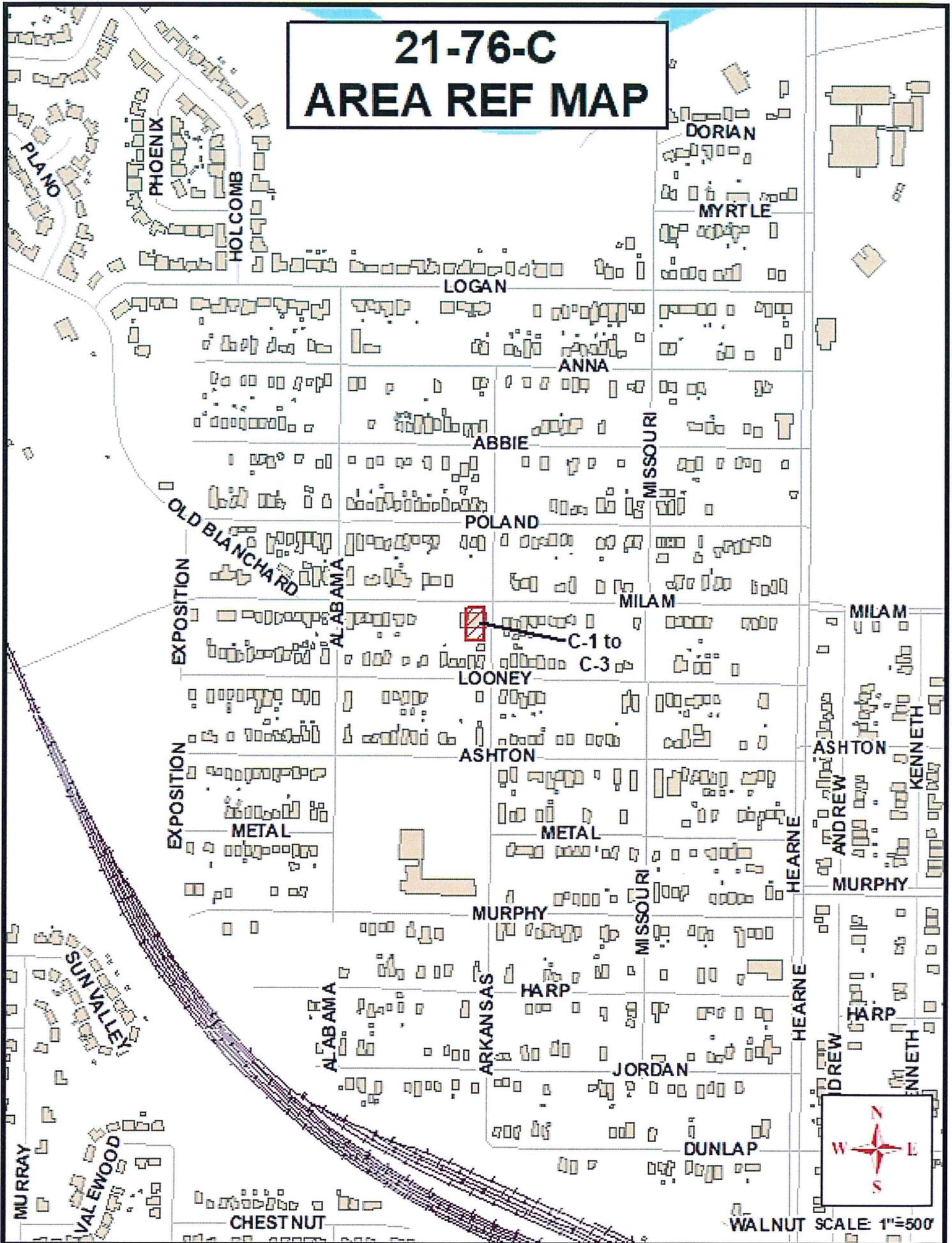
R-1-5



SCALE 1"=200'



21-76-C AREA REF MAP

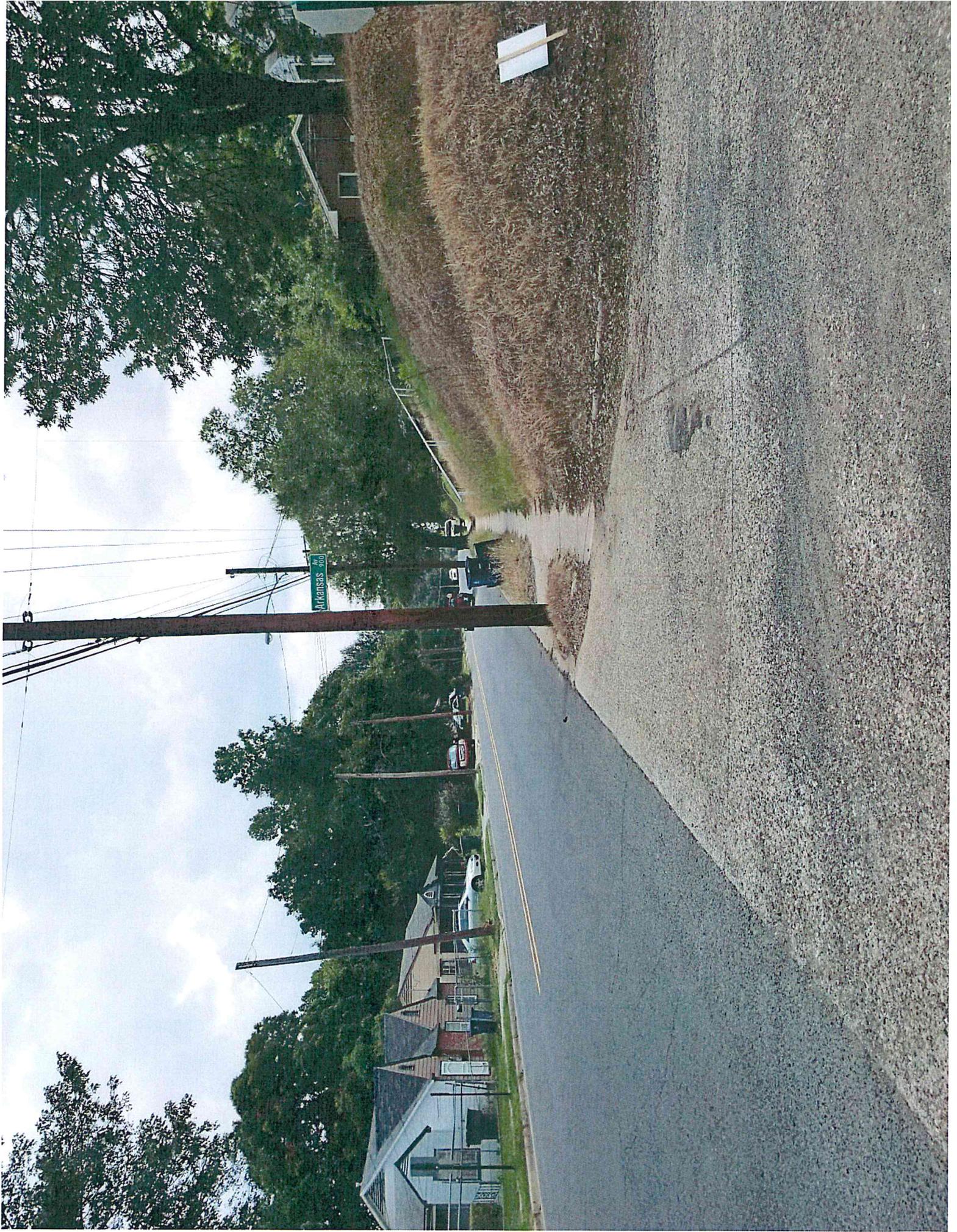




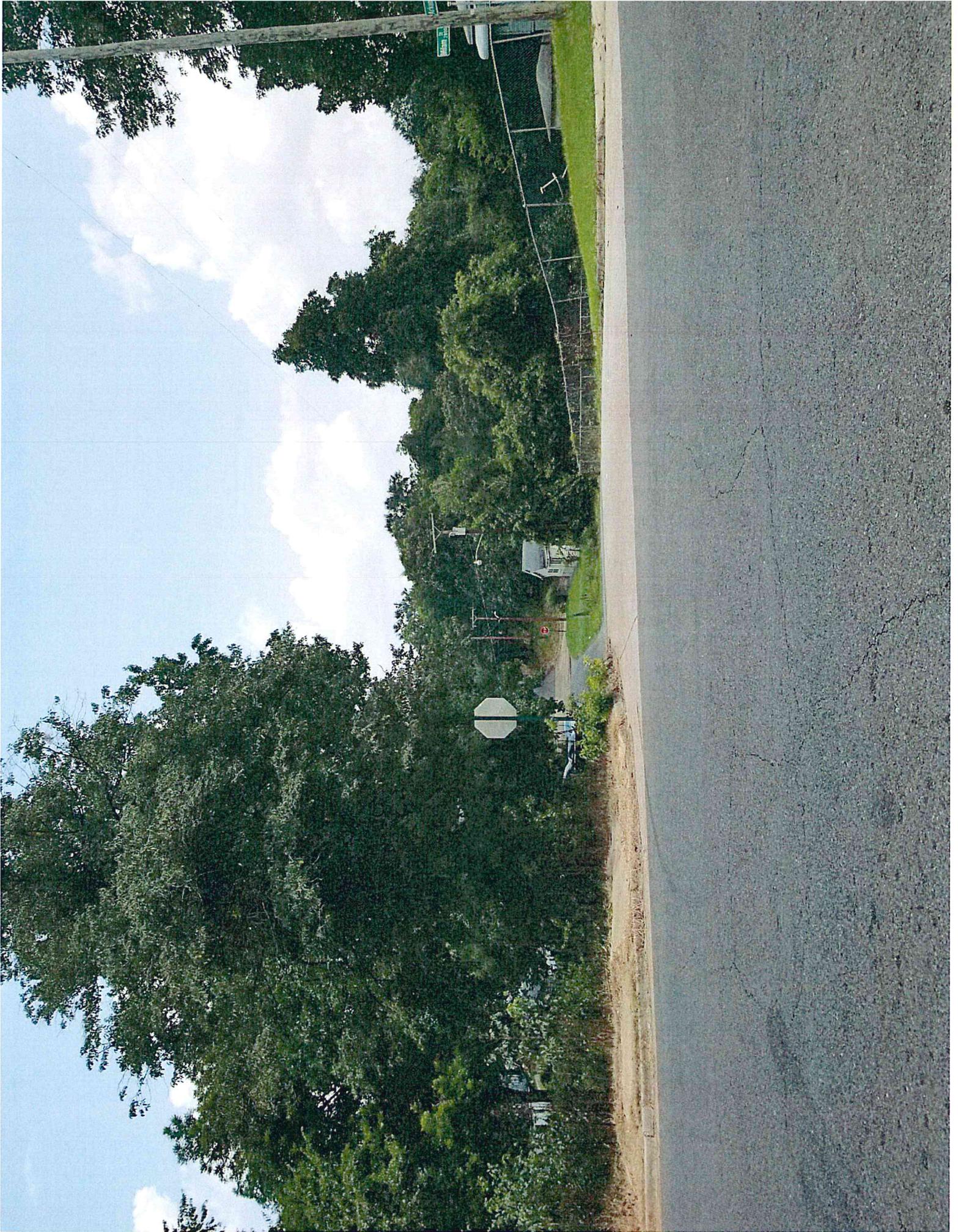
PROPOSED
**ZONING
CHANGE**
CALL
673 - 6480
METROPOLITAN
PLANNING
COMMISSION

FAMOUS
PANADOS

UD
GHT









Land Development

505 Travis Street | Suite 440 | Shreveport, LA | 71101
318-673-6480 | fax 318-673-6461

UDC DEVELOPMENT APPLICATION

Members of the MPC's Land Development department are available to outline the development review process, verify submittal requirements and identify UDC requirements specific to all development requests.

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY		
Date: _____ Planner: _____ Case No: _____ Application Fee: <u> 2 </u>		
Project Name: <u>Honey's Neighborhood Market</u>		Associated Case: _____
Project Address/Location: <u>2901 Milam St. Shreveport, LA 71103</u>		
Current Zoning District: <u>C1</u>	Proposed Zoning District (if applicable): <u>C2</u>	Parcel Number(s): <u>181434019003600</u>
<input checked="" type="checkbox"/> Zoning Map Amendment (Rezoning) <input type="checkbox"/> Planned Unit Development (PUD) <input type="checkbox"/> Public Right-of-Way Closure and Abandonment <input type="checkbox"/> Special Use Permit Zoning Map Amendment and Preliminary Site Plan <input type="checkbox"/> Site Plan Approval <input type="checkbox"/> Preliminary & Final Plat (7 or more lots) <input type="checkbox"/> PUD Site Plan (Administrative) <input type="checkbox"/> Site Plan Revision <input type="checkbox"/> Final Plat (Less than 7 lots) <input type="checkbox"/> Small Planned Unit Development (SPUD) <input type="checkbox"/> Site Plan Modification <input type="checkbox"/> Re-Plat Zoning Map Amendment and Site Plan <input type="checkbox"/> Other: _____		
(existing platted subdivision name, block and lot designation; if un-platted, provide a detailed metes and bounds description)		
(street address and/or frontage, and distance to cross street) <u>2901 Milam St</u> <u>Shreveport, LA 71103</u>		
<input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Mixed-Use <input type="checkbox"/> Townhouse Residential <input type="checkbox"/> Duplex Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial		
Provide a brief explanation, attach additional sheets, if necessary		

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UDC DEVELOPMENT APPLICATION

<p>IMPORTANT NOTE ABOUT PROJECT CONTACT</p>	<p>If property owner designates an agent as the coordinator for the project, this person (the applicant) shall attend all necessary meetings and public hearings, will receive the agenda, recommendations, and case reports, and will communicate all case information to other parties as required. All contact for this project will be made through the applicant listed below.</p> <p>NAME, ADDRESS, AND SIGNATURE OF ALL PROPERTY OWNERS: ALL property owners must sign. All <u>property owners</u> must sign unless one person has the power of attorney to sign for others and that power of attorney is submitted with the application. A managing partner in a corporation may sign and submit written authorization. <u>If in business name or corporation, list all persons owning 6% or more. Attach separate sheet if necessary.</u></p>
<p>APPLICANT CONTACT INFORMATION: Check if Primary Contact <input type="checkbox"/></p> <p>Name: <u>Kevin Belcher</u> Company: <u>Belcher Enterprise L.L.C.</u></p> <p>E-mail: <u>belcherkevin@bellsouth.net</u> Phone: <u>318-393-6670</u> Fax: _____</p> <p>Address: <u>1652 Cross Lake Blvd</u> City: <u>Shreveport</u> State: <u>LA.</u> Zip: <u>71107</u></p>	
<p>ARCHITECT CONTACT INFORMATION: Check if Primary Contact <input type="checkbox"/></p> <p>Name: _____ Company: _____</p> <p>E-mail: _____ Phone: _____ Fax: _____</p> <p>Address: _____ City: _____ State: _____ Zip: _____</p>	
<p>ENGINEER CONTACT INFORMATION: Check if Primary Contact <input type="checkbox"/></p> <p>Name: _____ Company: _____</p> <p>E-mail: _____ Phone: _____ Fax: _____</p> <p>Address: _____ City: _____ State: _____ Zip: _____</p>	
<p>CURRENT PROPERTY OWNER CONTACT INFORMATION: Check if Primary Contact <input type="checkbox"/></p> <p>Name: <u>Same</u> Company: _____</p> <p>E-mail: _____ Phone: _____ Fax: _____</p> <p>Address: _____ City: _____ State: _____ Zip: _____</p> <p>Designee Contact Name: _____ Email Address: _____ Phone Number: _____</p>	
<p>PROPERTY OWNER, CHECK ONE OF THE FOLLOWING:</p> <p><input checked="" type="checkbox"/> I will represent the application myself; OR <input type="checkbox"/> I hereby designate _____ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.</p>	
<p>ACKNOWLEDGEMENT:</p> <p>I hereby certify that I am the owner of the property and further certify that the information regarding property ownership provided on this development application is true and correct.</p>	
<p> _____ Property Owner Signature</p>	<p><u>5-17-2021</u> _____ Date</p>
<p> _____ Applicant Signature</p>	<p><u>5-17-2021</u> _____ Date</p>



Land Development

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UDC DEVELOPMENT APPLICATION

Current Zoning District(s): C1		Proposed Zoning District(s):		Proposed Building Use(s): Convenience store & liquor	
If more than one district, provide the acreage of each:				Existing Building(s) sq. ft. gross: 2050	
Special Purpose Overlay District (if applicable):				Proposed Building(s) sq. ft. gross:	
Total Site Acres:				Total sq. ft. gross (existing & proposed):	
Off-Street Parking Required:				Proposed height of building(s): 22' ^{6.0m} _{counted} Number of stories: 2	
Off-Street Parking Provided:				Ceiling height of First Floor: 9' feet	
Lot Area (square footage): 12150				Lot Coverage (Total Area in square feet):	
Lot Coverage Percentage of Total Lot Area:					
Existing Impervious Surface: acres/square feet 12150		Hazard Flood Area		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Proposed Impervious Surface: acres/square feet		Red River		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Cross Lake Watershed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Wetlands		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**SHREVEPORT METROPOLITAN PLANNING COMMISSION OF CADDO PARISH
SUMMARY MINUTES OF THE PUBLIC HEARING AUGUST 4, 2021**

A regularly scheduled public hearing of the Shreveport Metropolitan Planning Commission of Caddo Parish was held on Wednesday, August 4, 2021 at 3:00 p.m. at Government Plaza Chamber, 505 Travis Street, Shreveport, Caddo Parish, LA. The members met virtually on August 3rd for case manager presentations.

Members Present

Winzer Andrews, Chair
Curtis Joseph, Vice Chair
Laura Neubert
Rudy Morton
Gabriel Balderas
Rachel Jackson
Harold Sater

Staff Present

Alan Clarke, Executive Director
Stephen Jean, Deputy Director
Adam Bailey, Community Planning & Design Manager
Manushka Desgagne, City Attorney's Office
Emily Trant, Executive Assistant

Members Absent

Chris Elberson, Secretary
Bill Robertson

The hearing was opened with prayer by **MS. JACKSON**. The Pledge of Allegiance was led by **MR. ANDREWS**.

The meeting was called to order & the procedure for hearing the applications on today's agenda was explained. Speakers should speak clearly into the microphone & give their name & mailing address for further reference. Comments on any item not on the agenda will be limited to 3 minutes at the end of the public hearing. Any written comments that were submitted may be viewed in the public record files.

All decisions rendered by the Metropolitan Planning Commission are subject to appeal to the appropriate governing body, either the City Council or the Caddo Parish Commission. Appeals must be filed within 10 days from the date a decision is rendered by the Metropolitan Planning Commission.

A motion was made by MR. JOSEPH, seconded by MS. NEUBERT, to approve the minutes of the July 7, 2021 public hearing as submitted.

The motion was adopted by the following 7-0 vote: Ayes: Messrs. ANDREWS, BALDERAS, JOSEPH, MORTON, & SATER and Meses. JACKSON & NEUBERT, Nays: NONE. Absent: Messrs. ELBERSON & ROBERTSON

PUBLIC HEARING

CASE NO. 21-76-C ZONING REQUEST

Applicant: **Belcher Enterprise Construction and Remodeling LLC**
Owner: **Belcher Enterprise Construction and Remodeling, LLC**
Location: **2901 Milam St (SW corner of Milam St. and Arkansas Ave.)**
Existing Zoning: **C-1**
Request: **C-1 to C-3**
Proposed Use: **Convenience Store with Liquor Sales**

Representative &/or support:

Kevin Belcher 2901 Milam Street, Shreveport, LA 71103

The applicant stated that he is requesting approval to rezone the property to sell liquor. He stated that it is a convenience store

draft

with beer, and high-volume wine. He stated that he purchased the property in March 2021. Mr. Andrews questioned if he held an NPP meeting; Mr. Belcher stated that he did and about 12 to 17 people attended in favor and there was no opposition at the meeting.

Opposition:

Deloris Dennis 3318 Westheimer Street, Shreveport, LA 71103

Betty Williams 2834 Looney Street, Shreveport, LA 71103

Oneta Turner 2856 Looney Street, Shreveport, LA 71103

Sherron Grim 2900 Ashton Street, Shreveport, LA 71103

A petition with six to eight signatures in opposition was submitted.

The opposition expressed concerns about the disturbance that was at this corner under a previous owner, additionally they believe that there are already enough liquor stores in the vicinity. It was stated that they have other issues to deal with and were concerned with the extended hours.

Mr. Andrews asked for the everyone that was in attendance to speak in opposition to stand up so that staff could get a head count; there was a total of 10 people in opposition.

Rebuttal:

The applicant stated that the opposition is comparing his business to what was there before and has invested a lot of money. He explained that he has does not have loitering and the police have not had to come there. Mr. Morton questioned what his hours of operation were; Mr. Belcher stated they are open from 8-10.

A motion was made by MS. NEUBERT, seconded by MR. JOSEPH to recommend this application for denial.

The motion was adopted by the following 6-1 vote: Ayes: Messrs. ANDREWS, BALDERAS, JOSEPH, & MORTON, and Meses. JACKSON & NEUBERT, Nays: Messrs. SATER. Absent: Messrs. ELBERSON & ROBERTSON

CC3825

NOTICE TO THE PUBLIC

Control # 21117

Notice is hereby given that the Shreveport Metropolitan Planning Commission of Caddo Parish, LA, will hold a public hearing on Wednesday, August 4, 2021 at 3:00 p.m. in the **Government Plaza Chamber, 1st Floor, 505 Travis Street, Shreveport, LA**, for the purpose of considering the following subdivision applications &/or amendments to the City of Shreveport and Caddo Parish Unified Development Codes & the official Zoning Map for the Shreveport Metropolitan Planning Area of Caddo Parish, LA.

CASE NO. 21-76-C: 2901 MILAM ST. Application by BELCHER ENTERPRISE CONSTRUCTION AND REMODELING L.L.C for approval to rezone property located on the southwest corner of Milam St. and Arkansas Ave. from C-1, Neighborhood Commercial District to C-3, General Commercial District, being more particularly described as LOTS 29 & 30, BLK. 5, WASHINGTON SUBN., & ½ ADJ. ABDN. ALLEY, SECTION 34, T18N, R14W, CADDO PARISH, LOUISIANA.

Alan Clarke, Executive Director
Metropolitan Planning Commission
The Shreveport Times