

STAFF REPORT – CITY OF SHREVEPORT

JULY 6, 2022

AGENDA ITEM NUMBER: 15

MPC Staff Member: Adam Bailey

City Council District: All Districts

Parish Commission District: All Districts

CASE NUMBER: 22-4-CTAC: Shreveport UDC Code Text Amendments

APPLICANT: METROPOLITAN PLANNING COMMISSION

REQUEST: **Code Text (Ordinance) Amendments regarding Liquor Sales**

DESCRIPTION: The Shreveport Unified Development Code (UDC) was implemented in May of 2017. The purpose of the UDC was to update, consolidate, and reformat the former, and extremely outdated, subdivision and zoning regulations. The development of the UDC was one of the priority initiatives of the 2030 Great Expectations Master Plan. And, as such, it was acknowledged that upon adoption that additional corrections and policy amendments to these regulations would be forthcoming to ensure that the Code promotes sound, stable, and desirable development.

The City of Shreveport is committed to undertaking a comprehensive review of its zoning and land use classifications and regulations in regard to the current use of liquor stores (currently known in the Shreveport UDC as *Retail Sales of Alcohol-Liquor*) to better serve, protect, and promote the health and welfare of its citizens.

These proposed amendments add the following new uses—*liquor delivery sales* and *liquor sales*—either allowed with a Special Use Permit, or by-right in the zoning districts, as identified in the Use Matrix; as well as properly updating the use definitions, use standards, and parking requirements, respective to those uses, and any new provisions included therein.

The following Shreveport UDC Articles, or portions thereof, will need amending: (1) *Article 5. - Uses*; (2) *Article 6. - Use Standards*; and (3) *Article 8. - Off-Street Parking and Loading*.

BACKGROUND: In Shreveport, the way that the alcohol sales have been regulated has changed in most recent decades from being only allowed in specific “liquor districts” that were defined geographically to only allowing them with specific approval on a case-by-case basis. Currently, the City of Shreveport is committed to undertaking a comprehensive review of its zoning and land use classifications and regulations in regard to liquor stores/retail sales of alcohol-liquor to better serve, protect, and promote the health and welfare of its citizens.

In October 2021, the City Council believed that it was in the best interest of the City of Shreveport for the Metropolitan Planning Commission (MPC) to establish a moratorium on the issuance of new occupational licenses and certificates of occupancy to any liquor store/retail sales of alcohol-liquor pending further study and revision of its land use policies and regulations. In response to this issue, City Council members expressed concern for the possibility of liquor stores and related uses locating in pockets of commercially zoned property within, or adjacent to, predominately residential areas. City Council further expressed an interest in addressing this issue through zoning; in particular, to differentiate between liquor sales and the general “beer and wine” use category, and to identify locations where liquor sales—as an independent use—should be allowed.

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In December 2021, the MPC Board passed a resolution restricting the issuance of new occupational licenses and certificates of occupancy to any liquor store/retail sales of alcohol-liquor for six (6) months, allowing MPC staff adequate time to research proposed adequate code text amendment for the following new uses—*Liquor Delivery Sales* and *Liquor Sales*.

FINDINGS: Currently in the Shreveport UDC, use standards apply to liquor stores that prohibit any sales within a C-2 (Corridor Commercial) zoning district that abut residentially zoned property. However, in determining where liquor stores are currently located in Shreveport—versus where liquor stores *should* be located—research indicates that a large contingent of Shreveport’s low-income neighborhoods¹ have just as many liquor stores as medium² or high-income³ neighborhoods. Furthermore, Louisiana Courts have ruled that more stringent regulation may be applied to liquor business.

*Due to the nature of the intoxicating liquor business, the governing authorities may impose regulations on it more stringent than other businesses.*⁴

Staff proposes to design the liquor sale regulations that will mitigate the potential negative impacts of the use by imposing revised land use regulations specifically tailored to *Liquor Sales*; that would also allow that use to be a *use-by-right* in a limited number of zoning districts. This approach is expected to eliminate controversial, inconsistent and arbitrary decisions regarding where liquor stores/liquor sales can be located.

The proposed amendments will add definitions to accommodate the specific market for liquor sales, as well as include the use for liquor delivery, as permitted or special uses throughout the City in the appropriate zoning districts so long as the intensity of use is not likely to conflict with adjacent properties. Generally, the liquor sales would be compatible in general retail corridors, the downtown core, and at light industrial zoning districts.

The prevailing method other towns use to regulate liquor sales consists of zoning locations and use standards designed to control the specific aspects of the operations. Staff recommends the size, spacing, and distance requirements be consistent with the limits set in other municipalities.

**PROPOSED TEXT
AMENDMENT(S):**

Staff is proposing amending/adding the following UDC Articles at this time:

- **Amend Article 5. - Uses**
- **Amend Article 6. - Use Standards**
- **Amend Article 8. - Off-Street Parking and Loading**

¹ Less than \$50,000/year

² \$50,000-\$90,000/year

³ Greater than \$90,000/year

⁴ *City of Baton Rouge v. Rebowe*, 75 So. 2d 239, 226 La. 186 (La. 1954)

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Amendment 1.

Amend TABLE 5-1: USE MATRIX in ARTICLE 5. USES, SECTION 5.2 USE. This amendment will add the following new uses—*Liquor Sales* and *Liquor Delivery Services*—to the Use Matrix. **See Exhibit “B” for revised Table 5-1: USE MATRIX.**

Amendment 2.

Add the new definitions of “Liquor Delivery Services” and “Liquor Sales” to ARTICLE 5. USES, SECTION 5.3 USE DEFINITIONS. Staff considered the appropriateness and intensity of use when determining not only the definition, but where these uses would be permitted, not permitted, or special uses (as applicable) throughout the City’s zoning districts.

Amendment 3.

Amend definition “Retail Sales of Alcohol” to “Retail Sales of Alcohol—Beer and Wine” in ARTICLE 5. USES, SECTION 5.3 USE DEFINITIONS. Updated standards reflects changes to Retail Sales of Alcohol, specifically concerning beer and wine sales.

Amendment 4.

Add new use standard “Liquor Sales” in ARTICLE 6. USE STANDARDS, SECTION 6.1. USE STANDARDS. The new standard specifically identifies Liquor Sales as its own separate use—a use more in-line with industry terminology. The old use—Retail Sales of Alcohol—Liquor—was confusing to many applicants.

Amendment 5.

Amend “Retail Sales of Alcohol” in ARTICLE 6. USE STANDARDS, SECTION 6.1. USE. This amendment adds *Beer and Wine* to become *Retail Sales of Alcohol—Beer and Wine* for more clarity.

Amendment 6.

Add the following new uses “Liquor Delivery Services” and “Liquor Sales” to Table 8-1 of ARTICLE 8. OFF-STREET PARKING AND LOADING. These new uses need minimum parking requirements added to Table 8-1.

See Attachments:

- **Exhibit “A”** for memorandum describing these amendments in full detail.
- **Exhibit “B”** for Table 5-1, adding the permitted allowed locations for the new uses *Liquor Delivery Services* and *Liquor Sales*.

APPROVAL STANDARDS: The purpose of Shreveport UDC *Section 16.1.E.1* is to provide a uniform means for amending the text of the UDC whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so. In determining whether to recommend approval or denial of the proposed text amendments, the MPC shall weigh the relevance to which the proposed amendment:

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- a. Promotes the public health, safety, and welfare.**
The proposed text amendments promotes the public health, safety, and welfare.
- b. Promotes the Master Plan and any adopted land use policies.**
The proposed text amendments are consistent with the Master Plan.
- c. Promotes intent of this Code.**
These amendments will clarify current practices, thus promoting the intent of the Code.
- d. Corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.**
Staff finds the proposed amendment would improve compatibility among uses and would assist in ensuring efficient development within the City.
- e. The extent to which the proposed amendment creates nonconformities.**
These amendments help alleviate nonconformities, not create them.

**STAFF
RECOMMENDATION:**

Based on staff analysis, review of the above standards and facts of record, MPC Staff concludes that the recommendation to **APPROVE** the code text amendments is warranted. If approved by City Council, Article 5 Article 6 and Article 8 of the Shreveport UDC would be amended, as described within. A majority vote of the MPC Board members present and voting is required to recommend approval to the City Council.

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

- Deny all of the proposed code text amendment(s);
- Deny specific provisions, and approve any subsequent amendments and/or provisions; or
- Modify specific language in the proposed amendment and approve, as modified.

PUBLIC ASSESSMENT: There was no support and no opposition.

**MPC BOARD
RECOMMENDATION:** The Board voted 6-0 to recommend the application for approval.