

Commissioner Booth: Next item on the agenda is PZSPU-2017-11 requested by BAPS New Orleans, LLC for a special permit use to expand a religious institution with a waiver to setback requirements at 10328 River Road, St. Rose. Zoning District R-1A. Council District 5. Yes sir.

Mr. Welker: The Special Permit use requested is for a rear addition to an existing religious institution in an R-1A zoning district. This addition will consist of a new kitchen space on the first floor with storage proposed for the second floor. The approval of a waiver to the setback requirements for religious institutions would need to accompany any approval of the new addition.

The use of the building is permitted as a Special Permit Use in the R-1A zoning district but the building consists of several non-conformities. This includes non-conforming setbacks in part of the front yard and the entire rear yard. Religious institutions are required to provide setbacks at a rate of 1 foot for every foot of building height. This addition to the rear of the building will further this non-conformity, reducing the required rear yard setback of 22 feet, to 5 feet. This addition, which will consist of a kitchen facility containing hood vents with exhaust exiting out the new portion of the roof, is more in line with those found in commercial kitchens. This new facility will be 5 feet from abutting residential property lines and about 10 feet from residential structures. As a reference point, restaurants in commercial zoning districts must have at least 10 feet in the rear yard and if abutting residential zoning and/or uses, must meet buffer requirements which consist of opaque fencing and appropriate landscaping.

The proposal does not comply with most of the guidelines used to evaluate Special Permits. To summarize, the addition would be an expansion of a building which is largely incompatible with adjacent uses, especially in terms of site development standards, building design, and transportation features. The proximity of the new kitchen facility to the abutting residences could cause several unfavorable impacts and hazards which would exceed those caused by uses typically permitted in the R-1A zoning district, specifically fire hazards, noise, and smell.

The department recommends denial due to the expansion being an increase of the non-conforming setbacks of the use now.

Commissioner Booth: Thank you. This is a public hearing for PZSPU-2017-11 for BAPS New Orleans, LLC, the special permit to expand their religious institution on River Road in St. Rose. Anyone here to speak for or against? State your name and address for the record please.

My name is John Campo, I'm an architect. I'm representing BAPS which is the operator of this religious facility. I reside at 105 Ducayet Dr. in Destrehan. I'm a lifelong resident here and I belong to a very large church, an old church coming up on 300 years. When my dad was young St. Charles Parish was approximately 94% Catholic. When I as young I went to my next door neighbors christening, baptism whatever you call it at his church which was the Norco Baptist Church. When I went to college I met some Jewish people, they were the first ones that I had ever met and I wound up going to their weddings at their synagogues in New Orleans. I've had the pleasure of expanding the Methodist church in Destrehan and I designed a mosque that has yet to be built but is permitted in LaPlace. So things have changed here quite a bit. How did I get involved in this particular project which is a Hindu temple? My engineer, he is a mechanical / electrical engineer for the past 25 years belongs to this church. He's from India. That was something new that I learned because as you go through life you learn that there are quite a few interesting religions. So I went over there and looked at this particular facility. They bought this facility from another church and operated for approx. 10 years and prior to that I understand that it was a gas station and grocery store in front of this neighborhood that had been there for quite a while. BAPS has been there for approximately a year and a half and they are an internal place of worship. They open this for so many hours for a place for these church goers to pray. It's a place of prayer. They also because of their culture, many of them from India, they bring food that they are used to and they get the raw products from Houston which has a large collection of that particular religion and they prepare this food for distribution for the people that

come to that. It's not a very large church. It is one that has been operating very quietly in this neighborhood. I think what my engineer's concern was is the need for a commercial grade kitchen that would be a lot safer to operate from both ends. What they are proposing is a 10 ft. addition across the back which matches up with the existing stairwell that's on the eastern corner of the back. They don't want to increase the capacity of this place, it just allows them to do what they need to do with this church. They also mentioned that they cook on special occasions for disasters and the last one that they noted was the one in Houston for Hurricane Harvey and also Hurricane Irma in Florida. So it's something that they will be involved in the community but you won't know that they are there. Their proposed addition will be a fire rated wall with no windows, it will be a code compliant kitchen with the Ansel system and the detectors and whatever to operate that particular kitchen. I don't think that the neighborhood would even notice that they are there. The site provides 54 parking spots which is more to accommodate their needs at this point. But one of the interesting things that I questioned the operators of this, the neighbors will actually use their parking lot as an overflow for parties or social events because of the high density of the residential area that is behind it and they are ok with this, it hasn't conflicted with their scheduled hours. They open this facility for so many hours each day for the opportunity for those to come and pray and the peak of it would be on the Sunday evening, late afternoon and evening when they get the most to show up at this facility. So I think that this would help them tremendously to do what they need to do in a more safer manner and I don't see any conflicts with the neighbors. I don't know of any objections, I ask you to consider their needs to operate in a safer manner and if you have any questions that you'd have.

Commissioner Booth: Any questions? Thank you sir. One moment.

Commissioner Frangella: So the top floor is just for storage?

Mr. Campo: No sir. I went through that, the top floor has rooms and I'm not sure what it was used for before.

Commissioner Frangella: No I'm talking about on the addition part.

Mr. Campo: Yes that's correct. What I observed when I walked through was there's some classrooms for religious instruction and then they are using other rooms to try to cook for whatever this type of food is, it's foreign to me but it seems to be something that they are very interested in. That is what they are proposing that for extra storage to put those kinds of dry goods in there.

Commissioner Frangella: How would it comply if it was a single story on the back, it still would not meet the requirements?

Mr. Welker: Right it really doesn't have nothing to do if it's two stories or not, it's the expansion to the rear.

Commissioner Frangella: It's 10 ft. and you only have 5

Mr. Campo: If you had 5 the requirement would say you need a 5 ft. building and that doesn't work.

Commissioner Booth: Any other questions?

Commission Petit: So you mentioned that you have more parking than needed, are you considering utilizing some of the parking towards River Road versus encroaching on the neighbors in the back?

Mr. Campo: As an architect I'd love to get my hands on this building and make it a little more appealing. Apparently they bought it and did not alter it at all. I don't think that would work and still keep the 54 parking spots that they have because if I come out that direction I think that would take too many parking spots to make this thing function the way it needs to function.

Commissioner Petit: Ok.

Commissioner Booth: Any other questions?

Commissioner Galliano: The back of the church is now 14 ft. from the property line right and you're going to go 9 ft. out to 5 and the height of that wall is going to be over 20 ft. with 6 air conditioners handlers on the roof right?

Mr. Campo: They have some existing ones now, I think they are proposing to move them around to the side of the building.

Commissioner Galliano: Did yall give this proposal to the neighbors directly behind because they are going to have a 20 something foot wall 10 ft. from their house or less?

Mr. Campo: Right now it's 14 ft. so it's going to be a little closer. It's on the south exposure, it is the rear yards of these 2 residents that abut because they face each of the side streets. I don't know if they had any objections to that from those neighbors. They seem to co-exist very nicely right now.

Mr. Welker: We've only received one phone call from someone who doesn't live directly behind the building but one of the side streets, one of the abutting neighbors not one behind.

Commissioner Gordon: Have yall spoken to them to give them another option other than what they presented to us right now or do they have any other options?

Mr. Welker: By the book you can't expand a non-conforming building. Ultimately any kind of expansion unless it's really needed for safety reasons or anything like that can't be done.

Mr. Albert: Typically a non-conforming use that requires expansion would go before the zoning board because this site had never gotten a special permit use for the religious institution and basically since it's been there before that was part of the zoning code, it's kind of a grandfathered use. So by sending it for the special permit use with the waivers it would create a conforming use as well as answer the question of whether the waivers are justified.

Commissioner Granier: Say that again Michael, you lost me a little bit on it's grandfathered in.

Mr. Albert: It's grandfathered in

Commissioner Granier: As a use for a religious facility.

Mr. Albert: Correct. If you were to start this all over today with nothing in there, let's say it's vacant for 6 months and they come back in and say they want to put a religious institution in there, they would have to come before this body for a special permit use. The way St. Charles Parish's code works is if you're requesting a variance during the special permit use process you can do that at Planning Commission instead of the ZBA, so they can bundle it all together with the application here. So because it had never had a special permit use authorized, we couldn't just send it for a variance because it never had been approved under that condition, it would have to get this approval as well as the waivers here.

Commissioner Granier: So is that a recommendation for them to go back and do that?

Mr. Albert: They followed the recommendation by coming here.

Commissioner Granier: Alright, I'm sorry.

Mr. Campo: That's why we're here.

Commissioner Granier: I got you.

Mr. Albert: Otherwise this expansion is just not permitted.

Commissioner Granier: Thank you.

Commissioner Booth: Any other questions or comments? Thank you sir. Anyone else here to speak on this issue, for or against? State your name and address for the record please.

Milton Allemand, Hahnville. Mr. Albert knows how I feel about zoning, I don't have to get into that. But I think I heard here that they are already doing some cooking in this building and they want to upgrade their kitchen facility. So from a safety point, I'm not saying that this body gives them what they want here, but at some point we have to realize that safety plays into this decision too. If they are going to continue in a facility and it's an unsafe condition, maybe they really need to do something else and I'm not here to tell them what to do and I reiterate how I feel about zoning, I don't believe in giving many exceptions but when it comes to safety and protecting elderly, children, handicap I can always see through that. Thank you.

Commissioner Booth: Thank you sir. Anyone else here to speak for or against this issue? Seeing none, the public hearing is closed. Any other questions or discussion from the Council [Commission].

Commissioner Petit: What would be the required parking for a building with this square footage?

Mr. Welker: For the use of this building it would be on rated capacity.

Commissioner Petit: Does the 54 meet or exceed that?

Mr. Welker: I believe that the 54 does but it wasn't part of this review. I know we requested some information on the rated capacity and I believe the previous church use, they were permitted and able to go in with the existing parking. There are no changes to the parking going on so we're going to stay with that.

Commissioner Booth: Any other questions or comments? We'll be voting on BAPS special permit use expanding their institution for their kitchen that's going to be very close the houses behind them. I guess we'll cast our vote.

YEAS: Gordon, Booth, Frangella, Galliano
NAYS: Petit, Granier, Richard
ABSENT: None

Commissioner Booth: Mr. Albert we have 4 Yeas and 3 Nays.

Mr. Albert: the motion carries.

Commissioner Booth: So you'll have to go to Council on January 8th and talk to Council about it.
