

CITY PLANNING COMMISSION  
CITY OF NEW ORLEANS

LATOYA CANTRELL  
MAYOR

ROBERT D. RIVERS  
EXECUTIVE DIRECTOR

LARRY W. MASSEY  
DEPUTY DIRECTOR

**City Planning Commission Meeting**  
**Tuesday, August 12, 2025**

**CPC Deadline:** 10/11/2025  
**CC Deadline:** 60 days from receipt  
**City Council District:** C – King

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**STAFF REPORT**

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**Zoning Docket 040/25**

**To:** City Planning Commission

**From:** Robert Rivers, Executive Director  
Stephen Kroll, Planning Administrator

**Prepared by:** Bria Dixon

**Date:** August 13, 2025

**GENERAL INFORMATION**

**Applicant:** City Council Motion No. M-25-249

**Request:** Zoning change from an S-B2 Pedestrian-Oriented Corridor Business District to an S-MU Suburban Neighborhood Mixed-Use District

**Property description:** Squares M, N, O, and P and the adjacent former rights-of-way, in the Fifth Municipal District, bounded by Behrman Place, Bender Boulevard, Rhine Street, and General De Gaulle Drive

**Municipal addresses:** 3601 Behrman Place

**Description:**

Zoning Docket 040/25 is a request for a zoning change from an S-B2 Pedestrian-Oriented Corridor Business District to an S-MU Suburban Neighborhood Mixed-Use District. The subject site is located at 3601 Behrman Place in the Tall Timbers neighborhood. Comprised of 28 lots, the subject parcel measures approximately 2.55 acres or 111,169 square feet in area. Presently the site is developed with a vacant three-story, 109-unit residential structure. Historically the structure was a nonconforming residential care facility for the elderly, which is a conditional use in the S-B2 District and a permitted use in the S-MU District. The applicant is seeking a zoning change from an S-B2 Pedestrian-Oriented Corridor Business District to an S-MU Suburban Neighborhood Mixed-Use District to reinstate the residential care facility or permit multi-family residences at the subject site.

## Why is City Planning Commission action required?

The City Planning Commission is required to make a recommendation on all requests for zoning map amendments prior to City Council action, in accordance with **Article 4, Section 4.2.D.3** Action by City Planning Commission of the Comprehensive Zoning Ordinance.

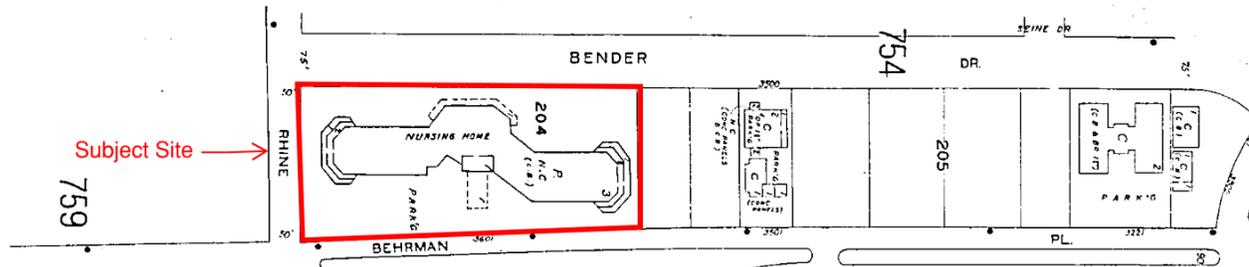
## BACKGROUND

### Site's zoning and land use history of the site

*Zoning:* 1929 – N/A  
1953 – “A” Single Family Dwelling  
1970 – B-2 Neighborhood Business District  
Current – S-B2 Pedestrian-Oriented Corridor Business District

*Land Use:* 1929 – N/A  
1949 – N/A  
1999 – Commercial<sup>1</sup>

Figure 1. 1994 Sanborn map

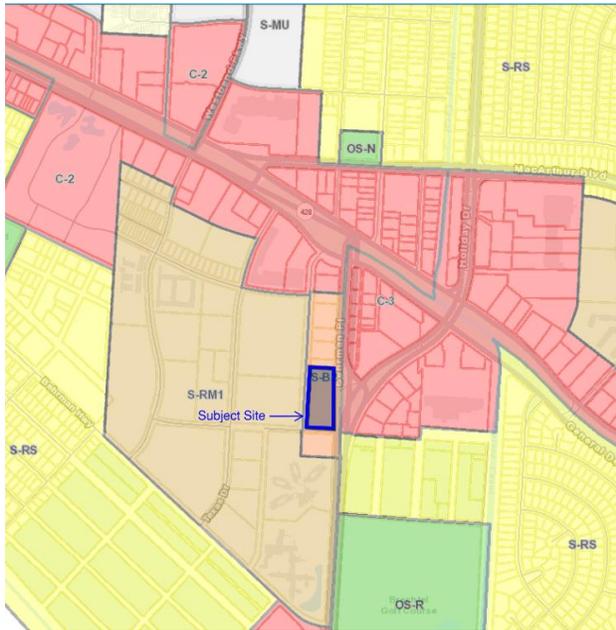


<sup>1</sup> The 1999 Land Use Plan presented a generalized indication of land uses, and was not lot-specific, so it does not necessarily indicate the use of this particular property in 1999.

## ANALYSIS

### Purpose of the rezoning and anticipated impact on surrounding land uses

Figure 2. Zoning map



The area surrounding the subject site includes a mix of small businesses, nursing homes, senior communities, multi-family developments, a school, and large vacant parcels. Businesses are primarily located in the surrounding C-2 Auto-Oriented Commercial District and C-3 Heavy Commercial Districts while the S-RM1 Suburban Multi-Family Residential District contains the school, nursing homes, senior communities and multi-family developments.

The applicant is proposing to reinstate a residential care facility, where a change in zoning from an S-B2 Pedestrian-Oriented Corridor Business District to an S-MU Suburban Neighborhood Mixed-Use District would allow for a residential care facility and

other residential uses by right which are not currently permitted in the S-B2 District. The current S-B2 zoning designation is primarily commercial with the intent to support pedestrian-oriented businesses; therefore, the SB-2 District has limited residential uses. Within the S-B2 District however, a residential care facility is a conditional use and residential dwellings above the ground floor are permitted outright. The applicant's request to rezone to a S-MU District seeks to permit residential uses such as small multi-family dwellings, single- and two-family residences, artist communities, townhomes, group homes, and more in addition to a residential care facility; thus, maximizing the site's development possibilities.

### Spot zoning policy

The request is a spot zone based on the Commission's definition of spot zone in its Administrative Rules, Policies, & Procedures document.<sup>2</sup> The terms "spot zone" and "spot zoning" refer to zoning changes which have the effect of singling out a lot or other relatively small tracts of land for treatment different from similar surrounding parcels. These zoning changes have the effect of granting preferential treatment to those spot zoned parcels which is not also granted to similar surrounding properties. Due to this preferential treatment, the Commission is generally not supportive of spot zoning.

Spot zoning can include the establishment of a new zoning district for a single property (or relatively small number of properties), as well as the expansion of an existing zoning district when

<sup>2</sup> See pages 52-54 of the City Planning Commission's Administrative Rules, Policies, and Procedures, available at: [https://nola.gov/city-planning/rules-and-regulations/rules-regulations-documents/2014\\_05\\_19\\_final\\_rules\\_document/](https://nola.gov/city-planning/rules-and-regulations/rules-regulations-documents/2014_05_19_final_rules_document/)

the expansion has the effect of granting a certain property (or small number of properties) preferential treatment that is not also granted to surrounding similarly situated properties. As a policy, the City Planning Commission will generally object to requests for spot zones. (However, in some instances, the City Planning Commission will be supportive of spot zones that are supported by the Historic Non-Conforming Use Policy, as discussed below).

This request is contemplated as a spot zone for several reasons. First, it introduces an upzoned, S-MU Suburban Neighborhood Mixed-Use District consisting of 28 lots of record into an area where all surrounding properties are zoned C-2 Auto-Oriented Commercial District, C-3 Heavy Commercial District, or S-RM1 Suburban Multi-Family Residential District. Second, the applicant's proposed use as a residential care facility is a conditional use in the current zoning district; whereby rezoning the site arbitrarily permits a use that would otherwise require approval from the City Council. Next, rezoning the subject site would permit more intense residential developments in an area characterized by commercial developments. However, the subject site has historically held a residential use and maintains both the physical characteristics and precedence of higher-density development. Lastly, the request is a spot zone as it introduces a mixed-use zoning designation to only this site.

In determining whether the spot zoning of any particular property is appropriate, the Commission uses its Historic Non-Conforming Use Policy to guide its analysis. The policy's criteria are generally used to identify historic commercial, industrial/warehouse, and institutional properties which should be zoned differently from surrounding properties. This is not the case for the subject site, which is a residential structure with historic residential use per the 1994 Sanborn and a 2021 zoning determination issued by the Department of Safety and Permits noting that the property held a legal, non-conforming residential status at the time. While those criteria cannot be used to evaluate this application, staff find that the proposed zoning change to S-MU Suburban Mixed-Use District would grant preferential treatment to the petitioned site, especially since the proposed use could be re-established through the conditional use process rather than rezoning.

### **Evaluation of approval standards**

The City Planning Commission recommendation and the City Council decision on any zoning text or map amendment are matters of legislative discretion. In making their recommendation and decision, the City Planning Commission and the City Council shall consider the standards contained in **Article 4, Section 4.2.E Approval Standards** of the Comprehensive Zoning Ordinance. In this section, the staff evaluates the application using those standards.

### ***The proposed amendment is compatible with the Master Plan and Future Land Use Map.***

This standard is not met. The Home Rule Charter of the City of New Orleans requires all land use actions to be consistent with the Master Plan. A land use action is consistent with the Master Plan if it furthers, or at least does not interfere with, the goals, policies, and guidelines outlined in Chapter 13: Land Use Plan of the Master Plan, and is compatible with the uses, densities, and intensities of the designation of its site on the future land use map. "Chapter 13: Land Use Plan" of the Master Plan designates the future land use of the petitioned site as "Neighborhood Commercial". The goal, range of uses, and development character for that designation are below:

## **NEIGHBORHOOD COMMERCIAL**

**Goal:** Provide areas for small-scale, neighborhood-oriented commercial development that enhances the pedestrian character and convenience of neighborhoods by allowing commercial establishments in select locations within walking distance to surrounding residential areas.

**Range of Uses:** Retail and professional service establishments serving local neighborhood area residents. Single and two-family dwellings are allowed. Agricultural, stormwater management, and supporting public recreational and community facilities are allowed. Common uses include small groceries, restaurants, barber shops/salons, clothing boutiques, banks, pharmacies, and small health professional offices. Conversion to multifamily, commercial, or mixed use may be allowed for certain existing historical institutional or other non-residential buildings.

**Development Character:** Buildings are oriented to the sidewalk (parking in rear where possible) with maximum heights related to the character of the street. Landscaping is required for parking lots facing the street. Incorporate risk reduction and adaptation strategies in the built environment.

While the applicant's specific development proposal is not anticipated by the Neighborhood Commercial future land use designation's range of uses, the S-MU Suburban Neighborhood Mixed-Use District is not fundamentally incompatible with the goal of the subject site's future land use designation. Still, because the S-MU Suburban Mixed-Use District permits residential care facilities and multi-family housing by-right while the NC Neighborhood Commercial future land use designation conditionally permits multi-family development only for certain existing nonresidential buildings, the proposed change is incompatible with the Master Plan.

*The proposed amendment is compatible with the place designations of this Ordinance.*

This standard is met. The existing S-B2 Suburban Pedestrian-Oriented Corridor Business District and the proposed S-MU Suburban Neighborhood Mixed-Use District share the same Suburban Neighborhoods Non-Residential Districts place designation; therefore, the standard is met.

*The proposed amendment is compatible with existing use and zoning of nearby property.*

This standard is met. The proposed zoning change requests to reintroduce a residential use to a site that historically contained a residential use in a commercial zoning district. The S-MU zoning district is intended for mixed-use development, which is not reflected in nearby properties, uses, and zoning designations, but, as a large, pre-existing residential structure, this request is found to be suitable with the immediate vicinity. An S-MU District at the subject site would be a transitional designation between intended residential, such as the adjacent S-RM1 Suburban Multi-Family Residential District and purely commercial, such as the C-3 Heavy Commercial District.

***The proposed amendment promotes the public health, safety and welfare of the City.***

This standard is not met. Since the proposed zoning change is not compatible with the Master Plan, it cannot be considered to promote the public health, safety and welfare of the City.

***The proposed amendment is a more suitable zoning classification for the property than the current classification.***

This standard is met. It can be argued that the existing zoning classification, S-B2 Suburban Pedestrian-Oriented Corridor Business District is not the most suitable classification for this site which is developed with a multi-family structure that is not constructed to provide adequate space for commercial uses. Residential care facilities are a conditional use in the S-B2 District. Therefore, the zoning change to an S-MU Suburban Neighborhood Mixed-Use District is not necessary for the proposed use. However, since the site is developed with a structure that is architecturally, strictly made for multi-family dwellings or residential care facilities, a zoning classification that allows those uses by right can be deemed more suitable than the existing S-B2 District.

***Based upon the length of time that the property in question has been vacant, the proposed amendment is a more suitable zoning classification for the property than the current classification considered in the context of development in the area where the property is located.***

This standard is not met. The subject site is currently developed with a vacant three-story, 109-unit residential structure. The site's current zoning permits the property owner to utilize the existing structure as a residential care facility via the conditional use process while the proposed zoning change seeks to reestablish the site's historic residential use by right and permit future multi-family residences should the residential care facility not come into fruition.

***The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.***

The proposed rezoning does none of the above.

***The proposed amendment benefits the citizens of the City as a whole.***

This proposed amendment would not have a significant impact on the City as a whole; however, it is likely to impact the immediate vicinity. As a 109-unit residential structure, the subject site under the proposed zoning designation, could potentially introduce 109 family units to the surrounding area, which would have a significant impact on traffic, congestion, noise, schools, and local businesses. Should the subject remain a residential care facility, or maintain its current zoning designation, the impact of the subject site at full occupancy is likely to be minimal and absorbable by the immediately surrounding areas.

***The proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Master Plan.***

This standard is not met. The Neighborhood Commercial FLUM designation in the Master Plan intends for small-scale, neighborhood-oriented commercial developments, where by-right residential uses are limited to dwellings above the ground floor. The proposed S-MU Suburban Neighborhood Mixed-Use District exceeds the intent and purposes of the Neighborhood Commercial FLUM designation by permitting multiple residential uses in addition to commercial uses, which leans towards a mixed-use development pattern and Mixed-Use Low Density FLUM designation.

***The proposed amendment does not create a significant number of nonconformities.***

This standard is met. Since the new zoning is more permissive than the existing zoning, it would not create any non-conformities. If granted, the proposed zoning change would remove an existing nonconformity since the former residential care facility is a non-conforming use in the existing zoning classification and a permitted use in the proposed zoning classification.

***The proposed amendment is compatible with the trend of development, if any, in the general area of the property in question.***

This standard is met. While there has not been a trend of new developments in the area, and the proposed zoning change is inconsistent with the Master Plan, the request is found to be compatible with the site's historic residential use and present development.

## **STAFF RECOMMENDATION**

The staff recommend **DENIAL** of Zoning Docket 040/25.

## **CITY PLANNING COMMISSION MEETING (August 12, 2025)**

The staff summarized the application and presented its recommendation of denial. The applicant and members of the public spoke in support of the request.

Commissioner Lunn requested clarification on the proposed zoning designation. Staff provided clarification. Commissioner Brown requested clarification on the specifics of the proposed zoning designation's creation. Director Rivers provided clarification. Commissioner Joshi-Gupta requested availability of commercial uses in the proposed zoning district. Staff provided a summarized list of uses. Commissioner Joshi-Gupta requested confirmation of their councilmember's support. The applicant confirmed that the councilmember sponsored the request but has not given explicit support. Commissioner Witry questioned the lack of opposition. The applicant affirmed their development reliability and reputation. Commissioner Brown motioned for approval against staff's recommendation for denial. Commissioner Joshi-Gupta seconded the motion. The motion was adopted.

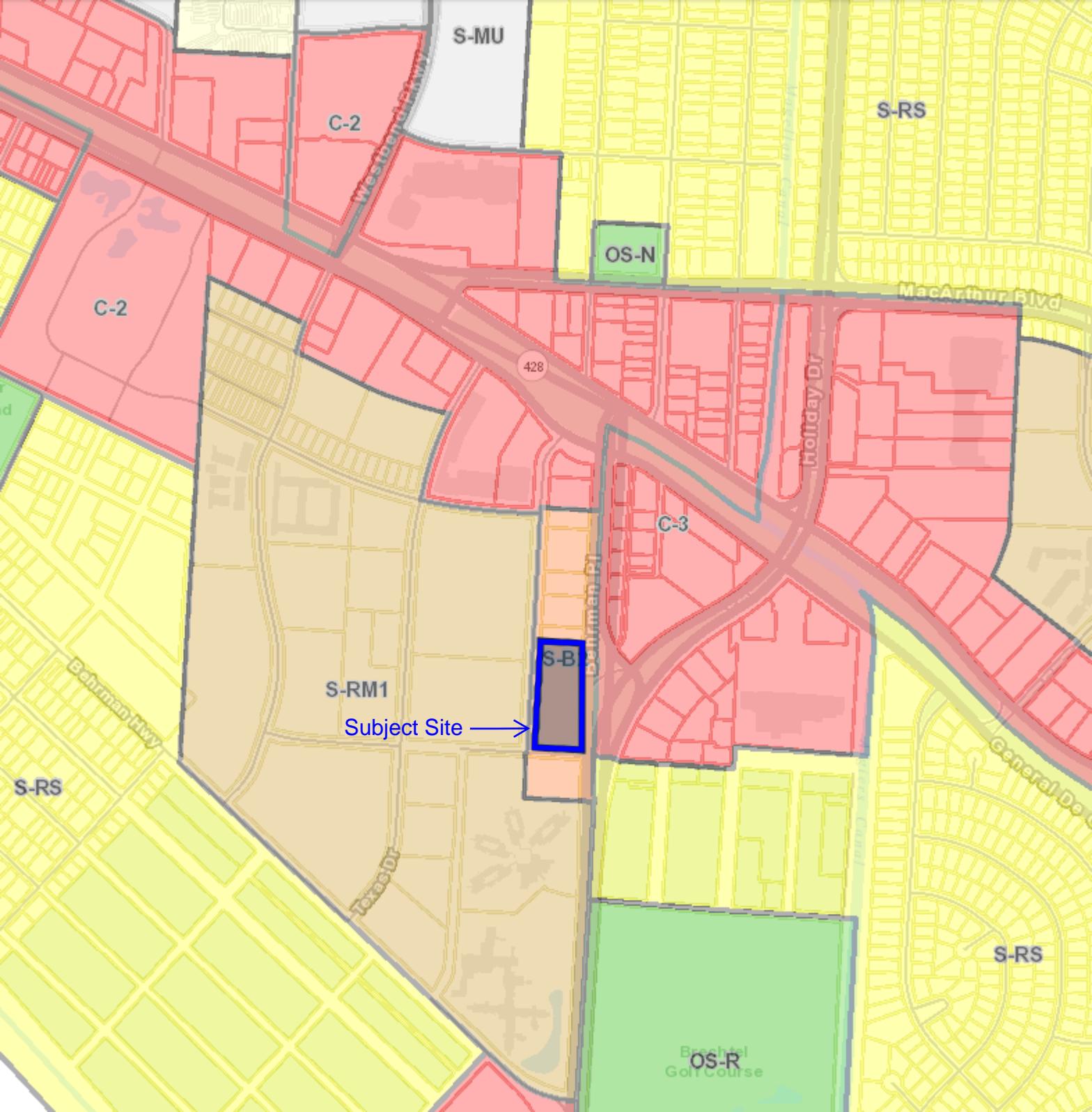
**MOTION:**

**BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 035/25 IS HEREBY RECOMMENDED FOR APPROVAL. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.**

**YEAS:           Brown, Joshi-Gupta, Lunn, Steeg and Witry**

**NAYS:           N/A**

**ABSENT:       Flick, Jordan, Stewart**



S-MU

C-2

S-RS

OS-N

MacArthur Blvd

C-2

428

Holiday Dr

C-3

Behrman Rd

S-RM1

Subject Site →

S-B

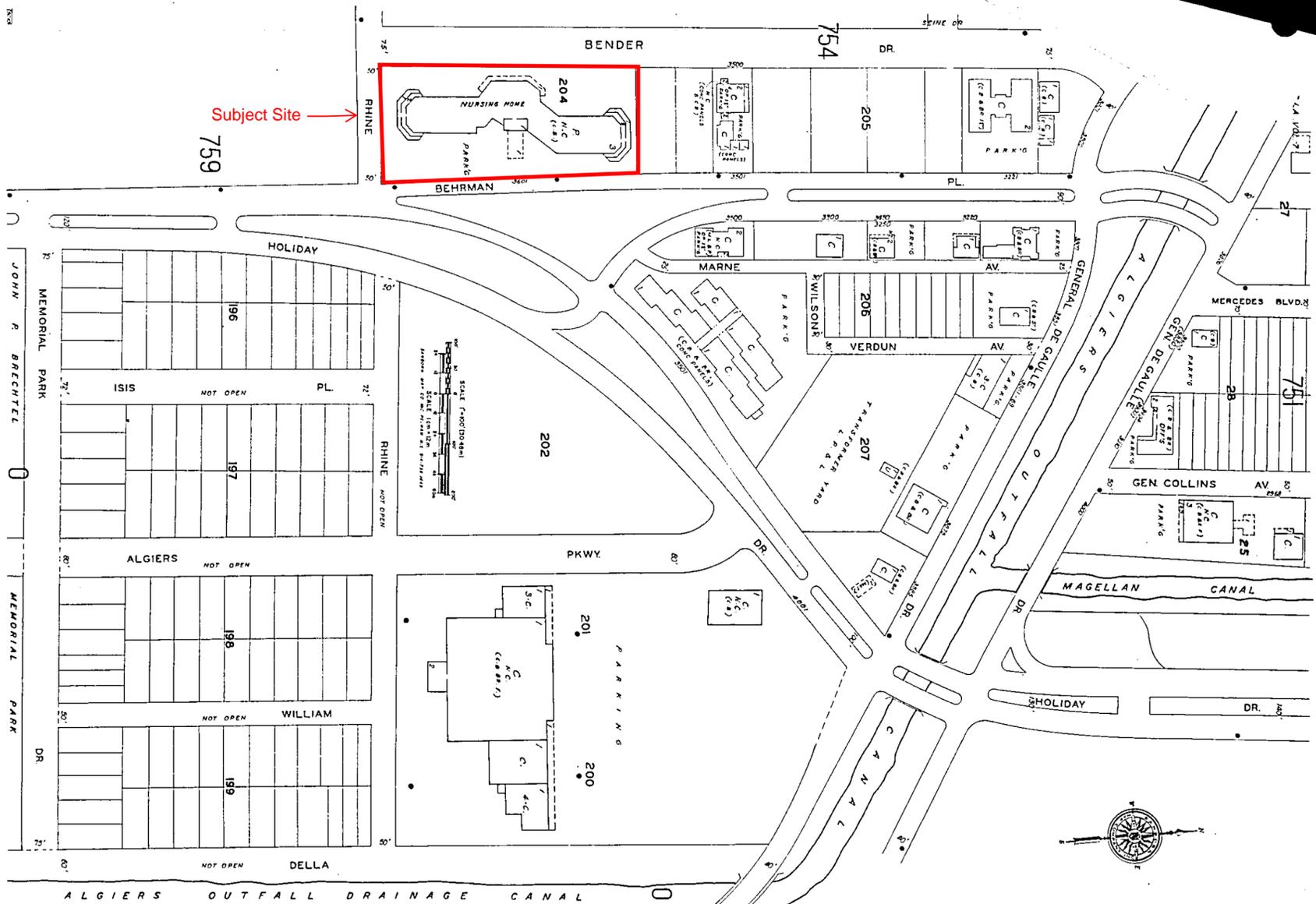
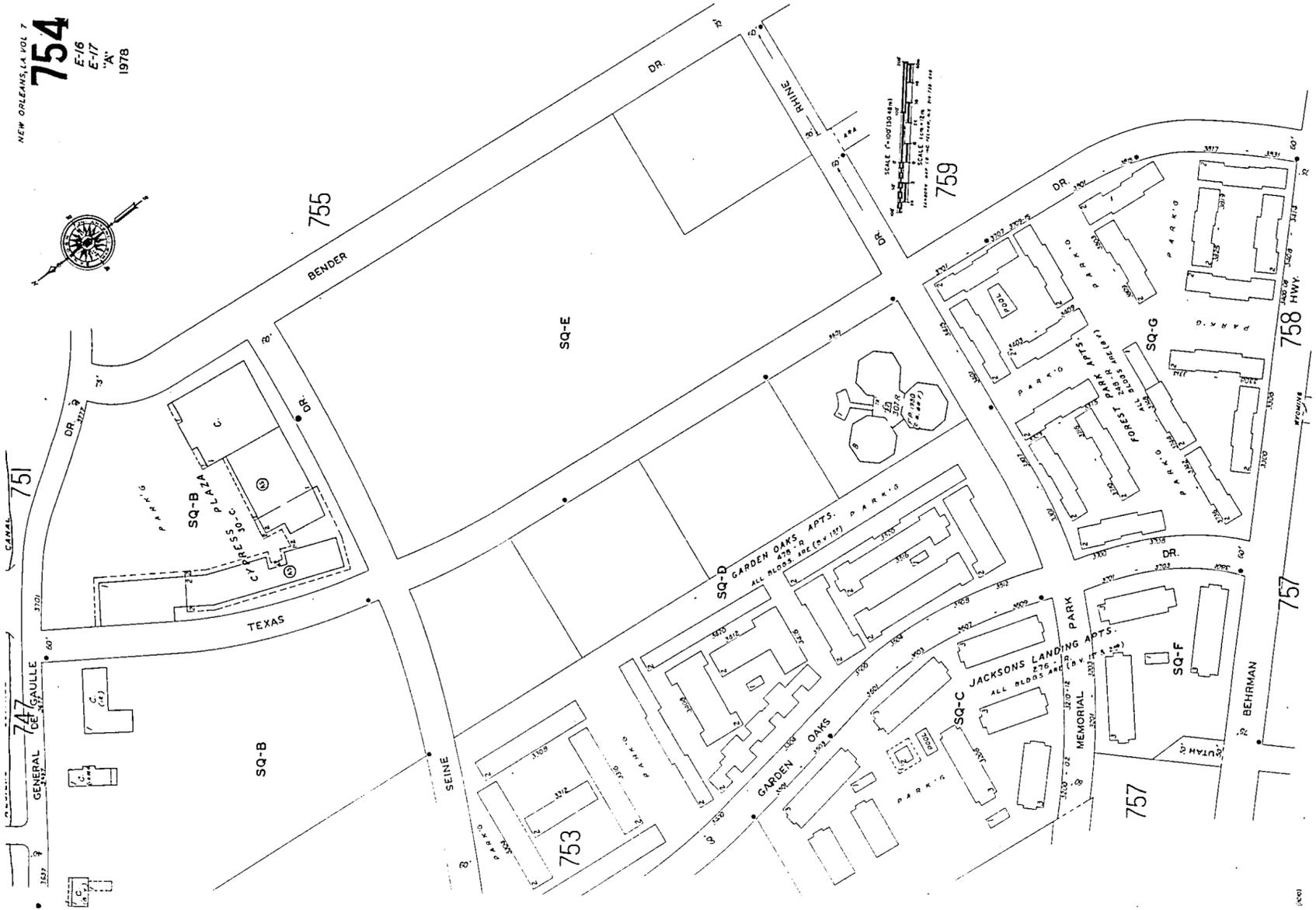
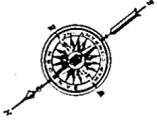
S-RS

Texas Dr

General De...

S-RS

OS-R  
Brockel  
Golf Course



**MOTION**

**NO. M-25-249**

**CITY HALL: April 24, 2025**

**BY: COUNCILMEMBER KING**

**SECONDED BY: COUNCILMEMBER MORENO**

**BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS,** That the City Planning Commission is directed to conduct a public hearing to consider a zoning map amendment from S-B2 Suburban Pedestrian-Oriented Corridor Business District to S-MU Suburban Neighborhood Mixed-Use District on Square 204, Lot MNOP, in the Fifth Municipal District, bounded by Bender Boulevard, General De Gaulle Drive, Behrman Place, and Rhine Street (municipal address: **3601 Behrman Place**).

**BE IT FURTHER MOVED,** That the application fee of \$4,000 to effectuate this request be and is hereby waived.

**BE IT FURTHER MOVED,** That in the process of studying and reviewing the proposed amendment, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes relative to this request to ensure consistency and continuity and to make need and/or appropriate adjustments deemed necessary stemming from the study and review of this request.

**THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:**

**YEAS: Giarrusso, Green, Harris, King, Moreno, Morrell, Thomas - 7**

**NAYS: 0**

**ABSENT: 0**

**AND THE MOTION WAS ADOPTED.**

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**THE FOREGOING IS CERTIFIED  
TO BE A TRUE AND CORRECT COPY**



**ASSISTANT CLERK OF COUNCIL**

City Planning Commission Speaker Card

5

Date: 8/12/25

I would like to speak regarding CPC Docket: 040/25

IN SUPPORT

Name: Ermence Parent

Address: 7425 Springlake Dr.

I am the applicant for this docket

I'd like to cede my time to:

I hereby affirm that the written or oral statements I give before the City Planning Commission will be true and correct. By ascribing my signature below, I acknowledge all information presented is of my own volition and true and correct to the best of my knowledge.

Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: Ermence Parent

City Planning Commission Speaker Card

Date: 8/12/25

I would like to speak regarding CPC Docket: 040/25

IN SUPPORT

#5

Name: Peter Gardner

Address: 2128 Peniston

I am the applicant for this docket

I'd like to cede my time to:

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Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: [Signature]

City Planning Commission Speaker Card

5

Date: 8/12/25

I would like to speak regarding CPC Docket: 040/25

IN SUPPORT

Name: Jose Aguilera

Address: 3601 Texas Drive

I am the applicant for this docket

I'd like to cede my time to:

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Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: [Signature]

City Planning Commission Speaker Card

#5

Date: 8-11-25

I would like to speak regarding CPC Docket: 40/25

IN SUPPORT

Name: MARY West

Address: 8123 Belcast St Apt B 70118

I am the applicant for this docket

I'd like to cede my time to: Peter Gardner

I hereby affirm that the written or oral statements I give before the City Planning Commission will be true and correct. By ascribing my signature below, I acknowledge all information presented is of my own volition and true and correct to the best of my knowledge.

Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: [Signature]