

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: May 3, 2007

CALENDAR NO.: 26,495

22652

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER MIDUR *Midur*

AN ORDINANCE to administratively amend Ordinance No.10,406 M.C.S. (Zoning Docket 76/84, a conditional use to permit Twilight Racing at the Fairgrounds), as amended, to permit the addition of a horsemen's dormitory and to permit the temporary on-site relocation of the slot machine gaming facility and OTB function during construction of the permanent slot machine gaming facility, in an RD-2 Two Family Residential District, located on Multiple Squares and Multiple Lots, in the Third Municipal District, bounded by Fortin Street, Gentilly and DeSaix Boulevards, and Belfort and Esplanade Avenues (Municipal Address: 1751 Gentilly Boulevard), and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 16/07 was initiated by Churchill Downs Louisiana Horseracing Co., LLC and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended approval, in its report to the City Council dated March 16, 2007, of the Administrative Amendment presented in Zoning Docket Number 16/07; and

WHEREAS, the recommendations of the Planning Commission were upheld and the changes were deemed necessary and in the best interest of the City of New

Orleans and were approved, subject to one (1) waiver and six (6) provisos, in Motion Number M-07-198 of the Council of the City of New Orleans, adopted on April 19, 2007.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS**

2 **HEREBY ORDAINS** that amendment to Ordinance No. 10,406 M.C.S. (Zoning
3 Docket 76/84, a conditional use to permit Twilight Racing at the Fairgrounds), as
4 amended, to permit the addition of a horsemen's dormitory and to permit the temporary
5 on-site relocation of the slot machine gaming facility and OTB function during
6 construction of the permanent slot machine gaming facility, in an RD-2 Two Family
7 Residential District, located on Multiple Squares and Multiple Lots, in the Third
8 Municipal District, bounded by Fortin Street, Gentilly and DeSaix Boulevards, and
9 Belfort and Esplanade Avenues (Municipal Address: 1751 Gentilly Boulevard), is
10 approved subject to the following waiver and provisos as specifically set forth herein:

11 **WAIVER:**

- 12 1. The developer shall be granted a waiver to Article 15, Section 15.2.1 *Off-Street*
13 *Parking Regulations for All Parking Districts, Except the CBD Districts and Vieux*
14 *Carre' Districts* of the Comprehensive Zoning Ordinance, which requires fifty (50)
15 off-street parking spaces for the horsemen's dormitory, to permit twenty-four (24)
16 off-street parking spaces.

17 **PROVISOS:**

18 No person shall use any of the properties described herein or permit another to use any of
19 those properties described herein for the use authorized by this ordinance, unless the
20 following requirements are met and continue to be met:

- 21 1. The developer shall submit a detailed landscape plan, including the type, size, and
22 quantity of the trees, shrubs, and groundcovers, for the areas within the vicinity of
23 the new structure and parking area. The landscape plan shall be subject to final
24 approval by City Planning Commission staff.
- 25 2. The developer shall replace the existing chain link fence that surrounds the
26 backside of the Fairgrounds site with an opaque fence and/or screening evergreen
27 hedge.
- 28 3. The developer shall ensure that all requirements of previous conditional use
29 amendments are complete and recorded prior to opening the temporary slot gaming
30 facility.
- 31 4. The developer must abide by all conditions of Ordinance Numbers 22,053 M.C.S.
32 and 22,390 M.C.S. in the operation of a maximum of 250 slot machines in the
33 temporary slot gaming facility.
- 34 5. The developer shall cease operation of the temporary slot gaming facility at the
35 time a Certificate of Occupancy is granted for the permanent slot gaming facility.
- 36 6. A citizen's advisory committee shall be formed to meet quarterly and review issues
37 in regards to security, compliance of provisos and other matters pertaining to the
38 Fair Grounds' impact on the surrounding neighborhood. The advisory committee
39 shall be limited to eleven (11) members and shall be comprised of the following: a
40 representative from the Mayor's office; three (3) representatives appointed by the
41 councilmember of District "A"; one (1) representative appointed by the
42 councilmember of District "C"; one (1) representative appointed by the

3 councilmember of District "D"; one (1) member appointed by Councilmember-at-
4 Large A; one member appointed by Councilmember-at-Large B; a staff
5 representative from the district councilmember's office of the district where the
6 Fair Grounds resides; a representative from the Fair Grounds; and a representative
7 from the New Orleans Police Department. The committee shall hold quarterly
8 meetings during the second week of February, May, August, and November.
9 Infractions of these provisos shall be reported directly to the Fair Grounds
10 representative on the committee. Minutes of the meetings shall be provided to the
11 members of the New Orleans City Council.

1 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS**

2 **HEREBY ORDAINS** that whoever does anything prohibited by this Ordinance or fails
3 to do anything required to be done by this Ordinance shall be guilty of a misdemeanor and
4 upon conviction shall be subject to a fine or to imprisonment or both, such fine and/or
5 imprisonment set by Section 1-13 of the 1995 Code of the City of New Orleans, or should
6 alternatively be subject to whatever civil liabilities, penalties or remedies the law may
7 prescribe. Conviction shall be cause for the immediate cancellation of the Use and
8 Occupancy permit of the premises.

1 **SECTION 3.** This ordinance shall have the legal force and effect of authorizing
2 this conditional use only after all the provisos listed in Section 1 of this Ordinance which
3 impose a one-time obligation have been completely fulfilled and complied with, and only
4 after all the provisos listed in Section 1 which impose a continuing or on-going obligation
5 shall have begun to be fulfilled, as evidenced by the Planning Commission's approval of a

6 final site plan (which shall be incorporated into this ordinance by reference) and its
7 subsequent recordation, and no use or occupancy certificates or permits (other than the
8 building permits needed to fulfill the provisos) shall be issued until all the provisos which
9 impose a one-time obligation have been completely fulfilled and complied with, and only
10 after all the provisos listed in Section 1 which impose a continuing or ongoing obligation
11 shall have begun to be fulfilled, as evidenced by the Planning Commission's approval of a
12 final site plan (which shall be incorporated into this ordinance by reference) and its
13 subsequent recordation.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS JUN 07 2007

ARNIE FIELKOW

PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON JUN 08 2007

APPROVED: JUN 14 2007

C. RAY NAGIN

MAYOR

RETURNED BY THE MAYOR ON JUN 15 2007 AT 10:25 AM

PEGGY LEWIS

CLERK OF COUNCIL

YEAS: Carter, Fielkow, Midura, Thomas, Willard-Lewis - 5

NAYS: 0

ABSENT: Head, Hedge-Morrell (Official City Business) - 2

RECORDING IS OK
NO CORRECTIONS
CLERK OF COUNCIL