

City Planning Commission Meeting – April 28, 2015

CONSIDERATION – SUBDIVISION DOCKET – 023/15

Applicant: Theodore W. Nass, III

Prepared By: Larry Massey, Jr.

Date: April 15, 2105

Deadline: June 30, 2015

GENERAL INFORMATION

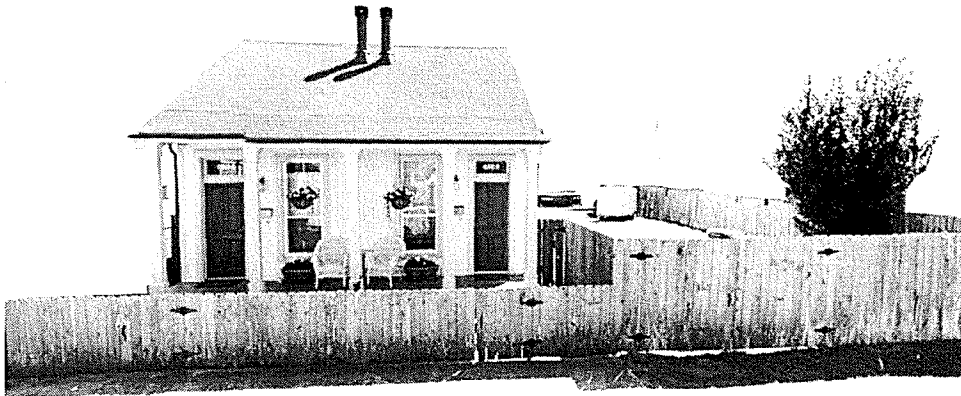
Proposal: Subdivision of Lot 11-A into Lots 11-A-1 and 11-A-2.

Location: Square 121, Sixth Municipal District, bounded by Annunciation, Upperline, Tchoupitoulas, and Lyons Streets. The municipal addresses are 4856 - 4858 Annunciation Street. (PD 3)

Zoning: RM-2 Multiple-Family Residential District

Current

Land Use: The existing Lot 11A is currently developed with a two-family dwelling with a significant amount of open space to the west of the structure. This open space is the planned site of a two-story single-family residence.



Required: Lots developed with single-family or two-family residences in the RM-2 Multiple-Family District area required to measure a minimum of 30 feet in width and 90 feet in depth. Single-family residences are required a minimum lot area of 3,125 square feet per dwelling unit and two-family dwellings are required a lot area of 1,750 square feet per dwelling unit, or a total area of 3,500 square feet.

Lot 11-A-1 is proposed to have a width of 30 feet seven-inches, depth of 100 feet, and a lot area of 3,160 square feet. The proposed lot would meet the lot width and depth requirements of the RM-2 District, but would be 340 square feet deficient in lot area.

Lot 11-A-2 is proposed to have a width of 30 feet ten-inches, depth of 100 feet, and a lot area of 3,090 square feet. The proposed lot meets the requirements for lot depth and width, but is deficient in lot area by 35 square feet.

The Commission has classified all Minor and Major Subdivisions into seven categories, based on the particular aspects of the proposal. This proposed subdivision is to be reviewed under *Policy B: In Compliance With Regulations or Constituting General Improvements to the Existing Plat*. These cases are to be considered for approval or denial based upon review of three criteria. First, no lot is to be reduced in area below the minimum lot size required by the Zoning Ordinance. Second, the new condition is to create a general improvement of the original plat by increased lot width, etc., although the proposed lots may be slightly below the minimum lot dimensions and area standards required by the regulations. Third, improvements exist that predate the May, 1950 original adoption of the Subdivision Regulations. Cases that clearly meet these three criteria are eligible for administrative approval, but cases that are doubtful, are to be referred to the City Planning Commission.

**Utilities &
Regulatory
Agencies:**

The City Planning Commission, when reviewing a proposed subdivision, requests responses from the Department of Property Management Division of Real Estate and Records, Department of Public Works, Department of Safety and Permits, Sewerage and Water Board, the Historic District Landmarks Commission (where applicable), and Entergy regarding the compliance of the proposed subdivision with the building codes, zoning ordinance, and other regulations governing development in the city.

The Department of Property Management, Division of Real Estate and Records noted no objection to the proposal, finding no exceptions regarding ownership, and requested that the old lot number (11-A) be shown on the survey.

The representative of the Sewerage and Water Board stated that sewer and water facilities are available but not shown, and that a note should be shown on the plans stating that sewer and water house connections are the property owner's responsibility. Sewerage and Water Board also stated that subsurface drainage is not available.

The Department of Safety and Permits commented that the shed in the rear of the property needs to be demolished because it crosses the new proposed lot line.

The petitioned site is not located within a Local Historic District.

At the time of this writing, the Department of Public Works and Entergy had not yet reviewed the proposed subdivision.

ANALYSIS

Development in the Vicinity:

Located in the West Riverside neighborhood, the petitioned property is situated in an RM-2 Multiple-Family Residential District that covers most of this neighborhood and the adjacent East Riverside neighborhood. The majority of uses within this district and near the petitioned property are single-family residences, though a number of two-family and multiple-family residences are nearby. Most of the structures fronting this block of Annunciation Street have historically been two-family dwellings, some of which have been converted into single-family homes.

Most of the surrounding area is made up of rectangular lots very consistent in size and shape. In a survey of the surrounding area, the staff found that the majority of the lots are similar in size to those proposed by the applicant with this resubdivision. The staff surveyed 94 surrounding parcels in the surrounding five squares and found that the most common lot width is 30 feet and the most common depth is 101 feet. Furthermore, the median lot area for the area is 3,300 square feet, which is also very close in dimension to the lot areas for proposed Lots 11-A-1 and 11-A-2 (Table 1).

Table 1. Lot Characteristics for existing, proposed, and surrounding lots

Lot Dimensions	Existing Lot	Proposed Lots		Median Dimensions of Surrounding Lots*
	Lot 11A	11-A-1	11-A-2	
Width	62.5	31.6	30.8	30
Depth	100	100	100	101
Area	6250	3160	3090	3,300

*Surrounding lots include all lots on Squares 120, 121, 122, 139, and 141

Table 1 illustrates how similar the proposed lots are to the typical lot in the surrounding squares and that the existing lot is twice as wide as those around it.

Wisner Playground is directly across the street from the petitioned property, and encompasses all of Square 140. This playground is bounded by Annunciation, Lyons, Laurel, and Upperline Streets, and includes a baseball/softball field, basketball court, children’s play equipment, and is home to the Wisner Dog Run.

Nearby districts include LI Light-Industrial and HI Heavy Industrial Districts along the Mississippi River. The HI District covers the Napoleon Avenue Container Terminal near the petitioned property, and extends downriver to also include the Intermodal Rail Terminal, Milan Street Wharf, and a portion of the Louisiana Avenue Terminal Complex. The nearby LI District includes a number of businesses that front on Tchoupitoulas Street and include a large strip-shopping center and supermarket. This district extends upriver to the Nashville Avenue Terminal Complex and the Henry Clay Avenue Refrigerated Terminal and terminates at the riverfront portion of Audubon Park. Another LI District is located on Bordeaux Street between Laurel and Annunciations Streets and covers half of Square 141. This LI District currently contains a Mardi Gras den that houses floats for the Krewes of Chaos and Proteus, and stores historic floats for the Krewe of Comus.

A retirement community and tennis club are located nearby in an MS Medical Service District near the intersection of Magazine Street and Jefferson Avenue. The remainder of Magazine Street near the petitioned property is zoned B-2 General Business District but includes a number of B-1A Neighborhood Business Districts.

COMPLIANCE WITH THE COMPREHENSIVE ZONING ORDINANCE AND THE SUBDIVISION REGULATIONS:

Pursuant to **Article 4, Section 4.9.7 (Table 4.I)** of the Comprehensive Zoning Ordinance, a single-family or two-family residence is required a minimum lot width of 30 feet and lot depth of 90 feet. The minimum lot area required for single-family dwellings is 3,125 square feet per dwelling unit, and 1,750 square feet per dwelling unit for two-family dwellings. The applicant is proposing a single-family dwelling on proposed Lot 11-A-2. Proposed lot 11-A-2 meets the width and depth requirements of the RM-2 District, but is 35 square feet deficient of the required lot area. Proposed Lot 11-A-1 also meets the minimum lot width and depth requirements for the RM-2 District, but is 340 square feet deficient in lot area.

Policy B Review

This subdivision application is to be reviewed under *Policy B: In Compliance With Regulations or Constituting General Improvements to the Existing Plat*. **Article 3, Section 3.2.2** of the Subdivision Regulations states that subdivision applications meeting all of the following criteria may be granted Administrative Approval by the Executive Director of the City Planning Commission under Policy B.

- A. No lot is reduced in area below the minimum lot size required by the Zoning Ordinance;
- B. The new condition creates a general improvement of the original plat by increased lot width, etc., although the proposed lots may be slightly below the

minimum lot dimensions and area standards which are required in these regulations;

- C. Improvements exist upon the property, antedating the original adoption of the *Subdivision Regulations* in 1950.

Those subdivision applications which do not meet all of the criteria must be considered by the City Planning Commission. As discussed below, this subdivision meets only one of the three criteria, so it must be evaluated by the Commission.

Compliance with the criteria of Policy B:

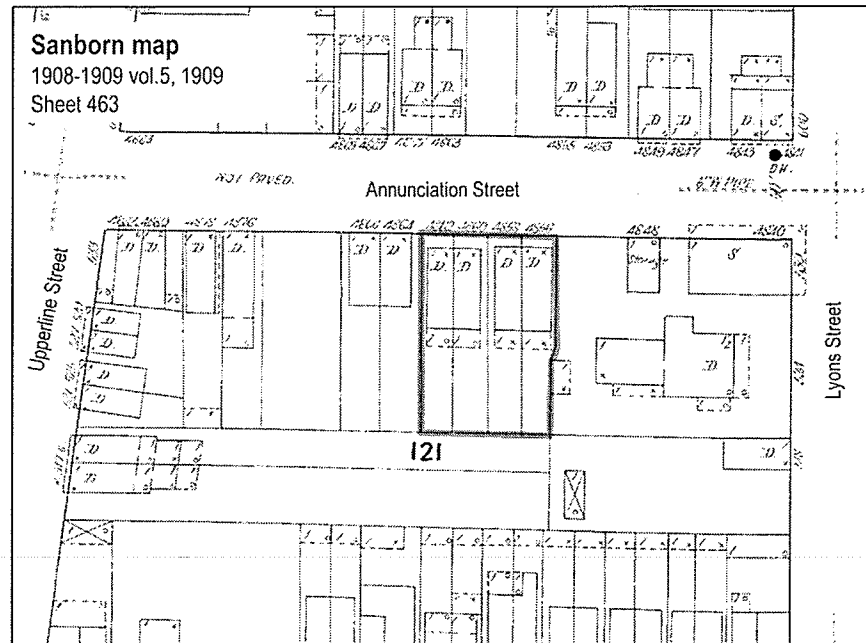
Criterion A: Existing Lot 11A has an area of 6,250 square feet, which meets the two-family lot area requirement of the RM-2 District. The applicant's proposal is for Lot 11A to be resubdivided into Lots 11-A-1 and 11-A-2, which would measure 3,160 square feet and 3,090 square feet in area, respectively. Neither lot would be compliant with the lot area requirement of the RM-2 District, but these deficiencies are negligible. Since proposed Lots 11-A-1 and 11-A-2 are below the minimum lot size requirement, the request does not meet criterion A.

Criterion B: A deficiency of the City's Subdivision Regulations which the staff has repeatedly identified in evaluating subdivision applications for properties in historic neighborhoods is that the Subdivision Regulations considers larger lots to be universally preferable to smaller lots without regard to whether the lots are typical in size for the surrounding area. In this case, the staff believes that the proposed subdivision would actually constitute an improvement over the existing condition because the smaller proposed lots would be more consistent with the area's lot pattern than is the larger existing lot.

As shown in Table 1, the most common lot width in the area is 30 feet, and the most common lot depth is 100 feet. The subdivision proposal would create lots very similar to these dimensions—two lots measuring 31 feet seven inches and 30 feet 10 inches in width and both are 100 feet in depth. Thus, the proposed resubdivision is consistent with the surrounding development pattern.

Since the proposed resubdivision is consistent with the surrounding development pattern, would allow for the development of a single-family residence, and would restore occupancy to a site where a two-family dwelling once stood, the staff believes this constitutes a general improvement to the site.

Criterion C:



Historic Sanborn maps show the site was developed as early as 1909 with a two two-family dwellings, so the site was used prior to the adoption of the Subdivision Regulations in 1950. However, only the two-family structure on proposed Lot 11-A-1 still exists. The historic structure on proposed lot 11-A-2 was demolished sometime prior to 1993, and since this structure does not exist anymore, the request does not fully meet criterion C.

This analysis shows that the request meets none of the three (3) criteria of Policy B. While a subdivision which does not meet the criteria of Policy B must be considered by the Commission, the Commission is not bound by the Subdivision Regulations to approve or deny a subdivision application based solely on its compliance with the criteria. The Policy specifies that cases which do not meet all of the criteria must be considered by the Commission but it does not state that cases which do not meet the criteria must be denied by the Commission. The Commission therefore can exercise its judgment in determining whether any subdivision proposal is appropriate and can approve even those subdivisions which do not meet any of the criteria of Policy B if it believes that doing so is justified.

In this case, the staff believes that the Commission should support the subdivision application even though it does not meet the criteria of Policy B. The proposed lots would be consistent in size for the surrounding area. Though both proposed lots are deficient in lot area, these deficiencies are marginal and, respectively, constitute 1% and 10% of the total required lot area.

If the subdivision is approved, it would still be necessary for the applicant to secure from the Board of Zoning Adjustments a variance to allow the area of proposed Lots 11-A-1

and 11-A-2 to be less than that which is required by the Comprehensive Zoning Ordinance.

- The applicant shall apply for and secure a variance from the Board of Zoning Adjustments for insufficient lot area for proposed Lots 11-A-1 and Lots 11-A-2.

SUMMARY

Subdivision Docket 023/15 is a request to resubdivide Lot 11A, which is located in the West Riverside neighborhood and fronts on Annunciation Street, into proposed Lots 11-A-1 and 11-A-2. The existing Lot 11A is currently developed with a two-family dwelling with a significant amount of open space to the west of the structure which was historically occupied by a two-family structure. This open space is the planned site of a single-family residence. The proposed lots meet all of the RM-2 District lot size requirements with the exception of lot area. Proposed Lot 11-A-1 meets the minimum lot width and minimum lot depth requirements of the RM-2 District, but is deficient of the 3,500 square foot lot area requirement by 340 square feet. Lot 11-A-2 also meets the minimum lot width and minimum lot depth requirements of the RM-2 District, but is deficient of the 3,125 square foot lot area requirement by 35 square feet. This deficiency is marginal as they amount to 1% and 10% of the total required lot area. Furthermore, the proposed resubdivision would create lots similar in size to the majority of lots in the surrounding area. The staff believes that even though the proposal is only partially compliant with Policy B, the consistency of the proposal with the surrounding subdivision pattern justifies the approval of the subdivision. The staff is therefore supportive of the request, subject to standard provisos.

PRELIMINARY STAFF RECOMMENDATION¹

The staff recommends **TENTATIVE APPROVAL** of Subdivision Docket 023/15, with final approval subject to four (4) provisos.

Provisos

1. The applicant shall apply for and secure a variance from the Board of Zoning Adjustments for insufficient lot area for proposed Lots 11-A-1 and 11-A-2.
2. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records, and the Department of Safety and Permits.
3. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable) and tax certificates for the petitioned site.

¹ The preliminary staff recommendation is subject to modification by the City Planning Commission.

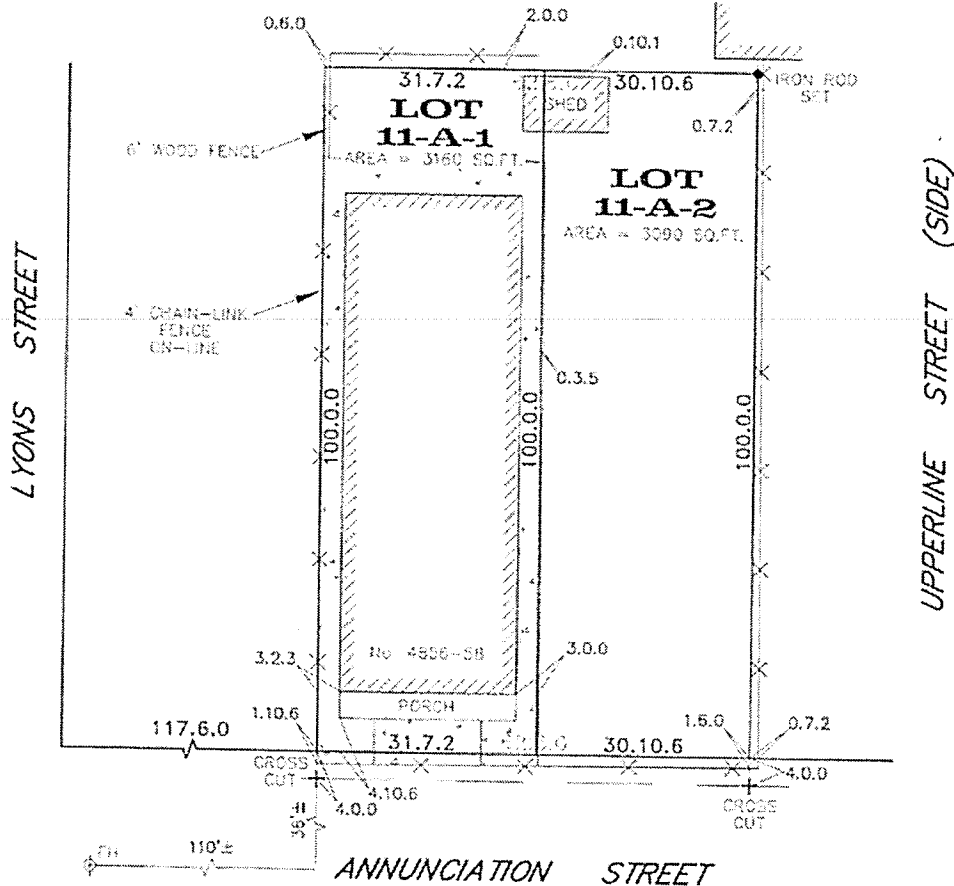
4. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final resubdivision survey in dwg., dxf, or ESRI compatible file format.

REASONS FOR RECOMMENDATION

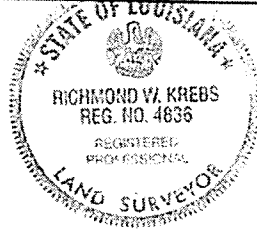
1. The proposed resubdivision will create two lots that are compliant in regards to lot width and lot depth, but deficient in the lot area requirement. These deficiencies are marginal and account, respectively, for 1% and 10% of the required minimum lot area of the RM-2 Multiple-Family Residential District.
2. The proposed lot configuration would be consistent with the surrounding area and would allow for the site to be developed with a single-family residence, restoring occupancy to a vacant lot previously occupied by a two-family structure.

**RESUBDIVISION OF
LOT 11-A INTO
LOTS 11-A-1 AND 11-A-2
SQUARE 121
BOULIGNY
SIXTH DISTRICT
ORLEANS PARISH, LA**

TCHOUPITOULAS STREET (SIDE)



NOTE:
ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED. SOME ITEMS MAY NOT BE TO SCALE FOR CLARITY. DIMENSIONS ON SURVEY PREVAIL OVER THE SCALE. FENCES ARE SHOWN FOR GENERAL INFORMATION PURPOSES ONLY AND DO NOT REFLECT EXACT LOCATION OR CONDITION.



GENERAL NOTES

ANGLES AND/OR BEARINGS ARE BASED ON REFERENCE PLAN #1 REFERENCE PLAN #1, A PLAN OF SURVEY BY GILBERT, KELLY AND CHRISTIE, INC. DATED AUGUST 8, 1992.

THE SPIN-INDICES SHOWN ON THIS SURVEY ARE LIMITED TO THOSE FURNISHED US AND THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVICES ARE REFLECTED OR SHOWN HEREON. THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH BY COMPARING THE DATA FOR THIS SURVEY.

THIS PERIMETER SURVEY SHALL NOT CONSTITUTE A LEGAL OPINION OF TITLE, AND SHALL NOT BE RELIED UPON FOR THAT PURPOSE. THERE IS NO WARRANTY THAT IT CONFORMS TO THE LEGAL TITLE, AND WAS MADE SOLELY ACCORDING TO THE INFORMATION PROVIDED THE SURVEYOR.

ELEVATION NOTES

THIS IS TO CERTIFY THAT SUBJECT PROPERTY IS LOCATED IN THE FLOODING FLOOD ZONE, PER FLOOD INSURANCE RATE MAP (FIRM) DATED 3/17/04 FLOOD ZONE E COMMUNITY PANEL #25003 0200 E

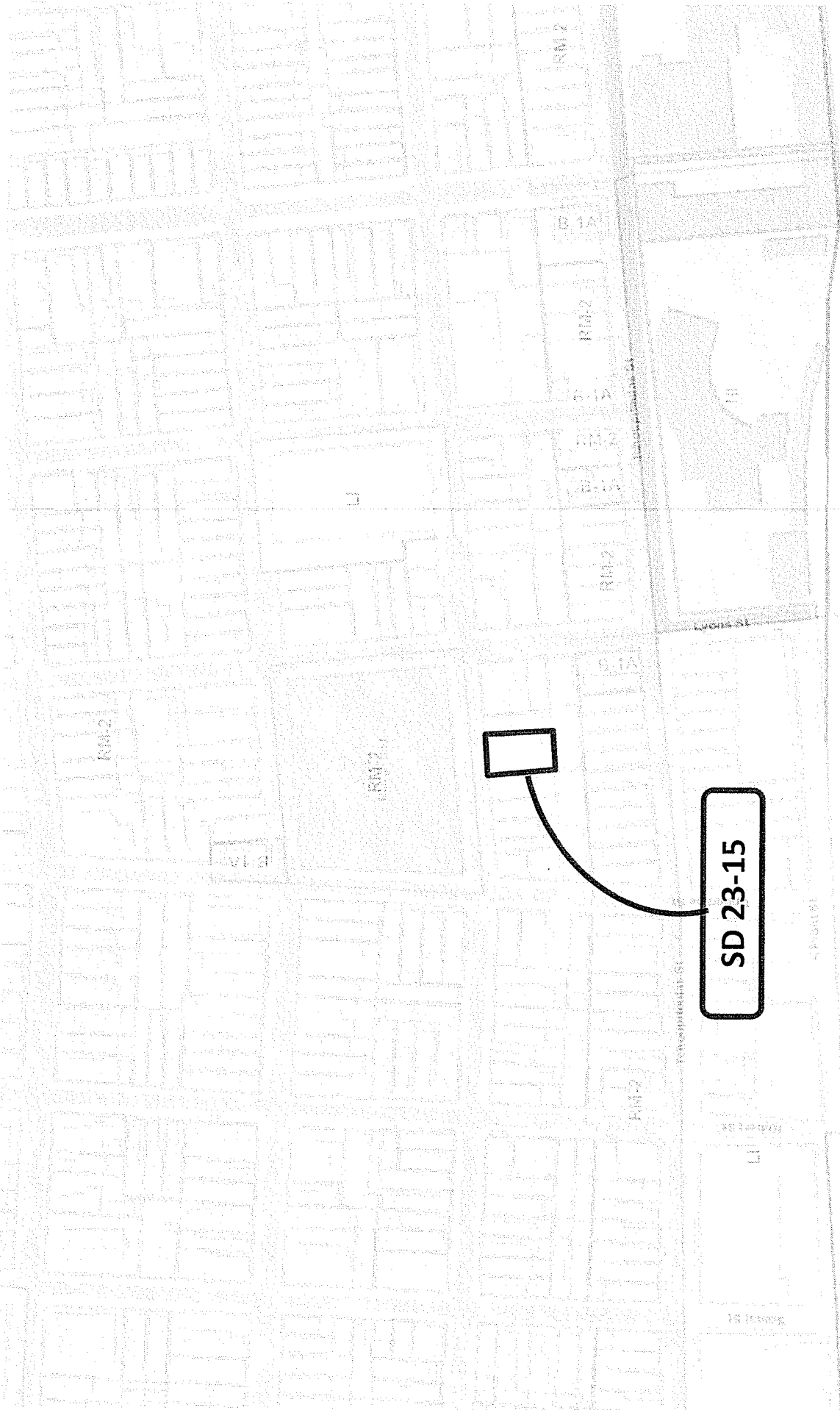
THIS IS TO CERTIFY THAT THE PROPERTY BOUNDARY SURVEY RECORDED HEREON WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS AS STIPULATED IN LOUISIANA ADMINISTRATIVE CODE TITLE 46:04, CHAPTER 25 FOR A CLASS "C" (SUBURBAN) SURVEY.

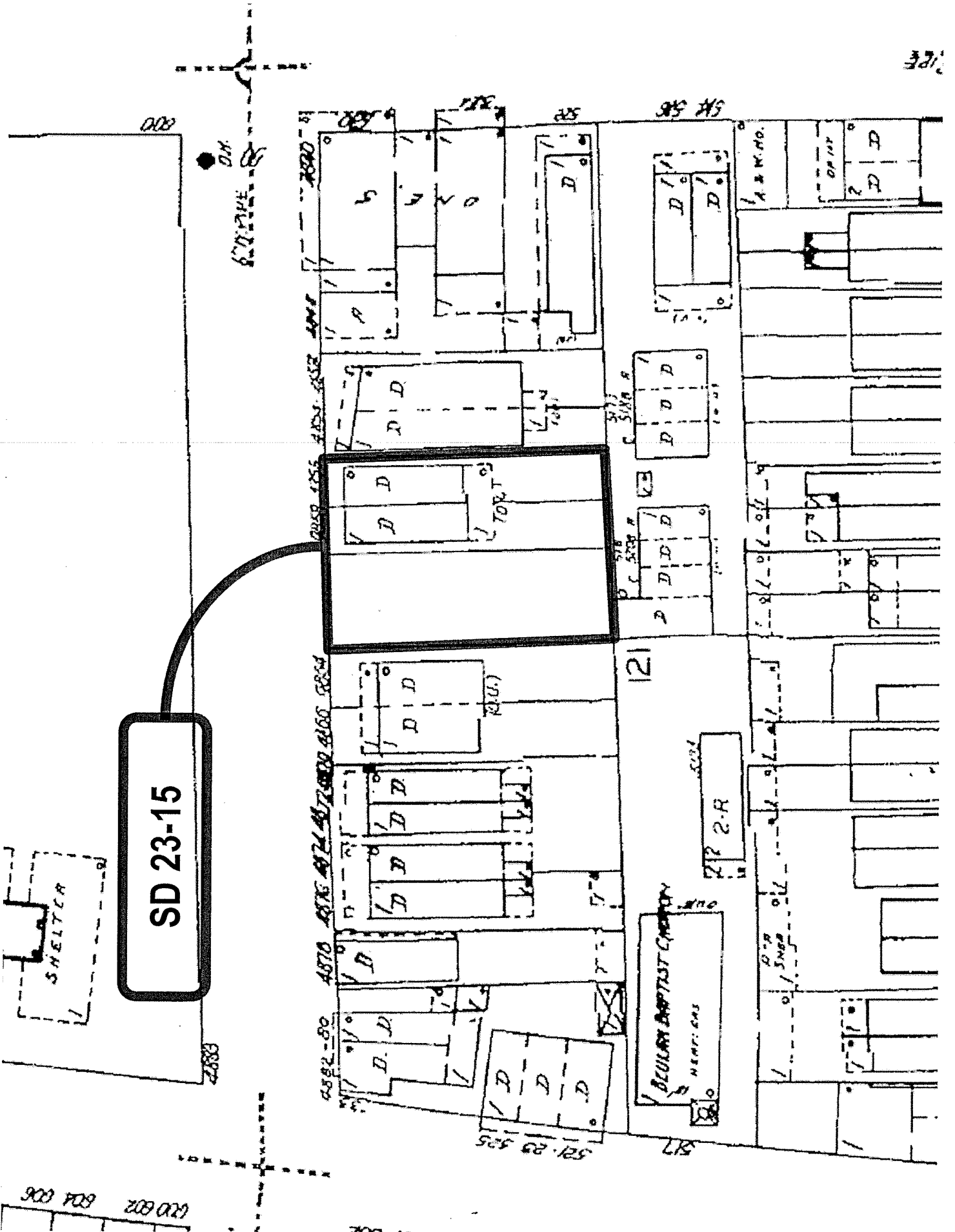
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Richmond W. Krebs

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DATE: DECEMBER 22, 2014 DRAWN BY: SKG
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SD 23-15

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MEMBERS

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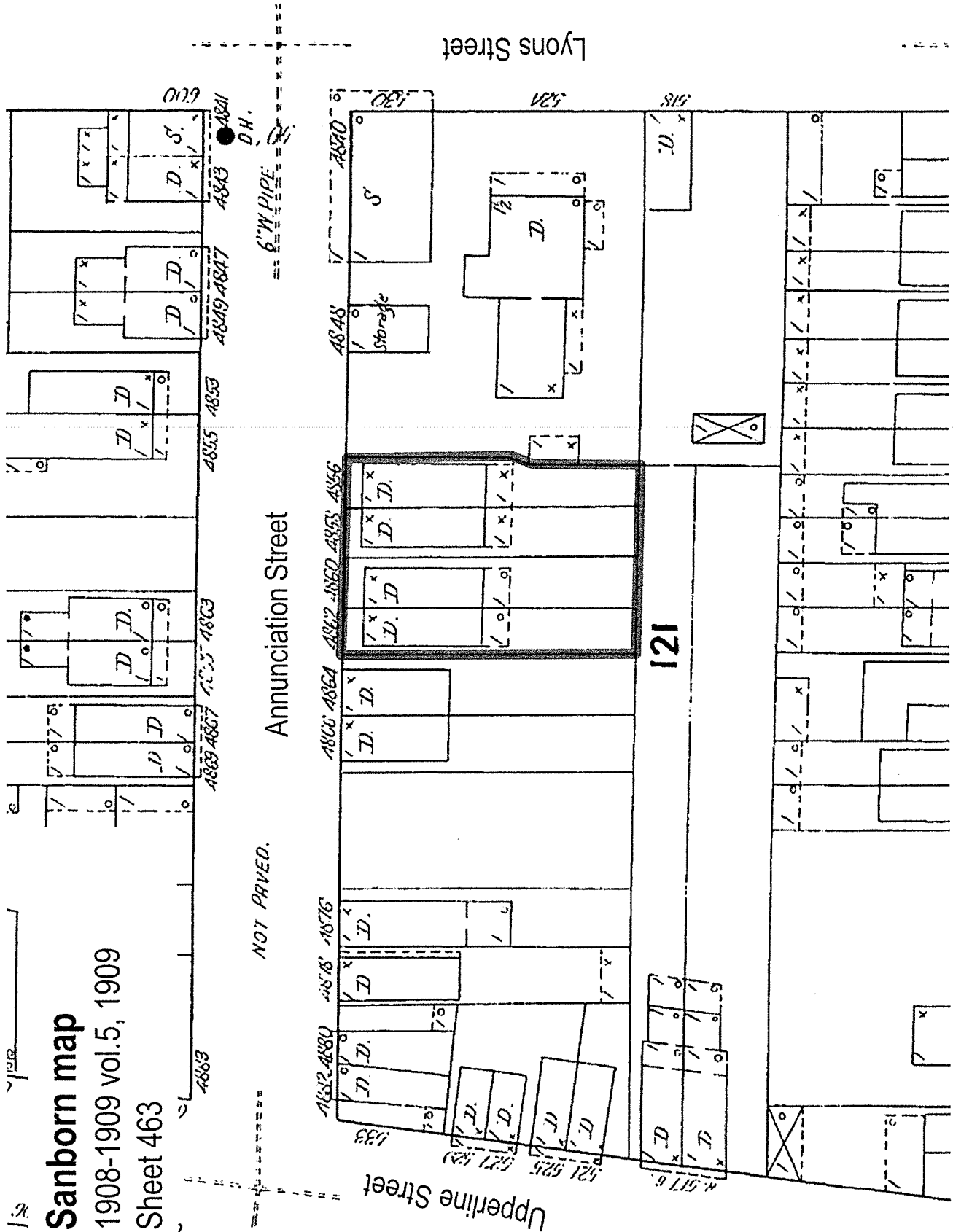
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Sanborn map
 1908-1909 vol.5, 1909
 Sheet 463



NOT PAVED.

Annunciation Street

Lyons Street

Upperline Street

121

4843
 4849 4847
 4841
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4855 4853

4863 4867 4855 4863

4863

4876 4876

4864 4862 4860 4858 4856

4848
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