

City Planning Commission Meeting – August 11, 2015

CONSIDERATION – SUBDIVISION DOCKET 066/15

Applicant: Elysian Fields Investments LLC

Prepared By: Bao Robert Nguyen

Date: July 31, 2015

Deadline: September 11, 2015

GENERAL INFORMATION

Proposal: Resubdivision of Lots 48, 49, 50, 51, 52, 53, 54, 55, and 56 into Lot 50A.

Location: The site is located on Square 16, in the Third Municipal District, bounded by Elysian Fields Avenue, Filmore Avenue, Vermillion Boulevard, and Rapides Drive. The municipal address is 5300 Elysian Fields Avenue. (PD 6)

Zoning: B-1 Neighborhood Business District

Current

Land Use: The site is currently vacant.

Proposed

Use: The site is proposed to be developed for retail use.

Required: The subject site consists of nine lots that form a rectangular shaped development site that has frontages on Elysian Fields Avenue and Filmore Avenue. This site has 222.64 feet of frontage on Elysian Fields Avenue and 123.36 feet of frontage on Filmore Avenue. The total area for the site is approximately 27,465 square feet.

This is a request to resubdivide the nine lots into a single lot. All of the nine lots are rectangular in shape and are all approximately 22 to 25 feet in width and 123 feet in depth. All of the lots face Elysian Fields Avenue. All of the subject lots are located in a B-1 Neighborhood Business District.

For corner lot properties, like the subject property, the subdivision regulations consider the side with the lesser dimension to be the lot front. The proposed resubdivision would reverse the lot frontage, as the current lots front Elysian Fields Avenue and the proposed combined lot would now front Filmore Avenue. **Article 5, Section 5.1.8 Reversal of Lot Frontage** of the *New Orleans Subdivision Regulations* states that “the Planning Commission will look with disfavor upon proposals for reversal of lot frontages that will result in:

- a. Required rear yards abutting required side yards;
- b. Required side yards abutting required rear yards;
- c. Required front yards opposite required side yards,

unless the existing lot pattern within 500 feet on both sides of the proposed subdivision on each affected street contains development on which 50% or more lots have similar frontages. Reversal of lot frontages, which will result in placing lot frontages on Major Streets, will be generally acceptable, unless such reversals result in hardship to owners of the adjoining properties.”

LOT SIZE

Existing

Lots: All nine lots are rectangular in shape and all front Elysian Fields Avenue. The dimensions of the existing Lots are shown in Table 1. There are not any minimum lot width, depth, or area requirements in the B-1 Neighborhood Business District; however, the subdivision regulations require commercial lots to be at least 50 feet in width and 100 feet in depth. The lots are substandard in width of that requirement. All of the existing lots have access to a street.

Table 1: Dimensions of Existing Lots

Lot Designation	Lot Width	Lot Depth	Approximate Lot Area
48 to 55	25 feet	123.4.3 feet	3,085 sq. ft.
56	22.7.6	123.4.3 feet	2,801 sq. ft.

Proposed

Lot: Proposed Lot 50A would be a rectangular shaped lot. The site has 222.64 feet of frontage on Elysian Fields Avenue and 123.36 feet of frontage on Filmore Avenue. The total area for the site is approximately 27,465 square feet. There is no minimum lot width, depth, or area requirements in the B-1 Neighborhood Business District. The B-1 Neighborhood Business District has other development standards with regards to height, setbacks, and floor area ratio that any proposed development will have to comply with (see Table 2 below).

Table 2: B-1 Neighborhood Business District Development Standards

Requirement	Standards
Maximum height	40 ft.
Minimum depth of front yard	Average, otherwise 20 ft
Minimum yard on a side street	none
Minimum interior side yard	none
Minimum side yard abutting residential district	5 ft.
Minimum yard on a side street when rear yard abuts a residential district	10 ft.
Minimum side or rear yard if any is provided	3 ft.
Minimum rear yard abutting a residential district	20 ft.
Maximum Floor Area Ratio	1.00

Per the Front Yard definition in **Article 2, Section 2.2** of the *New Orleans Subdivision Regulations*, the front yard shall be on the street upon which the lot has its lesser dimension. The existing lots current front Elysian Fields Avenue, but the proposed lot would reverse the frontage to Filmore Avenue.

ANALYSIS

Development in the Vicinity:

The petitioned properties are located within a B-1 Neighborhood Business District along Elysian Fields Avenue between Filmore Avenue and Rapides Street. B Neighborhood Business zoning districts are located on the four corners of the intersection of Elysian Fields Avenue and Filmore Avenue. Sites within the Neighborhood Business District are of varying sizes, but consist of multiple lots for each site.

The sites are developed with a range of mostly commercial uses (retail stores, restaurants, coffee shops, personal service establishments, offices, and other commercial uses). Outside of the corners of this intersection, the area is predominantly residential. The subject property is immediately adjacent to an RS-2 Single-Family Residential District with mostly single-family residential uses.

Most of the lots in the B Neighborhood Districts front Elysian Fields Avenue. There are two examples of properties in the Neighborhood Business District that are not immediately adjacent to Elysian Fields Avenue and front the side street. The most similar example to the subject property is 2201 Dreux Avenue, which is a large property where the building faces Elysian Fields Avenue, but the lot frontage is considered the side street (Dreux Avenue) because the lesser dimensions front this street. This development is also crossing multiple lots of record.

Utilities & Regulatory Agencies

As part of the review process for subdivision proposals, the City Planning Commission staff requests responses from the Department of Property Management's Division of Real Estate and Records, the Department of Public Works, the Department of Safety and Permits, the Sewerage and Water Board, and Entergy. The purpose of the reviews by these agencies is to determine whether the proposed subdivision would have any impact on the City's infrastructure and whether it would comply with the City's building code and other applicable regulations.

At the time of this report, the staff had received responses from four of the requested agencies: the Department of Property Management's Division of Real Estate and Records, the Department of Public Works, the Department of Safety and Permits, and the Sewerage and Water Board. The Department of Public Works, the Department of Safety and Permits, and the Sewerage and Water Board reported no objection to the request. Real Estate and Records has an exception to the survey, as there is a missing street side label. The thirty day comment period for the remaining reviewing agency (Entergy) has expired, after which time the Executive Director may consider that agency to have approved the proposal.¹ To resolve the exception for Real Estate and Records, the staff recommends the following proviso:

- The applicant shall add the notation "Vermillion Boulevard (side)" as required by the Division of Real Estate and Records.

COMPLIANCE WITH THE COMPREHENSIVE ZONING ORDINANCE, THE SUBDIVISION REGULATIONS, AND THE MASTER PLAN:

Comprehensive Zoning Ordinance

The petitioned site is located in a B-1 Neighborhood Business District in which multiple-family residential and various retail uses are permitted uses. **Article 5, Section 5.4.7 (Table 5.D) Height, Area and Bulk Requirements** of the Comprehensive Zoning Ordinance provides the regulations on floor area ratio, height limitations, and setbacks. The proposed plans for any development on this site will be reviewed by the Zoning Division of the Department of Safety and Permits for consistency with these requirements.

Subdivision Regulations

Article 5, Section 5.5.1 Lot Size of the Subdivision Regulations states that lots located in commercial zoning districts to be used for commercial purposes shall provide a minimum width of 50 feet and a minimum depth of 100 feet. As noted above, the proposed lot would be a reversal of lot frontages from Elysian Fields Avenue to Filmore Avenue. **Article 5, Section 5.1.8 Reversal of Lot Frontage** of the *New Orleans Subdivision Regulations* states that "the Planning Commission will look with disfavor upon proposals for reversal of lot frontages that will result in:

¹ Article 4, Section 4.1.3. Processing the Subdivision Request of the *Subdivision Regulations*.

- a. Required rear yards abutting required side yards;
- b. Required side yards abutting required rear yards;
- c. Required front yards opposite required side yards,

unless the existing lot pattern within 500 feet on both sides of the proposed subdivision on each affected street contains development on which 50% or more lots have similar frontages.” The proposed subdivision will technically result in a reversal of lot frontage, per the definitions in the Subdivision Regulation;² however, the reversal of lot frontage does not result in a situation where the City Planning Commission should look with disfavor upon the request. This is for three reasons. First, the use of the site by a single development is consistent with its historic use. The 1980 Sanborn Map shows these lots have been used in conjunction as a single site for a service station with an address on Elysian Fields.

Second, this sort of site configuration (with a site being wider along Elysian Fields Avenue than it is deep along a side street) is not unprecedented in the area. All of the developments at this intersection spans multiple lots. It appears that at least two of those three multiple-lot sites were properly subdivided into single lots, they would also be wider along Elysian Fields than they would be deep along side streets. The proposed lot would be consistent with this existing development pattern.

Finally, the new lot configuration would be an improvement over the existing lot configuration. While the existing lots are substandard of the Subdivision Regulations’ requirement that commercial lots be at least 50 feet in width and 100 feet in depth, the new lot would comply with that requirement.

Plan for the 21st Century: New Orleans 2030

A land use action is consistent with the *Plan for the 21st Century: New Orleans 2030*, commonly known as the Master Plan, if it furthers, or at least does not interfere with, the goals, policies, and is compatible with the proposed future uses, densities, and intensities designated in the Land Use Element of the Plan. Chapter 14 of the Master Plan, the Land Use 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 provided 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. Common uses include small groceries, restaurants, barber shops/salons, clothing boutiques, banks, pharmacies, and small health professional offices. Conversion to multifamily

² Article 2, Section 2.2 Definitions

may be allowed for certain existing historic institutional, commercial 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. Landscape requirements for parking lots facing the street.

The B-1 Neighborhood Business District allows a range of small retail, restaurant, and service uses that are consistent with the range of neighborhood-oriented commercial uses intended by the Neighborhood Commercial designation. Whether the site includes several lots fronting Elysian Fields Avenue or one lot facing Filmore Avenue is **not addressed** by the Master Plan.

SUMMARY

Subdivision Docket 066/15 is a request to resubdivide nine lots into a single lot of record. The existing Lots 48 through 56 front Elysian Fields Avenue. The proposed lot, Lot 50A, would result in a reversal of lot frontage where the consolidated lot would front Filmore Avenue. The entire site is located in a B-1 Neighborhood Business District. Reversal of lot frontages are generally disfavored by the Planning Commission when rear and side yards abut each other or side and front yards are opposite of each other. In this case, the reversal is acceptable because the existing lots have been used as a single site and the new lot would meet the required 50 feet width and 100 feet depth requirement of the *New Orleans Subdivision Regulations*.

PRELIMINARY STAFF RECOMMENDATION

The staff recommends **TENTATIVE APPROVAL** of Subdivision Docket 066/15, with final approval subject to one (1) waiver and four (4) provisos:

Waiver

1. The applicant shall be granted a waiver of **Article 5, Section 5.1.8** of the Subdivision Regulations, which generally discourages reversals of lot frontage, to permit a reversal of lot frontage from Elysian Fields Avenue to Filmore Avenue

Provisos

1. The applicant shall comply with any requirements deemed necessary by Department of Property Management's Division of Real Estate and Records, the Department of Public Works, the Department of Safety and Permits, the Historic District Landmarks Commission, the Sewerage and Water Board, and Entergy.
2. 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 site.

3. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final subdivision survey in dwg., dxf, or ESRI compatible file format.
4. The applicant shall add the notation "Vermillion Boulevard (side)" as required by the Division of Real Estate and Records.

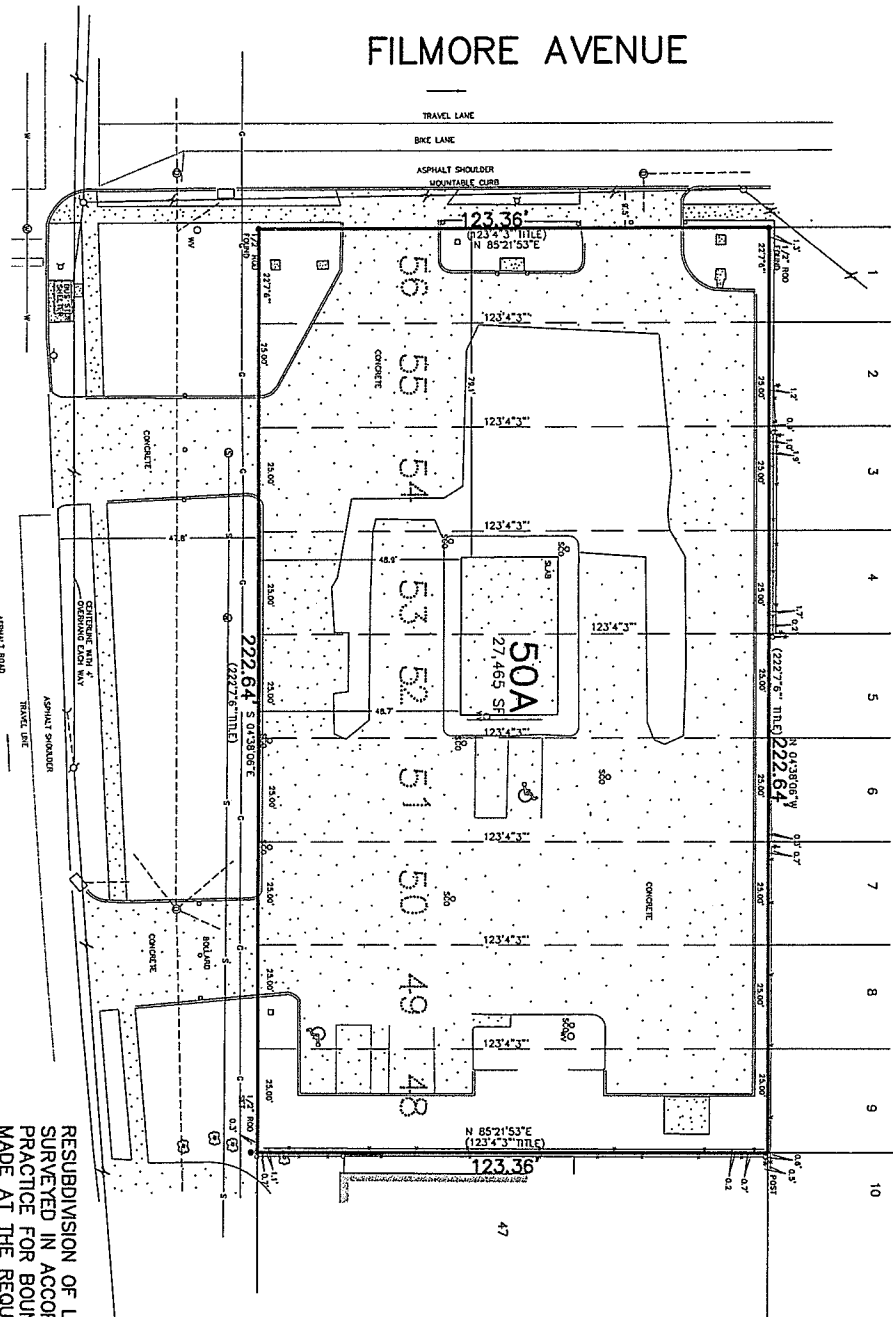
REASON FOR RECOMMENDATION

1. While the proposed subdivision will result in a reversal of lot frontages, this is acceptable because the new lot configuration would be an improvement over the existing lots configuration. The entire development site would be on one lot of record that is compliant in size with the Subdivision Regulations and consistent with the historic condition.

**SQUARE 16
PONCHARTRAIN BOULEVARD
THIRD DISTRICT
ORLEANS PARISH, LA**

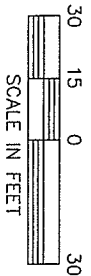
FILMORE AVENUE

RAPIDES DRIVE (SIDE)



LEGEND

- OVERHEAD UTILITY LINES
- SEWER LINE
- GAS LINE
- COMMUNICATION LINE
- DRAIN MANHOLE
- CATCH BASIN
- GAS VALVE
- SEWER MANHOLE
- WATER MANHOLE
- WATER VALVE
- FIRE HYDRANT
- POWER POLE
- AMBLY/POST WIRE



BEARINGS ARE BASED ON THE LOUISIANA COORDINATE SYSTEM OF 1983, SOUTH ZONE. BASED ON GPS OBSERVATIONS. THE SERVITUDES AND RESTRICTIONS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE SET FORTH IN THE DESCRIPTION FURNISHED US AND THERE IS NO LIABILITY FOR ANY OTHER SERVITUDES OR RESTRICTIONS WHICH ARE SHOWN HEREON. THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING THE DATA FOR THIS SURVEY.

ELYSIAN FIELDS AVENUE

RESUBDIVISION OF LOTS 48 THROUGH 56 INTO LOT 50A, SURVEYED IN ACCORDANCE WITH THE LOUISIANA STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS FOR A CLASS "B" SURVEY, MADE AT THE REQUEST OF BROTHERS FOOD MART.

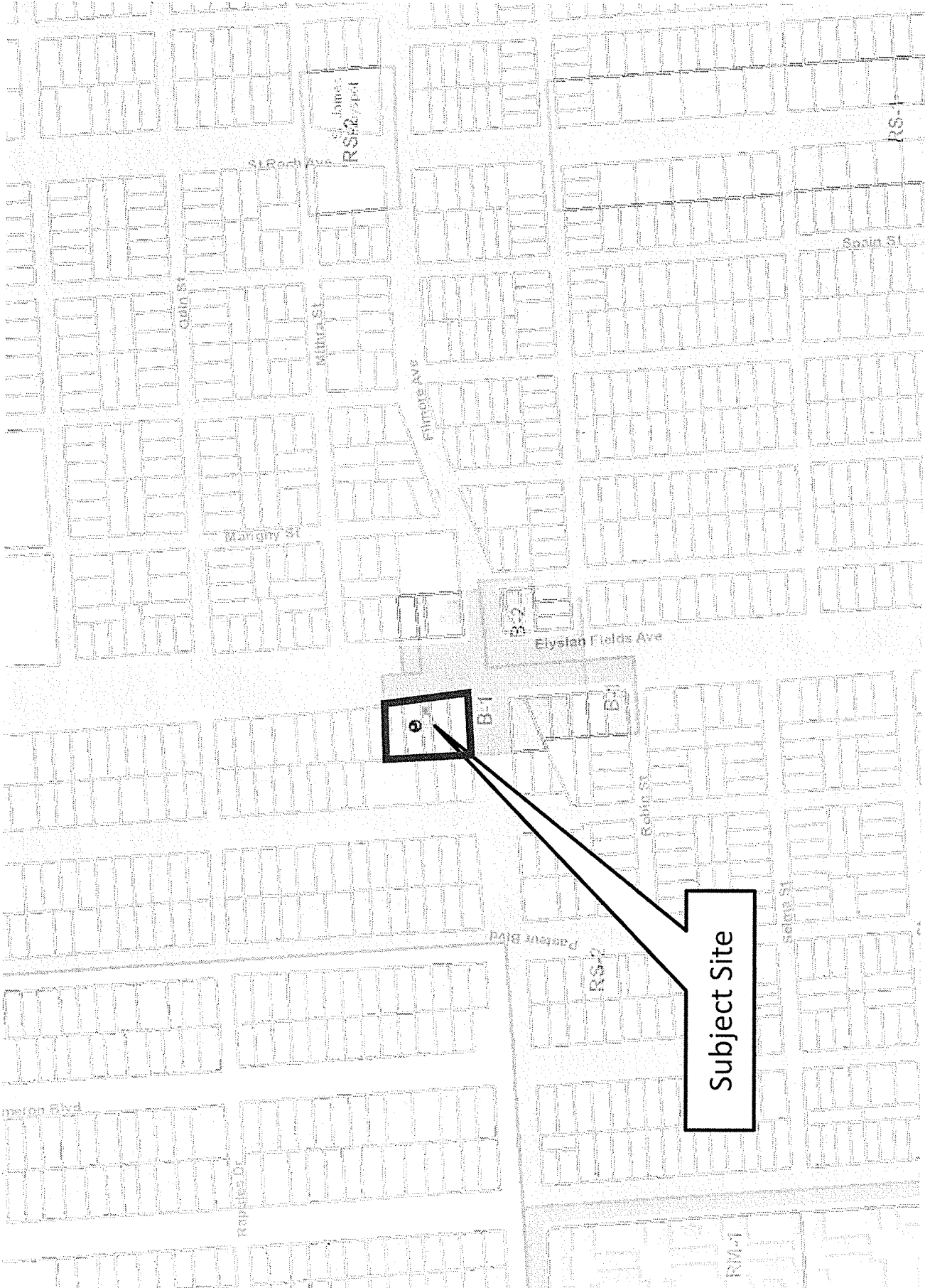
MAY 8, 2015

DUFRENE SURVEYING & ENGINEERING INC.

1524 MANHATTAN BOULEVARD, HARVEY, LA 70058
504-888-6390 FAX
duren@csdnet.net

TILDON J. DUFRENE, JR.
REG. NO. 04563
PROFESSIONAL SURVEYOR
STATE OF LOUISIANA

Current Zoning Map



NEW ORLEANS, LA 70112
1030

1043

BURBANK DR.



1042

PRENTISS AV.

RAPIDES DR.

ELVSIAN FIELDS AV.

1034

ST. ANTHONY AV.

CAMERON BLVD.

PASTEUR BLVD.

VERMILION BLVD.

SCALE OF FEET
OUTRIGHT LANDING AND COMPANY, INC.

1030

Subject Site

