

**City Planning Commission Meeting
February 10, 2015**

PRELIMINARY STAFF REPORT

To: City Planning Commission

Prepared By: Nicholas Kindel

Date: January 28, 2015

Council District: A – Guidry

Property Disposition: 003/15

Consideration: Consideration of the sale of a portion of the S. Miro Street public right-of-way adjacent to Lot BG, Square 134, Sixth Municipal District, as shown on a survey by the office of Gandolfo Kuhn, LLC, dated December 18, 2014. (PD 3)

Applicant: City of New Orleans

Purpose: In accordance with Section 6-306 Subsection 2 of the City Charter, the City Planning Commission is required to consider the sale or exchange of immovable property no longer needed for public purposes.

**General Property
Description:**

The petitioned site, proposed Tract A, is an approximately 11 feet wide by 98 feet long portion of the S. Miro Street right-of-way¹ adjacent to Lot BG.² Proposed Tract A is currently used as dumpster storage for the adjacent University Village shopping center. The owner of this development, Loubar, LLC, proposes to purchase this portion of the S. Miro Street right-of-way for its continued use as dumpster storage and to satisfy provisos for the Conditional Use on this site.³ If the applicant cannot purchase this portion of the right-of-way, they will have to provide for dumpster storage on the existing site and restore curbs and sidewalks of S. Miro Street adjacent to the site.⁴ The site is approximately 1,114 square feet.

Analysis:

The criteria for the evaluation are as follows:

¹ The S. Miro Street right-of-way is 50 feet wide.

² Tract A is the portion of the right-of-way where the sidewalk would normally be located.

³ Proviso 4 of the Conditional Use (Zoning Docket 039/14, Ordinance No. 30,282 M.C.S.) for 6225 S. Claiborne Avenue allows the applicant to place the dumpsters in this location if this proposed property disposition is approved.

⁴ Proviso 5 of the Conditional Use (Zoning Docket 039/14, Ordinance No. 30,282 M.C.S.) for 6225 S. Claiborne Avenue.

1. **Consistency with the Master Plan and the Future Land Use Map:**

The Plan for the 21st Century

Since the subject of this proposed property disposition is a portion of the street right-of-way, the applicable section of the Master Plan is Chapter 11 “Transportation.” This chapter of the Master Plan calls for implementing pedestrian improvements in the rights-of-way. Specifically, Goal 3 calls for “roadways that integrate vehicle transportation with bicycling and walking.” This proposed property disposition would sell the portion of the S. Miro Street right-of-way that is dedicated for a sidewalk that would allow pedestrians to safely access the University Village development.

Future Land Use Map

Chapter 14 “Land Use Plan” of the Master Plan designates the future land use of the petitioned site as Mixed-Use Low Density. The goal, range of uses, and development character for the designation mentioned above are provided below:

MIXED-USE LOW DENSITY

Goal: Increase neighborhood convenience and walkability within and along edges of neighborhoods with low density residential and neighborhood-serving retail/commercial establishments.

Range of Uses: Low-density single-family, two-family and multifamily residential and neighborhood business; typically businesses in residential scale buildings interspersed with residences. Uses can be combined horizontally or vertically (ground floor retail required in certain areas). Limited light-industrial uses (craft and value added industry and passive warehousing and storage) may be allowed in some areas.

Development Character: Height/mass, and density of new development varied depending on surrounding neighborhood character.

The property disposition has been initiated by the City’s Department of Property Management, Division of Real Estate and Records at the request of the adjacent property owner. The adjacent property would use this location for dumpster storage and would no longer be required to restore the sidewalk at this location. Any future use of the property must be consistent with the policies of the Master Plan including the Mixed-Use Low Density Future Land Use designation. The sale of this property would not enhance the walkability of the neighborhood by eliminating a potential sidewalk connection and forcing pedestrians into the street or across the street. Therefore, the proposed property disposition is not consistent with the Master Plan.

2. **Appropriateness of current zoning for existing and proposed land uses:**

The Comprehensive Zoning Ordinance

The subject property is located within a B-1 Neighborhood Business District. The site is currently part of the street right-of-way as it is being used as a dumpster storage area by the adjacent University Village development. The proposed use is its continued use as dumpster storage. In addition, there is a Conditional Use Ordinance that impacts this proposed property disposition.⁵ If this property disposition is approved, Proviso 4 of the Conditional Use allows for this property to be used as dumpster storage, subject to screening requirements. If the property disposition is denied, the adjacent property owner will be required to move and screen the dumpsters on the existing site and restore the S. Miro Street sidewalk and curb. If approved, the staff recommends the following proviso:

- If purchased by the adjacent property owner, the owner shall screen the dumpster area and comply with Proviso 4 and all other conditions of the Conditional Use Ordinance No. 30,282.

3. **Impact of the proposed purchase, disposition, or lease on adjacent properties and surrounding area:**

The proposed property disposition would allow for the continuation of the use of the subject site for dumpster storage. The dumpsters would be required to be screened from the remainder of the right-of-way, so there would be some visual enhancement for the surrounding area. If the proposed property disposition is denied, the applicant would be required to move the dumpsters from their current location on to the existing site. This would result in the restoration of the curb and sidewalk, planting of street trees, and an increase in on-street parking that would become available due to the removal of the dumpsters.

4. **Impact of the proposed action on traffic and the City's transportation system:**

The proposed property disposition would not have significant impact on traffic in the area. S. Miro Street is a minor street that dead-ends adjacent to the subject site. The proposed property disposition is directly adjacent to rear S. Miro Street entrance of the University Village shopping center and directly across the street from the entrance to the parking lot for Elio's Wine Shop and Felipe's Restaurant. Minor traffic congestion would continue to occur when garbage trucks pick up trash, but it would not be significant given small amount of traffic on S. Miro Street.

The impact to the City's transportation system involves more than just vehicular traffic. In 2011, City Council passed a Complete Streets Ordinance that directed

⁵ Ordinance No. 30,282 M.C.S. for Zoning Docket 039/14.

the City of New Orleans to consider the safe operations for all users of the City's transportation network, including drivers, pedestrian, bicyclists, and transit users. While the proposed property disposition would have minor impact on vehicular traffic, it would have significant impact on pedestrians. The proposed property disposition would essentially eliminate the sidewalk on S. Miro Street. This would force pedestrian into the roadway or across the street and limit pedestrian access to the adjacent entrance to the University Village shopping center. To provide access to this dumpster storage, there is no on-site parking available on this portion of S. Miro Street. By restoring the curb and sidewalk, more on-street parking may become available on S. Miro Street.

5. **Public purpose of the proposed action and potential impacts to public services and public safety:**

The staff cannot find any public purpose that the proposed property disposition would achieve. As public right-of-way, the property would serve a specific public purpose as a sidewalk that provides pedestrian access to the adjacent properties. The proposed property disposition would eliminate this public purpose to serve the interest of the adjacent property owner. The staff does not find it to be good public policy to sell portions of the right-of-way of active streets. If this property disposition is approved, it could set a negative precedent.

6. **Advice of the City Planning Commission's Planning Advisory Committee:**

This property disposition was discussed during the May 21, 2014 Planning Advisory Committee meeting. The Department of Public Works requested that the applicant obtain full servitude for drainage. Sewerage and Water Board confirmed that the purchase involves the sidewalk only and has no objection to the sale of the sidewalk, subject to the proposed 10 foot by 5 foot servitude on any existing Sewerage and Water Board house connections. Later, Real Estate and Records asked if Sewerage and Water Board had any objections turning the purchase area into a full-width servitude. The Sewerage and Water Board agreed to this request. The Committee made a motion of no objection subject to further review by City Planning Commission and Sewerage and Water Board. The motion was seconded by Real Estate and Records. If approved, the staff recommends the following proviso for the disposition of the property:

- The property shall only be disposed of subject to a full-width servitude to the Department of Public Works and to the Sewerage and Water Board.

7. **Potential future public use of property:**

The potential future public use of this property is as a sidewalk in the S. Miro Street right-of-way. The proposed disposition of the property would eliminate its potential future public use.

8. **Compliance with the Capital Improvement Plan:**

The staff could not find any proposal for the subject property in any part of any project approved in the Capital Improvement Plan (CIP). The CIP did approve approximately \$250 million for the Recovery Roads Program, but the CIP is not project specific. According to the information on the City's Recovery Roads website, there are not any proposed road repairs for the 6200 block of S. Miro Street.⁶

9. **Street naming policy (for the naming of new streets):**

The applicant has not proposed the establishment of new streets or the renaming of any existing street right-of-way within the City.

10. **Any other applicable CPC policies or special studies of the area:**

Besides the Complete Streets policy addressed in an earlier section, the staff is not aware of any other City Planning Commission policies or special studies relevant to this request.

Summary

Property Disposition 003/15 is a request by the City of New Orleans to sell a portion of the S. Miro Street right-of-way to the adjacent property owner. The Ordinance granting approval of the Conditional Use on the adjacent property gave the property owner the option to provide dumpster storage on this portion of S. Miro Street if the applicant was able to acquire the property from the City. If the applicant is unable to acquire this right-of-way, they will be required to provide dumpster storage on their site and restore the curb and sidewalk and plant street trees in the right-of-way. The staff finds that the request is inconsistent with the property disposition criteria, the Master Plan, and the City's Complete Street policy. This request would limit future public use of this property, specifically pedestrian access along S. Miro Street. In addition, the staff does not believe that it is good public policy to sell portions of the right-of-way of functioning streets to adjacent property owners.

Conclusion and Recommendation:

The staff recommends **DENIAL** of Property Disposition 003/15.

Reasons for Recommendation:

1. The request is inconsistent with the Master Plan.

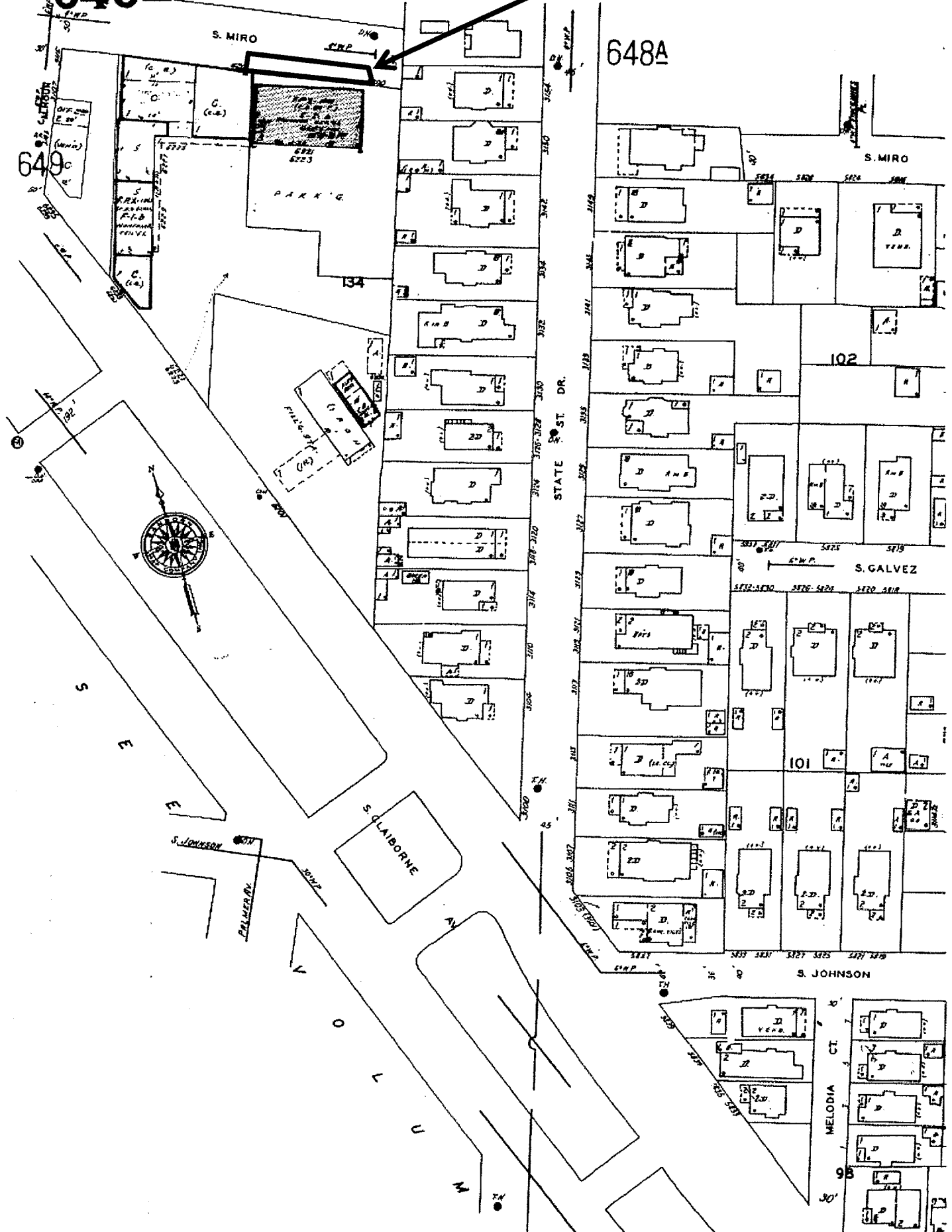
⁶ <http://recoveryroads.nola.gov/Portals/0/Marylville-Fontainbleue.pdf> Last updated September 6, 2012

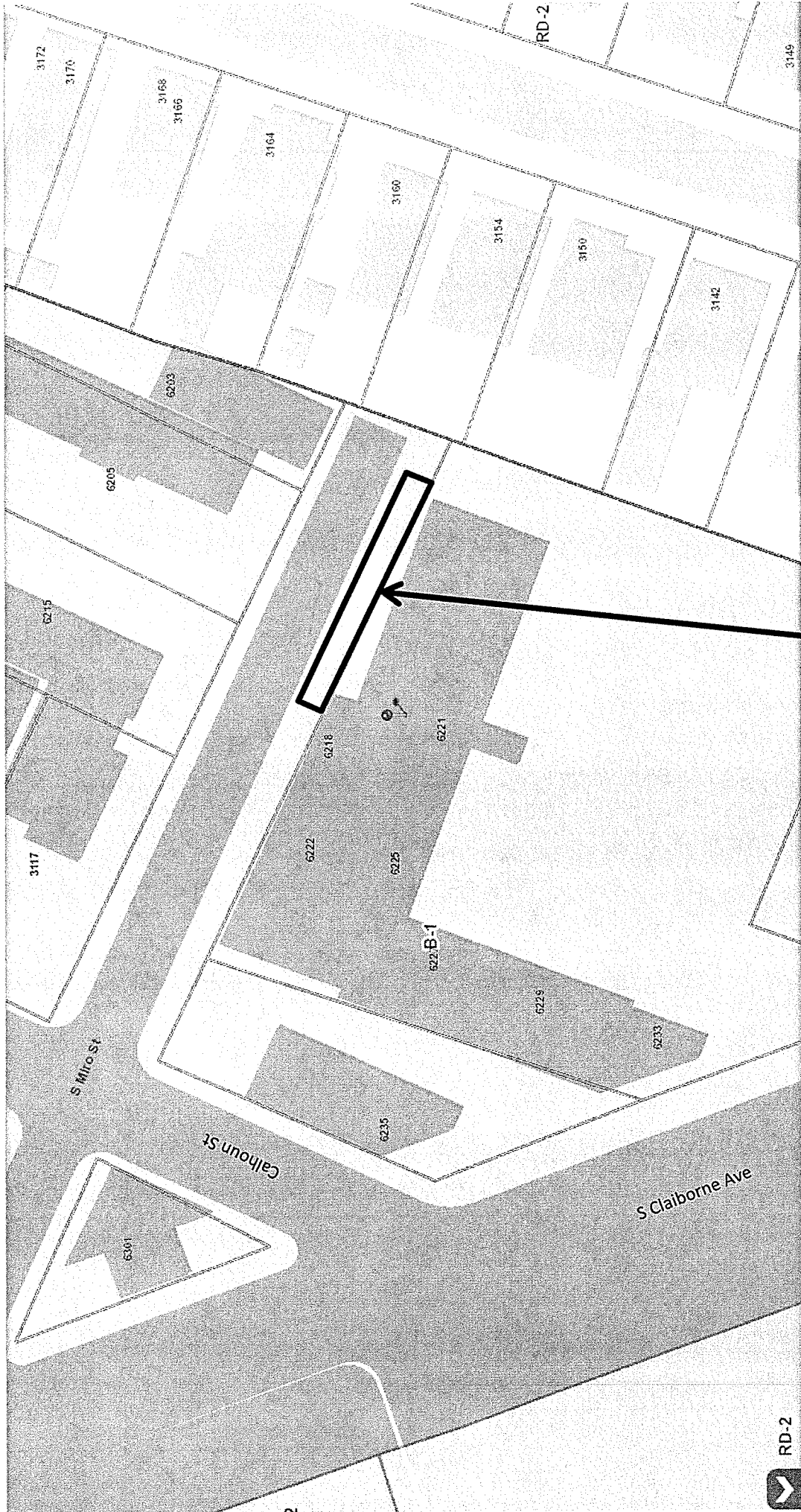
2. The proposed action is inconsistent with the criteria for approval as provided in the Administrative Rules, Policies, and Procedures of the City Planning Commission.
3. The request is inconsistent with the City's Complete Streets policy.

NEW ORLEANS, LA. POL. CO.

645A

648A





NEIGHBORHOOD CONSIDERATIONS

[View National Register of Historic Places](#)

[View Local Historic Districts](#)

ZONING

Zoning District: B-1
 Zoning Description: Neighborhood Business District
 DRAFT Zoning: HU-B1
 DRAFT Zoning Description: Historic Urban Neighborhood Business District
 Future Land Use: MUL
 Future Land Use Description: Mixed-Use Low Density
 Last Updated: Thu Dec 19 2013

CONDITIONAL USE/EXCEPTIONAL USE/PLANNED DEVELOPMENT

A land-use that is allowed to operate subject to design and/or operational requirements thru a review and approval process.

Zoning Action Type: CU
 Zoning Docket Number: 039
 Zoning Docket Year: 2014
 Ordinance Number: 26.020
 Instrument Number: 230365&562928
 Some ordinances may be found by accessing [Municode](#). All ordinances are available.

[View Zoning](#)

[View Overlays and Interim Zoning](#)

PROPERTY INFORMATION

Site Address: 6225 S CLAIBORNE AVE, LA, 70125
 First Owner Name: LOUBAR CO.
 Mailing Address: 6225 SO CLAIBORNE AVE
 Mailing City: NEW ORLEANS
 Mailing State: LA
 Mailing Zip S: 70125
 Property Description: BURTHERVILLE SQ 134 LOT BG
 234/146/133X188/86/191.6225.S.CLAIBORNE.AVE.UNITS.A.&B

[View Conditional Use/Exceptional Use/Plann...](#)

Tract A
Square 134, Sixth District of the City of New Orleans
Orleans Parish, Louisiana

A CERTAIN PORTION OF GROUND, together with all the improvements thereon, and all of the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, being a portion of the South Miro Street right-of-way located between Square 134 and Square 136 of the Sixth District of the City of New Orleans, Orleans Parish, State of Louisiana, designated Tract A as shown on a survey by the office of Gandolfo Kuhn, LLC, dated December 18, 2014, drawing number X-32-1, and is more particularly described as follows:

Commence at the intersection of the easterly right-of-way line of Calhoun Street and the southerly right-of-way line of South Miro Street;

Thence easterly along said right-of-way line of South Miro Street a distance of 162 feet, 7 inches, 7 eighths to the Point of Beginning;

Thence northerly at an angle to the right of $84^{\circ}35'22''$ a distance of 8 feet, 7 inches, 5 eighths to a point;

Thence easterly at an angle to the left of $84^{\circ}21'51''$ a distance of 3 feet, 4 inches, 0 eighths to a point;

Thence northerly at an angle to the right of 90° a distance of 3 feet, 2 inches, 0 eighths to a point;

Thence easterly at an angle to the left of 90° a distance of 65 feet, 7 inches, 5 eighths to a point;

Thence southerly at an angle to the left of 90° a distance of 2 feet, 7 inches, 7 eighths to a point;

Thence easterly at an angle to the right of 90° a distance of 4 feet to a point;

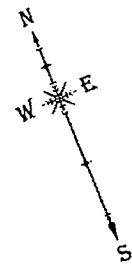
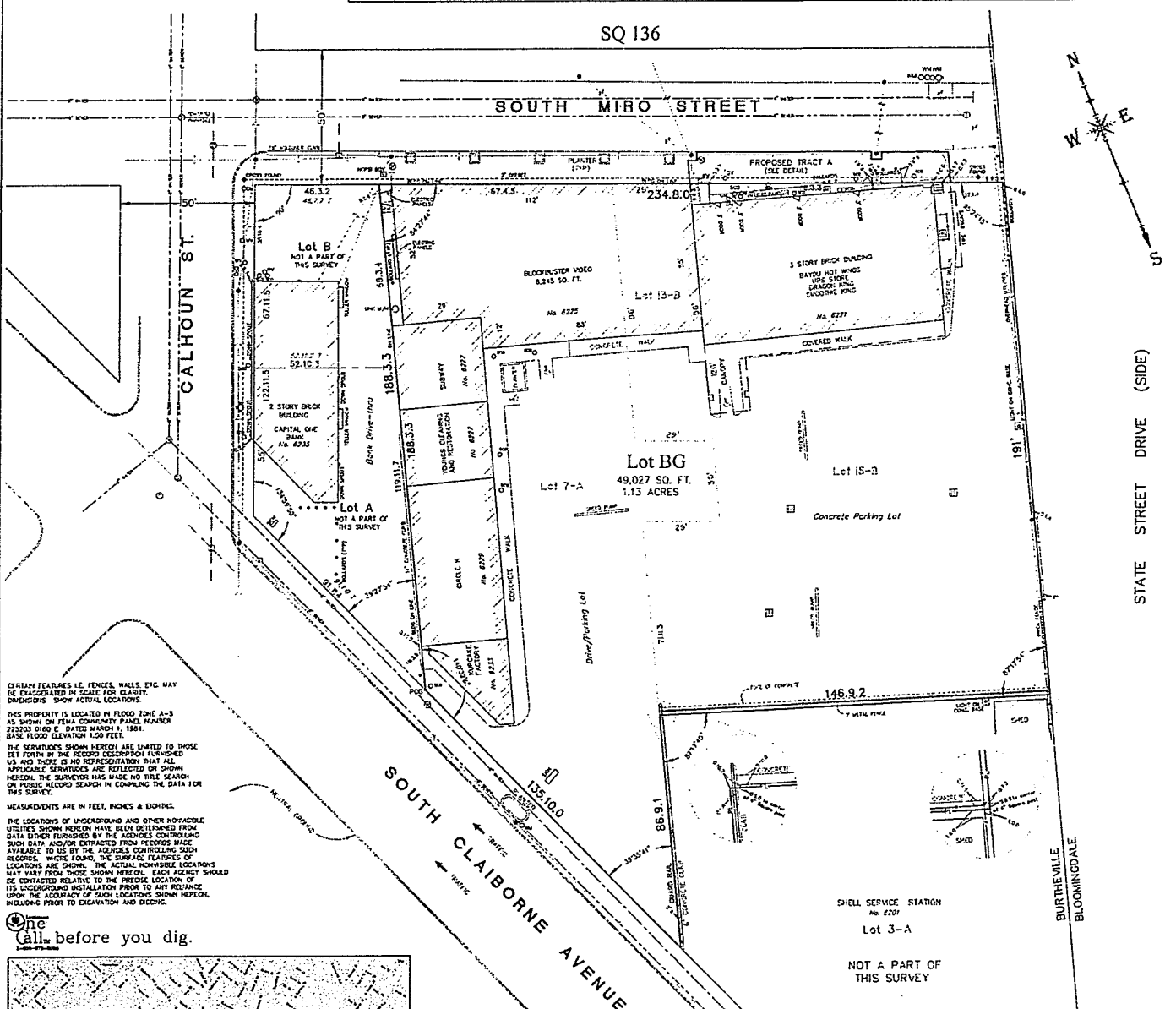
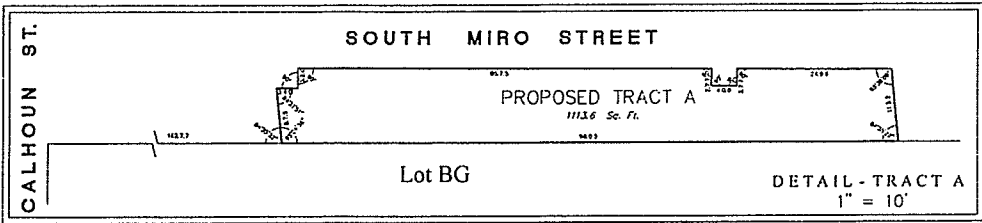
Thence northerly at an angle to the right of 90° a distance of 2 feet, 7 inches, 7 eighths to a point;

Thence easterly at an angle to the left of 90° a distance of 24 feet, 9 inches, 6 eighths to a point;

Thence southerly at an angle to the left of $95^{\circ}38'09''$ a distance of 11 feet, 5 inches, 2 eighths to the southerly right-of-way line of South Miro Street;

Thence westerly along said right-of-way line at an angle to the left of $84^{\circ}35'22''$ a distance of 98 feet 0 inches and 5 eighths to the Point of Beginning, with a closing angle of $95^{\circ}24'38''$ and containing an area of 1,113.6 square feet.

SQUARE 134 SIXTH DISTRICT BURTHEVILLE



UTILITY FEATURES (E. FENCES, WALLS, ETC.) MAY BE ENLARGED IN SCALE FOR CLARITY. DIMENSIONS SHOW ACTUAL LOCATIONS.

THIS PROPERTY IS LOCATED IN FLOOD ZONE A-3 AS SHOWN ON FEMA COMMUNITY PANEL, NUMBER 23203 0100 C, DATED MARCH 1, 1984. BASE FLOOD ELEVATION 15.0 FEET.

THE SERVICED SHOWN HEREON ARE LIMITED TO THOSE SET FORTH IN THE RECORD DESCRIPTION FURNISHED US AND THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVICED ARE REFLECTED ON SHOWN HEREON. THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING THE DATA FOR THIS SURVEY.

MEASUREMENTS ARE IN FEET, INCHES & EIGHTHS.

THE LOCATIONS OF UNDERGROUND AND OTHER HOVAILABLE UTILITIES SHOWN HEREON HAVE BEEN DETERMINED FROM DATA EITHER FURNISHED BY THE AGENCIES CONTROLLING SUCH DATA AND/OR EXTRACTED FROM RECORDS MADE AVAILABLE TO US BY THE AGENCIES CONTROLLING SUCH RECORDS. WHERE FEASIBLE, THE SURFACE FEATURES OF LOCATIONS ARE SHOWN. THE ACTUAL POSSIBLE LOCATIONS MAY VARY FROM THOSE SHOWN HEREON. EACH AGENCY SHOULD BE CONTACTED RELATIVE TO THE PRECISE LOCATION OF ITS UNDERGROUND INSTALLATION PRIOR TO ANY RELIANCE UPON THE ACCURACY OF SUCH LOCATIONS SHOWN HEREON, INCLUDING PRIOR TO EXCAVATION AND DIGGING.

Call before you dig.



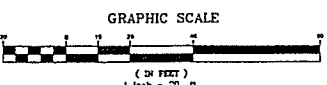
LEGEND

	DRAIN MANHOLE
	WATER MANHOLE
	SEWER MANHOLE
	GAS MANHOLE
	UNDERGROUND ELECTRIC & MANHOLE
	OVERHEAD ELECTRIC & POLE
	OVERHEAD TELEPHONE & POLE
	UNDERGROUND TELEPHONE & MANHOLE
	CITY BOX
	WESTERN UNION BOX
	FENCE
	CATCH BASIN
	OPEN GRATE DRAINS
	HYDRANT
	PARKING METER
	TRAFFIC LIGHT
	OPEN DRAIN CLEANOUT
	SEWER CLEANOUT
	WATER VALVE
	LIGHT STANDARD
	WATER METER
	GAS VALVE
	SIGN
	POWER POLE AND GUY ANCHOR

Boundary and Topographic Survey of Proposed Tract A made at request of Mr. Jeffrey Good, New Orleans, La. December 18, 2014

I certify that this plot is a delineation of a survey made on the ground, under my supervision, and meets the requirements of a Class B survey as defined in the "Standards of Practice for Property Boundary Surveys in the State of Louisiana," New Orleans, La. December 18, 2014.

Professional Land Surveyor
La. License No. 4598



GANDOLFO RUHN, L.L.C.
PROFESSIONAL LAND SURVEYOR
2530 SEVEN AVENUE
METairie, LA 70001
504.885.2810

↑
6226 S Miro St
New Orleans, Louisiana
Street View - Mar 2011

