

**City Planning Commission Meeting
April 14, 2015**

PRELIMINARY STAFF REPORT

To: City Planning Commission
Date: March 24, 2015

Prepared By: Nicholas Kindel
Council District: C – Ramsey

Property Disposition: 004/15

Consideration: Consideration of the sale of Squares 228 and 229 and a portion of the Wagner Street right-of-way, in the Fifth Municipal District, bounded by Socrates Street, L.B. Landry Avenue, Lamarque Street, and Hendee Street. The municipal address is 1300 L.B. Landry Avenue. This property is Fox Playground. (PD 12)

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, which is known as Fox Playground, is owned by the City of New Orleans under the jurisdiction of the New Orleans Recreation Development Commission (NORDC) and maintained by the Department of Parks and Parkways. Fox Playground has a football/soccer field, a baseball diamond, a basketball court, and a restroom facility. This proposed property disposition is part of a land swap with the Orleans Parish School Board (OPSB) where the City will acquire a vacant OPSB property on Seine Street.¹ The total area of Fox Playground is approximately 167,500 square feet or 3.8 acres. The Orleans Parish School Board proposes using this playground as greenspace for L.B. Landry High School with continued access to the public.

Analysis:

The criteria for the evaluation are as follows:

¹ This property acquisition request, PA 003/15, would create a passive park on a Seine Street property and is being considered by the City Planning Commission at this meeting.

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

The Plan for the 21st Century

The current use as a park is addressed in Chapter 7 “Green Infrastructure: Parks, Open Space, and Recreation” in the Master Plan. Goal 3 of this Chapter is that there is “a commitment to no net loss of park land.” Goal 4 of Chapter 7 states that there should be “a park within walking distance – approximately one-third mile – of every New Orleans resident.” The disposition of this property could be in conflict with both of these goals of the Master Plan if this property would be used for something other than a park. The Orleans Parish School Board has agreed to keep this property as open space and make it available for community use. The staff finds that the proposed property disposition is consistent with *The Plan for the 21st Century* subject to the following proviso:

- Disposition of this property is subject to a restrictive covenant in the deed that this property shall remain as a park and be available for community use.

Future Land Use Map

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

PARKLAND AND OPEN SPACE

Goal: Provide areas for parks, recreational facilities and open space networks owned by public or semipublic entities while offering the opportunity to utilize such spaces for stormwater management measures.

Range of Uses: Parks, playgrounds, recreation facilities and athletic fields; neutral grounds and passive open spaces, rain gardens, bioswales and other stormwater management measures.

Development Character: Ranges from programmatic parks and indoor and outdoor recreational areas to preserved open space, with the opportunity to provide for stormwater management measures.

The property disposition has been requested by the City’s Department of Property Management, Division of Real Estate and Records as part of a proposed property swap with the Orleans Parish School Board. Future use of the property must be consistent with the policies of the Master Plan including the future land use designation of Parkland and Open Space which is limited to parks, playgrounds, recreation facilities, and athletic fields. OPSB plans to use this property as for athletics at the adjacent L.B. Landry High School and maintain the playground for

community use. Therefore, the proposed property disposition is **consistent with** the future land use designation in *The Plan for the 21st Century*.

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

The Comprehensive Zoning Ordinance

The subject property is located within an RD-3 Two-Family Residential District in the Comprehensive Zoning Ordinance (CZO). The property is currently being used as an active park with a large football/soccer field, a basketball court, and a baseball diamond. Fox Playground is currently used by L.B. Landry High School, and the proposed property disposition would put it under Orleans Parish School Board's ownership for continued use by the school. With the proposed deed restriction attached to the disposition of this property, Fox Playground will remain available for community use. Recreational uses, including public parks, are permitted uses in the RD-3 District.

Draft Comprehensive Zoning Ordinance

The City Council is currently considering a major revision to the zoning of the entire City, which will be referred to as the Draft Comprehensive Zoning Ordinance (Draft CZO). Currently the Draft CZO proposes this site to be in an OS-N Neighborhood Open Space District. Permitted uses in the OS-N District are limited to parks and playgrounds, agriculture (with no livestock), cemeteries, public fishing, and pumping stations.² If the Draft CZO is adopted as currently proposed, any future development of this site would be limited to these uses. The proposed continued use as a park and playground is a permitted use in the OS-N District; therefore, the proposed property disposition is consistent with the Draft CZO.

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

The proposed property disposition should have little negative impact on the surrounding area. The proposed deed restriction and Draft CZO will ensure that the site remains a park that is open to the community. Since the proposed use of the property is the same as the current use, there should be little to no negative impact on the surrounding neighborhood.

² In addition to these permitted uses, public transit wait stations, utilities, and wireless communication facilities are listed as conditional uses in the OS-N District.

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

Since the proposed use of the site will remain unchanged, the proposed property disposition should result in no additional traffic and have little impact on the City's transportation system.

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

Fox Playground currently serves as a park for the neighborhood. There are other parks in the area,³ but the loss of this park would reduce public services to the immediate neighborhoods. The proposed restrictive covenant in the deed will ensure that this property remains a park that serves the neighborhood. The only difference will be that the property will be under the control of the Orleans Parish School Board and not the City of New Orleans. No City Department has indicated a need for the property. In addition, the requested disposition would have no impact on public safety.

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

The property acquisition of the Seine Street property for a passive park and this property disposition were discussed during the October 30, 2013 Planning Advisory Committee meeting. The Information Technology and Innovation Department noted that there is a right-of-way between Squares 228 and 229. The Department of Public Works noted that the applicant would be responsible for any existing utility lines. The Committee unanimously passed a motion of no objection subject to further review by the City Planning Commission and the Division of 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 the relocation of or a servitude for access to any utilities in the Wagner Street right-of-way, if applicable.

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

This property disposition request is part of a proposed property swap with the Orleans Parish School Board, who owns the adjacent L.B. Landry High School property. The OPSB will use this property as open space for the school, and will maintain community access to the property for public use. Any future development of the property would have to be in compliance with the deed restrictions and applicable zoning regulations.

³ Fischer Playground is located approximately five blocks to the south, McDonough Playground is located approximately ten blocks to the east, and Behrman Park, a major urban park, is located approximately eight blocks to the west.

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

The subject property is not part of, or in conflict with, any project approved in the Capital Improvement Plan (CIP). The disposition of this property is part of a property swap with the Orleans Parish School Board. Since there are not any capital projects proposed for the Fox Playground, the proposed property disposition is in compliance with the CIP.

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 rights-of-way within the City.

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

The staff is not aware of any other City Planning Commission policies or special studies relevant to this request.

Summary

Property Disposition 004/15 is a request by the City of New Orleans to exchange Fox Playground with the Orleans Parish School Board for a property on Seine Street that will be used by the City as a passive park, which is being considered with Property Acquisition 003/15. The staff's concern that the proposed disposition would result in a net loss of park land and remove a neighborhood's only park is addressed by the proposed proviso that a restrictive covenant in the deed require that the park will continue to be available for community use. As such, the property disposition is consistent with the Master Plan and the Comprehensive Zoning Ordinance. There were not any departments that stated a need for this property. The staff finds that subject to the provisos, the request meets the property disposition criteria.

Conclusion and Recommendation

The staff recommends **APPROVAL** of Property Disposition 004/15, subject to two (2) provisos.

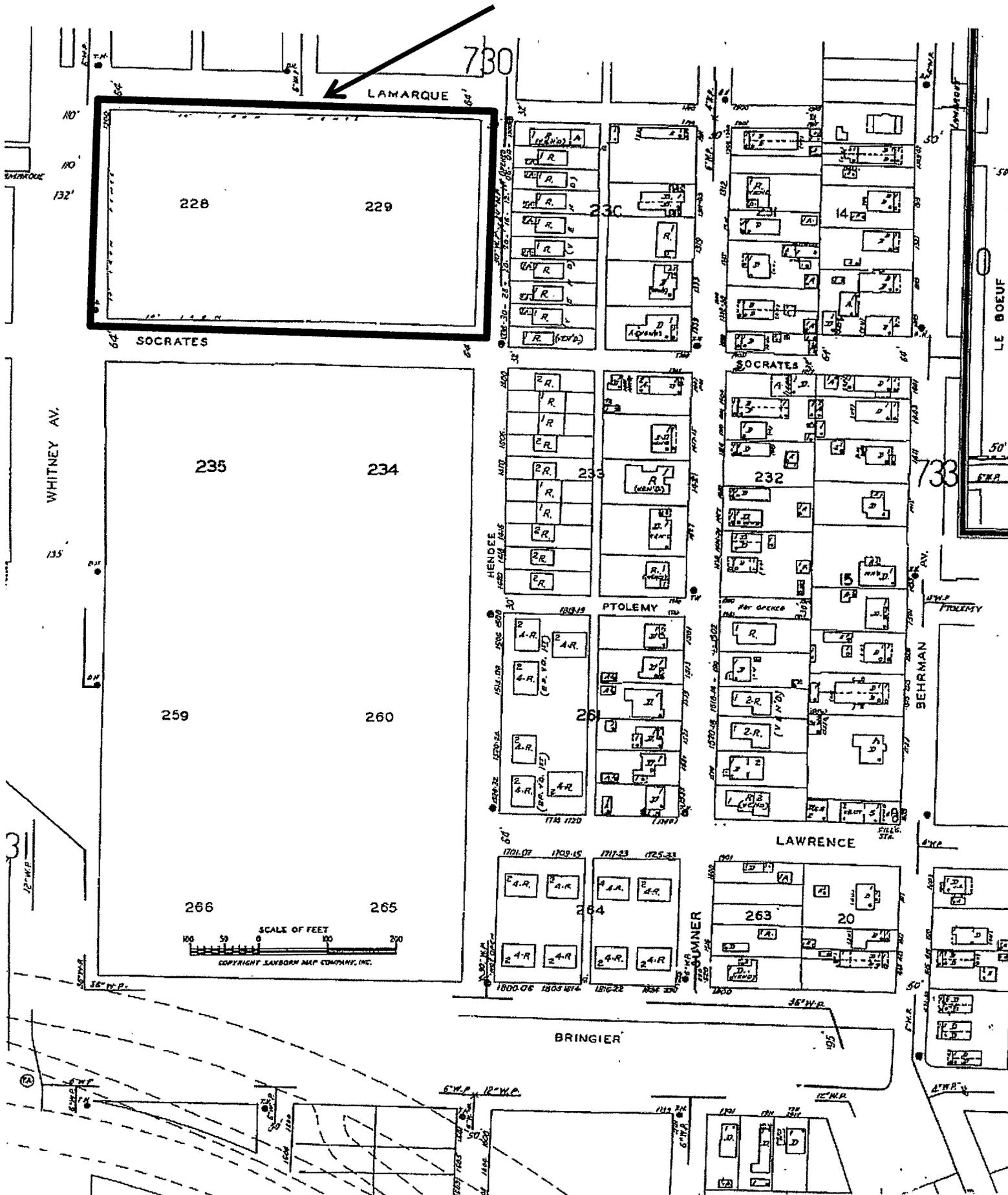
Provisos

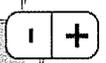
1. Disposition of this property is subject to a restrictive covenant in the deed that this property shall remain as a park and be available for community use.
2. The property shall only be disposed of subject to the relocation of or a servitude for access to any utilities in the Wagner Street right-of-way, if applicable.

Reasons for Recommendation

1. No agency of the City has indicated a need for any of the properties.
2. The proposed use of the petitioned site is consistent with the City's Master Plan and the Comprehensive Zoning Ordinance.
3. With the provisos, the property disposition is consistent with the criteria for approval as provided in the Administrative Rules, Policies, and Procedures of the City Planning Commission.

Property Disposition 004/15





Sunset Ave

LI

LI

LI

RD-2

Lamarque St

DeArmas St

L B Landry Ave

Socrates S

Ptolomy St

LB Landry High School

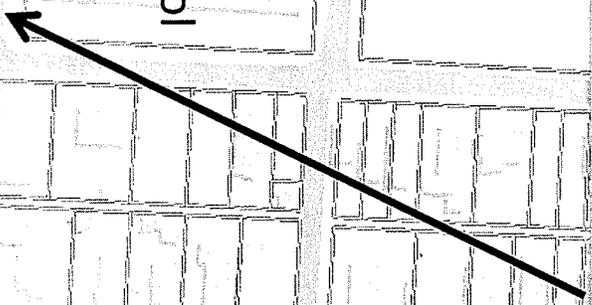
Fox Playground

Fox
RD-3

LI

Summer St

RD-3





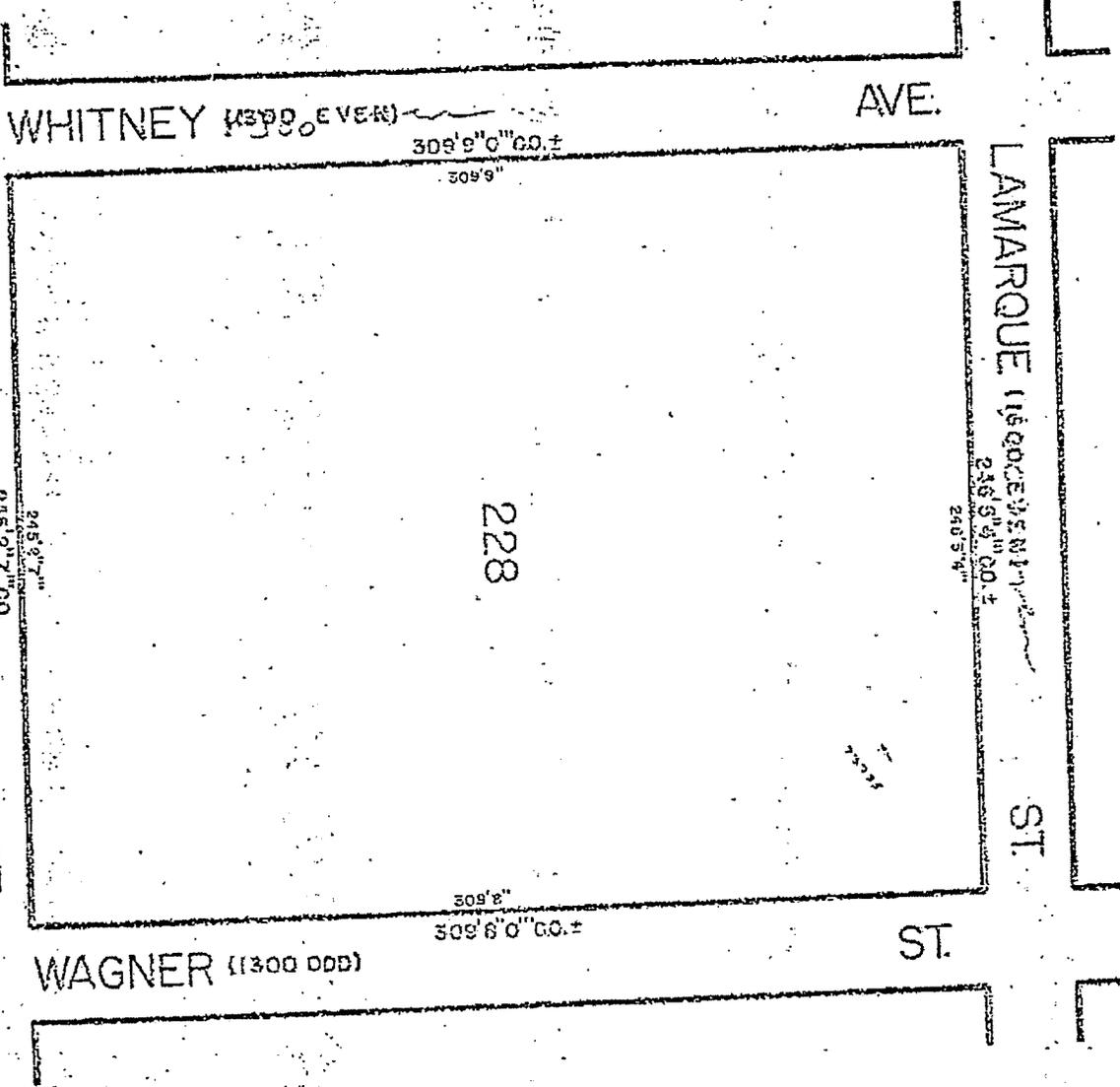
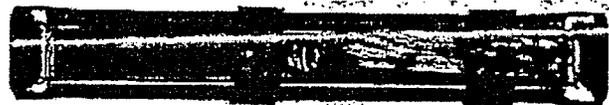
Fox Playground

SOCRATES ST

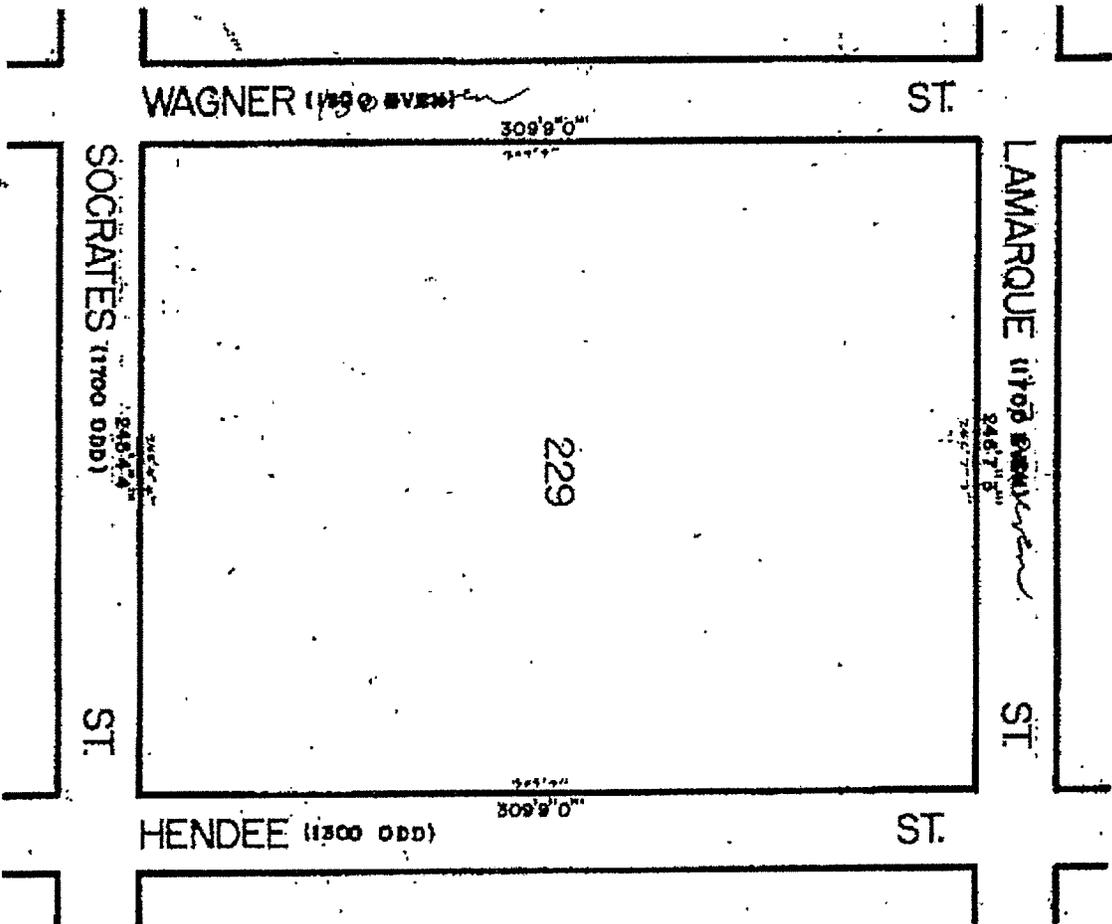
BILANDRY AVE

HENDEE ST

LAMARQUE ST



5M-13A SCALE 1" = 60'



WAGNER (1750 EVEN)

ST.

309'9"0"

LAMARQUE (1700 EVEN)

ST.

246'7"5"

229

SOCRATES (1700 ODD)

ST.

248'4"2"

HENDEE (1500 ODD)

ST.

325'0"0"

5M-13A SCALE 1" = 60'



