

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

PRELIMINARY STAFF REPORT

To: City Planning Commission
Date: January 28, 2015

Prepared By: Nicholas Kindel
Council District: D – Brossett

Property Disposition: 002/15

Consideration: Consideration of the sale of Square K, Lot H, Square U, Lot E, Square 2149, Lot G, and portions of the former Fairmont Drive (Lots F and I), portion of Elder Street right-of-way (Lot K), in the Third Municipal District, bounded by Clermont Drive, Fairmont Drive, W. St. Roch Avenue, and Humanity Street. (PD 6)

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 Union Square or Park, 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. Union Square or Park has a small playground, a tennis court, and a large grass field. This proposed property disposition is part of a land swap with the Orleans Parish School Board where the City will acquire the Terrell School site to construct a new Second District Police Station and the Gert Town Pool.¹ The total area of Union Square or Park is approximately 54,400 square feet.

Analysis:

The criteria for the evaluation are as follows:

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

¹ This request, Property Acquisition 01/15, was considered by the City Planning Commission on January 27, 2015 and recommended for approval.

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 City Planning Commission staff consulted with the City’s Property Management Department on an appropriate means to enshrine this requirement. The staff finds that the proposed property disposition is consistent with Master Plan 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 (OPSB). Any 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. Therefore, the OPSB’s use of this site will be limited to parks, playgrounds, recreation facilities, and athletic fields.

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

The Comprehensive Zoning Ordinance

The subject property is located within an RS-2 Single-Family Residential District in the Comprehensive Zoning Ordinance (CZO). It is currently being used as a park. NORDC considers this site a “passive park” since there is no formal programming offered at this site. There is, however, a playground, tennis court, and a large field. The existing use is a permitted use in the RS-2 District.

The City Planning Commission staff does not have any concrete information from the Orleans Parish School Board on the proposed use of this site. Union Square or Park is located adjacent to the Stuart R. Bradley School site, which is currently under construction. The subject property will likely be used as open space for this new school and under the proposed deed restriction this property will be available for community use. Continued use as a park is a permitted use in the RS-2 District.

Draft CZO

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.

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

The proposed property disposition should have little 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 impact on the surrounding neighborhood.

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 have little impact on the City’s transportation system.

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.

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

The Union Square or Park site currently serves as a park for the surrounding Fairmont Park neighborhood. 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.

The requested disposition would have no impact on public safety. The land acquisition of the Terrell School site as part of this property swap would improve public safety by giving the Police Department a site for a new Second District Police Station.

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

The property acquisition of the Terrell School site and this property disposition of Union Square or Park was discussed during the November 19, 2014 Planning Advisory Committee meeting. The Committee unanimously passed a motion of no objection subject to further review by Rear Estate and Records, Sewerage and Water Board for a servitude for access to existing utilities in the former public rights-of-way, the Department of Public Works for a servitude for access to drainage line, and the City Planning Commission for consideration of the property acquisition and disposition. If approved, the staff recommends the following proviso for the disposition of the property:

- The property shall only be disposed of subject to a servitude for access to the existing utilities in the former public rights-of-way to the Sewerage and Water Board and a servitude for access to the existing drainage lines to the Department of Public Works.

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 Stuart R. Bradley School site, which is adjacent to the subject property. The staff is not aware of any specific development proposal. Any future development of the property would have to be in compliance with the deed restrictions and applicable zoning regulations.

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

The subject property is not part of 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 for the Terrell School site that would be used for the new Second District Police Station and a Gert Town Pool.

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:**

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

Summary

Property Disposition 002/15 is a request by the City of New Orleans to exchange Union Square or Park with the Orleans Parish School Board for the Terrell School property, which is the proposed site of the Second District Police Station and a Gert Town Pool. 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. There were not any departments that indicated a need for this property and the Sewerage and Water Board and Department of Public Works requested servitude agreements to access infrastructure in the former street rights-of-way. 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 002/15, 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 a servitude for access to the existing utilities in the former public rights-of-way to the Sewerage and Water Board and a servitude for access to the existing drainage lines to the Department of Public Works.

Reasons for Recommendation

1. No agency of the City has indicated a need for any of the properties.
2. 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.

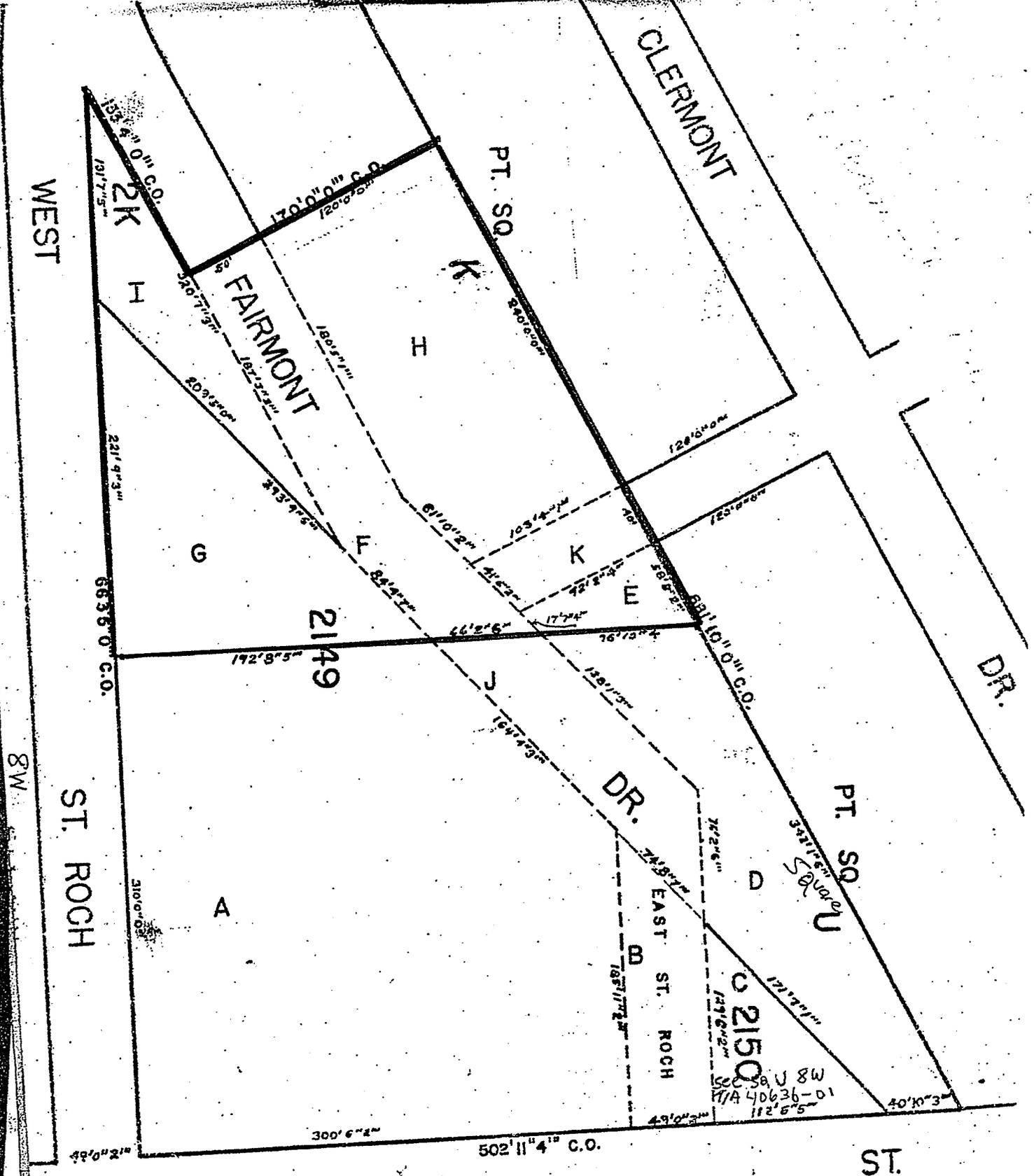


PROPERTY INFORMATION

Site Address: 3425 W ST ROCH AVE, LA. 70122
 First Owner Name: THE CITY OF NEW ORLEANS
 Mailing Address: 1300 PERDIDO ST ROOM 5W17
 Mailing City: NEW ORLEANS
 Mailing State: LA
 Mailing Zip 5: 70112
 Boundary Description: CENT BOUNDARY LOT 1 TO BIANCHI E 200V121 COVERED

ZONING

Zoning District: RS-2
 Zoning Description: Single-Family Residential District
 DRAFT Zoning: OS-N
 DRAFT Zoning Description: Neighborhood Open Space District
 Future Land Use: P
 Future Land Use Description: Parkland and Open Space
 Last Updated: Thu, Dec 16 2010



WEST

2K

FAIRMONT

PT. SQ

CLERMONT

G

2149

A

H

K

DR.

PT. SQ

Square N

DR.

8W

ST. ROCH

EAST ST. ROCH

2150

SEC 38 U 8W
T7A 40636-01
112' 5" 5"

HUMANITY

ST.