

City Planning Commission Meeting – May 12, 2015

CONSIDERATION – SUBDIVISION DOCKET 031/15

Applicant: Winingder Enterprises, LLC

Prepared By: Nicholas Kindel

Date: April 30, 2015

Deadline: May 17, 2015

GENERAL INFORMATION

Proposal: Resubdivision of Lots 6, 7, H, E, K, L, & N into Lot 7A.

Location: The site is located on Square 149, in the First Municipal District, bounded by Magazine, Richard, Felicity, Camp, and Orange Streets. The municipal addresses are 1559, 1569, 1571, 1581, and 1585 Magazine Street. (PD 2)

Zoning: B-1A Neighborhood Business District

Current

Land Use: The site is currently vacant.

Proposed

Use: The site is proposed to be a mixed-use structure with ground floor retail and multiple-family residential above.

Required: The subject site consists of seven lots that form a rectangular shaped development site that has frontages on Magazine and Richard Streets, with a slight corner cut-out along Felicity Street. The site has 217.7.3 feet¹ of frontage on Magazine Street, 110.6.3 feet of frontage on Richard Street, 13.4.4 feet of frontage on Felicity Street, 210.6.2 feet of frontage on a rear alley on the Camp Street side of the property, and 121.10.5 feet along the Orange Street side. The total area for the site is approximately 26,482 square feet.

This is a request to resubdivide seven lots into a single lot. All of the seven lots are rectangular in shape and all vary in size. All of the lots except for one face Magazine Street.² All of the subject lots are located in a B-1A Neighborhood Business District and the Lower Garden District Local Historic District.

The applicant proposes to create a four story mixed-use structure with retail and multiple-family residences. According the plans filed with the Historic District

¹ Measures are shown in feet.inches.lines, with 12 inches per foot and 8 lines per inch.

² Lot N only fronts the common alley to the rear of the development site.

Landmarks Commission,³ the structure will have 4,100 square feet of retail, 36 residential units, and 54 off-street parking spaces. On the ground floor, the applicant proposes the retail and off-street parking. On the second floor, there are 8 residential units and common space. On the third and fourth floors, there are 14 units each. The total building height is 45 feet and the total square footage including common areas is approximately 52,000 square feet. The project is currently under review by the Historic District Landmarks Commission, so these figures are subject to change.⁴

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 Magazine Street and the proposed combined lot would now front Richard Street. **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 7 lots are rectangular in shape and all but Lot N front Magazine Street. The dimensions of the existing Lots L, N, K, E, H, 6, and 7 are shown in Table 1. There are not any minimum lot width, depth, or area requirements in the B-1A Neighborhood Business District; therefore the existing lots meet these requirements. All of the existing lots have access to a street, except for Lot N which only has access to a 12 foot wide common alley to the rear of the property.

Table 1: Dimensions of Existing Lots

Lot Designation	Lot Width	Lot Depth	Approximate Lot Area
L	56.8.6	96.2.1	5,520 sq. ft.
N	54.2.6	25.8.4	1,364 sq. ft.
K	30.8.1	121.10.5	3,739 sq. ft.
E	20.6.6	121.10.5	2,506 sq. ft.
H	54.9.4	121.10.5	6,670 sq. ft.

³ The permit numbers are 15-08872-NEWC and 15-08872-HDLC.

⁴ The proposed mixed use building is scheduled to go before the HDLC Architectural Review Committee on April 28, 2015.

Lot Designation	Lot Width	Lot Depth	Approximate Lot Area
6	27.4.6	121.10.5	3,339 sq. ft.
7	27.5.4	121.10.5	3,307 sq. ft.

Proposed

Lot: Proposed Lot 7A would be a rectangular shaped lot with one corner cut out. The site has 217.7.3 feet of frontage on Magazine Street, 110.6.3 feet of frontage on Richard Street, 13.4.4 feet of frontage on Felicity Street, 210.6.2 feet of frontage on a rear alley on the Camp Street side of the property, and 121.10.5 feet along the Orange Street side. The total area for the site is approximately 26,482 square feet. There are no minimum lot width, depth, or area requirements in the B-1A Neighborhood Business District, so the proposal is consistent with these regulations. There are 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-1A Neighborhood Business District Development Standards

Requirement	Standards
Maximum height	45 ft.
Minimum depth of front yard	None
Minimum side yard (abutting residential district)	5 ft.
Minimum rear yard	None
Maximum depth of front and side yards on corner lots	5 ft.
Maximum Floor Area Ratio	
- nonresidential	1.5
- residential or mixed use (at least 50% residential floor area)	2.0

The applicant has filed plans with the Historic District Landmarks Commission. Once approved by HDLC, the plans will be reviewed by the Zoning Division of the Department of Safety and Permits to ensure compliance with the above standards of the B-1A District and the rest of the Comprehensive Zoning Ordinance requirements.

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 Magazine Street, but the proposed lot would reverse the frontage to Richard Street.

ANALYSIS

Development in the Vicinity:

The petitioned properties are located within a B-1A Neighborhood Business District along Magazine Street between Race and Philip Streets. The site is within the Lower Garden District Local Historic District. Lots within the district are of varying sizes, ranging from small lots that are approximately sixteen feet (16') wide by one hundred five feet (105') deep to those that are approximately two hundred twenty feet (220') wide by three hundred twenty feet (320') deep and occupy more than half a square. The lots are developed with a range of mostly commercial uses (retail stores, restaurants, bars, coffee shops, personal service establishments, offices, and other commercial uses). There are some residential uses (single, two, and multiple-family) in the vicinity including adjacent to the subject property on the Magazine Street block face and across Magazine Street. The subject property is immediately adjacent to an RM-2A Multiple-Family Residential District with a mix of predominately residential uses.

Most of the lots in the District front Magazine Street. There are some examples of properties in the B-1A District that are not immediately adjacent to Magazine Street and front the side street. The most similar example to the subject property is 1507 Magazine Street, which is a large property where the building faces Magazine Street, but the lot frontage is considered the side streets (Race and Orange Streets) because the lesser dimensions front those streets.

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 Historic District Landmarks Commission, 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 five of the requested agencies: 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, and the Sewerage and Water Board. The Department of Safety and Permits, the Historic District Landmarks Commission, and the Sewerage and Water Board reported no objection to the request. Real Estate and Records had an exception to the survey, as there is a missing dimension for existing Lot 7. The Department of Public Works had an exception of a fence that encroaches into the alley. The applicant should note on the survey that the fence will be demolished or moved out of the public right-of-way. The thirty day comment period for the remaining reviewing agencies (Entergy) has expired, after which time the Executive Director may consider that the agencies have approved the proposal.⁵ To resolve the exception for Real Estate and Record, the staff recommends the following proviso:

⁵ Article 4, Section 4.1.3. Processing the Subdivision Request of the *Subdivision Regulations*.

- The applicant shall add the dimension for Lot 7 (27.5.4) on Magazine Street as required by the Division of Real Estate and Records.

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

Comprehensive Zoning Ordinance

The petitioned site is located in a B-1A Neighborhood Business District in which multiple-family residential and various retail uses are permitted uses. **Article 5, Section 5.5.7 (Table 5.E) 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 consistence with these requirements.

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 “Mixed-Use Low Denisty.” The goal, range of uses and development character for that designation 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 applicant intends to construct a multiple-family residential structure with ground floor retail, which is included in the Mixed-Use Low Density land use designation’s range of uses. The proposal fits in with the allowed goal and development character for the area. The staff therefore believes the proposal **is consistent with** the Master Plan.

Subdivision Regulations

There is no required minimum lot width, depth or area for the B-1A Neighborhood Business District under the Subdivision Regulations. As noted above, the proposed lot would be a reversal of lot frontages from Magazine Street to Richard Street. **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.” In this particular case, there are not any required front or rear yards in the B-1A Neighborhood Business District. Because the site abuts a residential district along the alley, there is a required 5 foot side yard area. Since the side yard does not abut a rear yard,⁶ there is no reason for the City Planning Commission to look with disfavor upon this request.

The proposed subdivision will technically result in a reversal of lot frontage, per the definitions in the Subdivision Regulation;⁷ however, the reversal of lot frontage does not result in a situation where the City Planning Commission has to look with disfavor upon the request. In addition, there will not be any practical changes to the lot frontage as a result of the proposed subdivision. The plans and elevations that were submitted to the Historic District Landmarks Commission show that the building’s main residential and commercial entrances both face Magazine Street. There is an additional commercial entrance and the parking entrance that front Richard Street. In addition, there is another nearby example, 1507 Magazine Street, that front the side streets. Finally, the new lot configuration would be an improvement over the existing lot configuration because the entire development site would be on one lot of record.

SUMMARY

Subdivision Docket 031/15 is a request to resubdivide seven lots into a single lot of record. The existing Lots 6, 7, H, E, K, L, and N front Magazine Street. The proposed lot, Lot 7A, would result in a reversal of lot frontage where the consolidated lot would front Richard Street. The entire site is located in a B1-A 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. Since there are no required front, side, or rear yards in the B-1A Neighborhood Business District, this is not applicable. In addition, even though the subdivision will result in a technical reversal of lot frontages, for all practical matters the property will continue to front Magazine Street since the proposed structure will have its main entrances on Magazine Street. There is another similar example in the vicinity, and the new lot configuration is an improvement over the existing lot configuration.

⁶ The side yard abuts the alley. Even if there was not an alley between the subject property and the adjacent lot, the subject property’s side yard would abut the side yard of the adjacent property.

⁷ **Article 2, Section 2.2 Definitions**

PRELIMINARY STAFF RECOMMENDATION

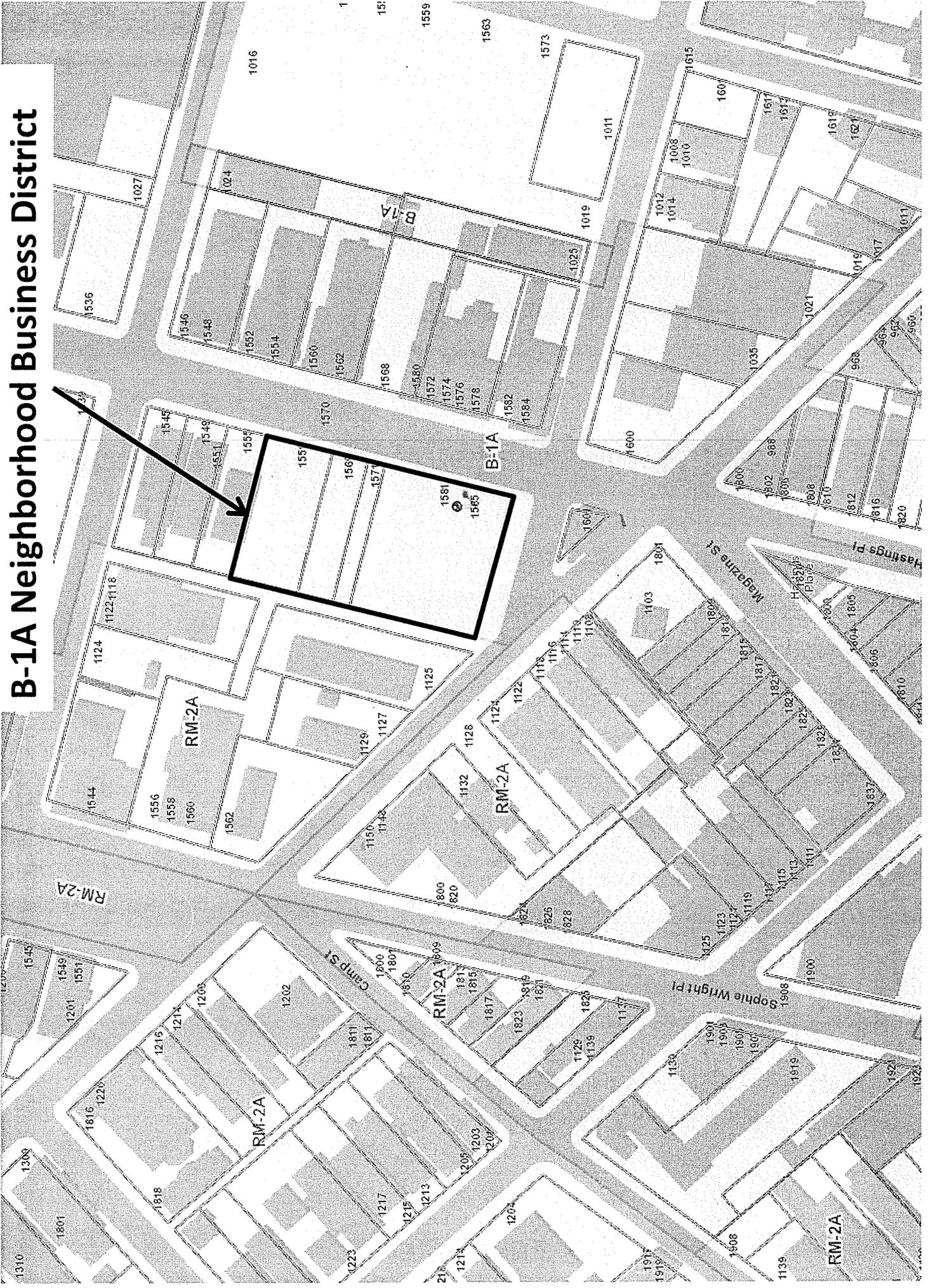
The staff recommends **TENTATIVE APPROVAL** of Subdivision Docket 031/15, with final approval subject to four (4) provisos:

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 dimension for Lot 7 (27.5.4) on Magazine Street as required by the Division of Real Estate and Records.

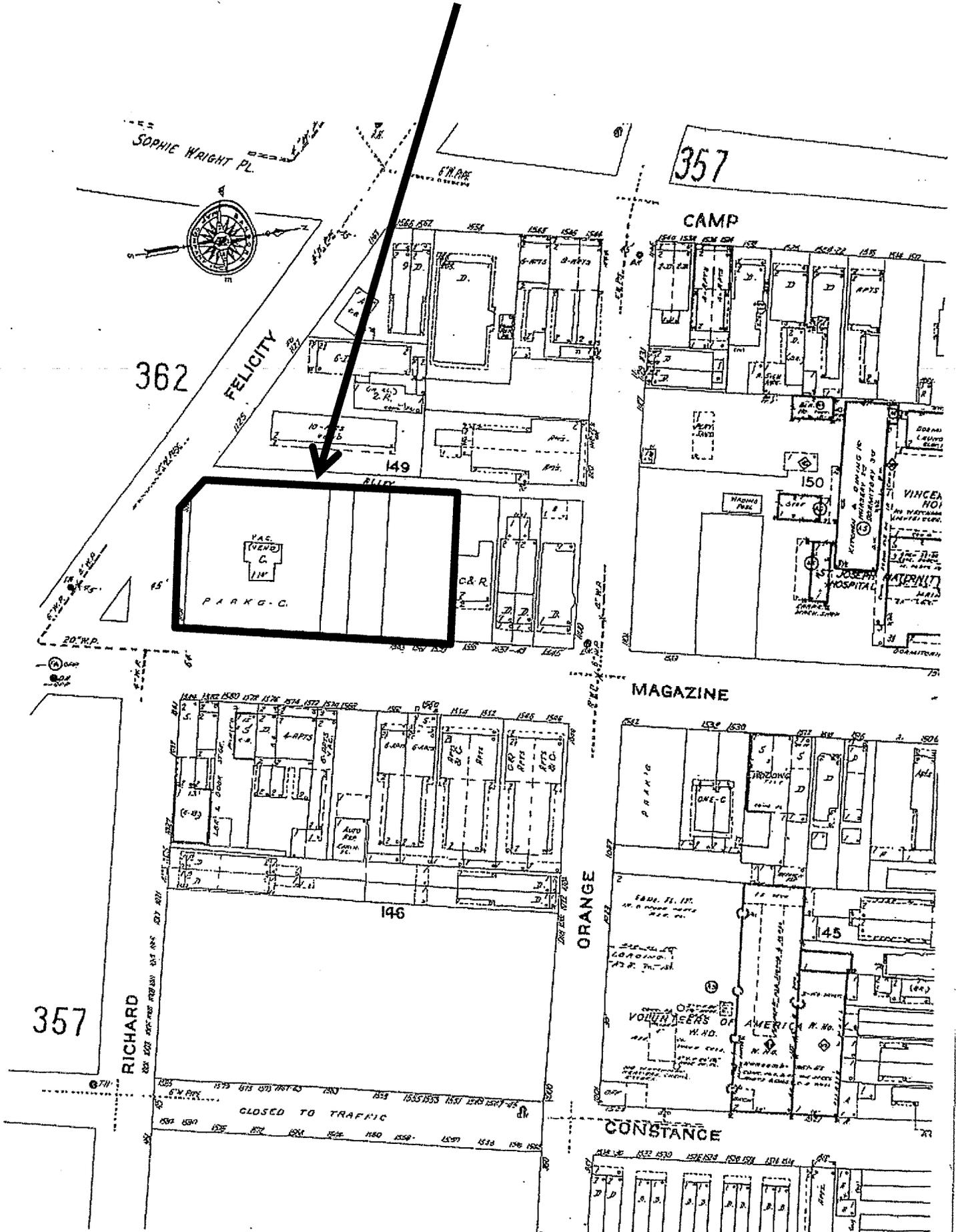
REASONS FOR RECOMMENDATION

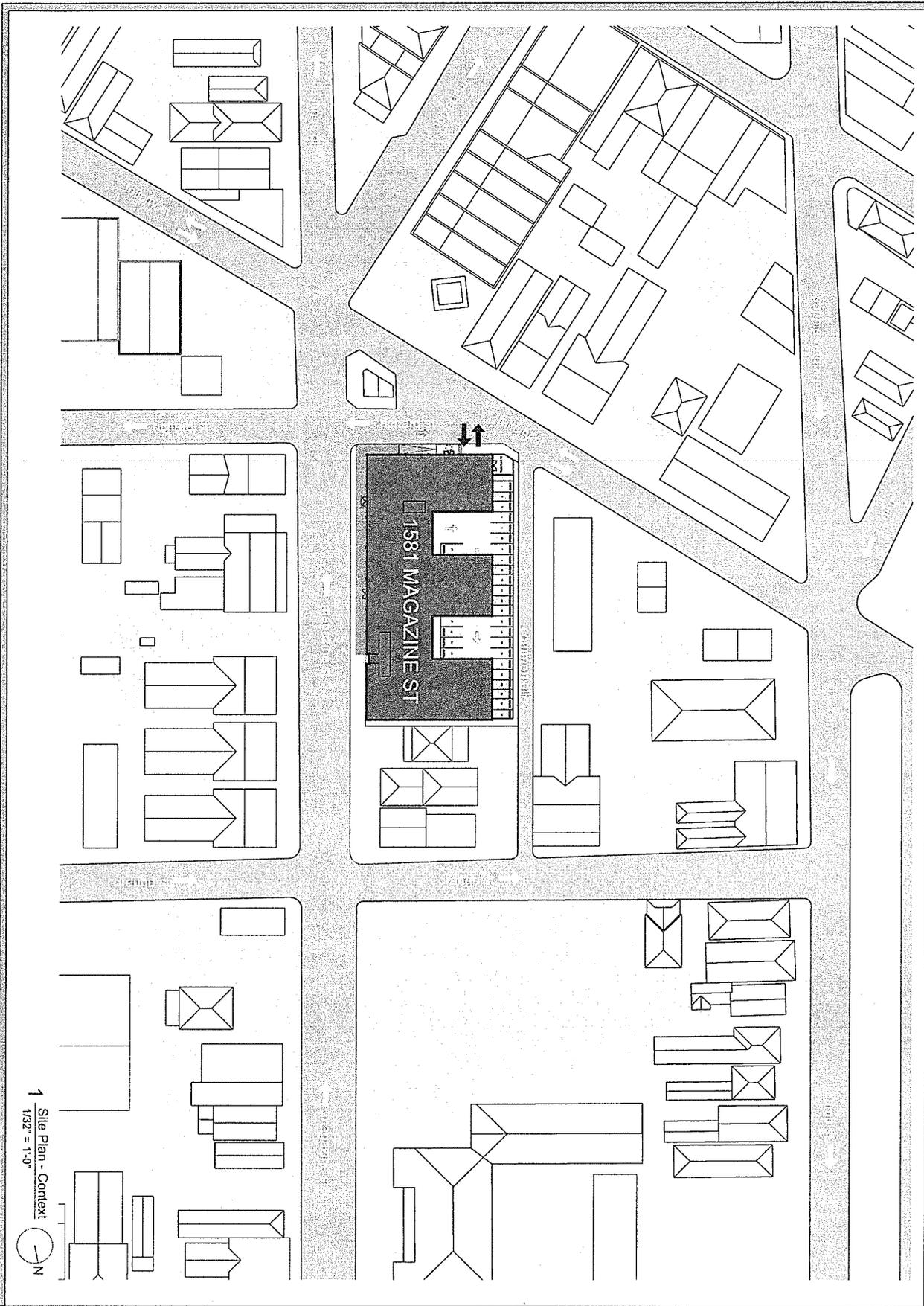
1. The proposed subdivision is consistent with the Comprehensive Zoning Ordinance and the *Plan for the 21st Century: New Orleans 2030*.
2. While the proposed subdivision will result in a reversal of lot frontages, it does result in a situation where the City Planning Commission should look with disfavor upon the proposal.
3. For all practical matters the building will continue to front Magazine Street as its main entrances will be located there.

B-1A Neighborhood Business District



SD 031/15 – 1559-1585 Magazine Street



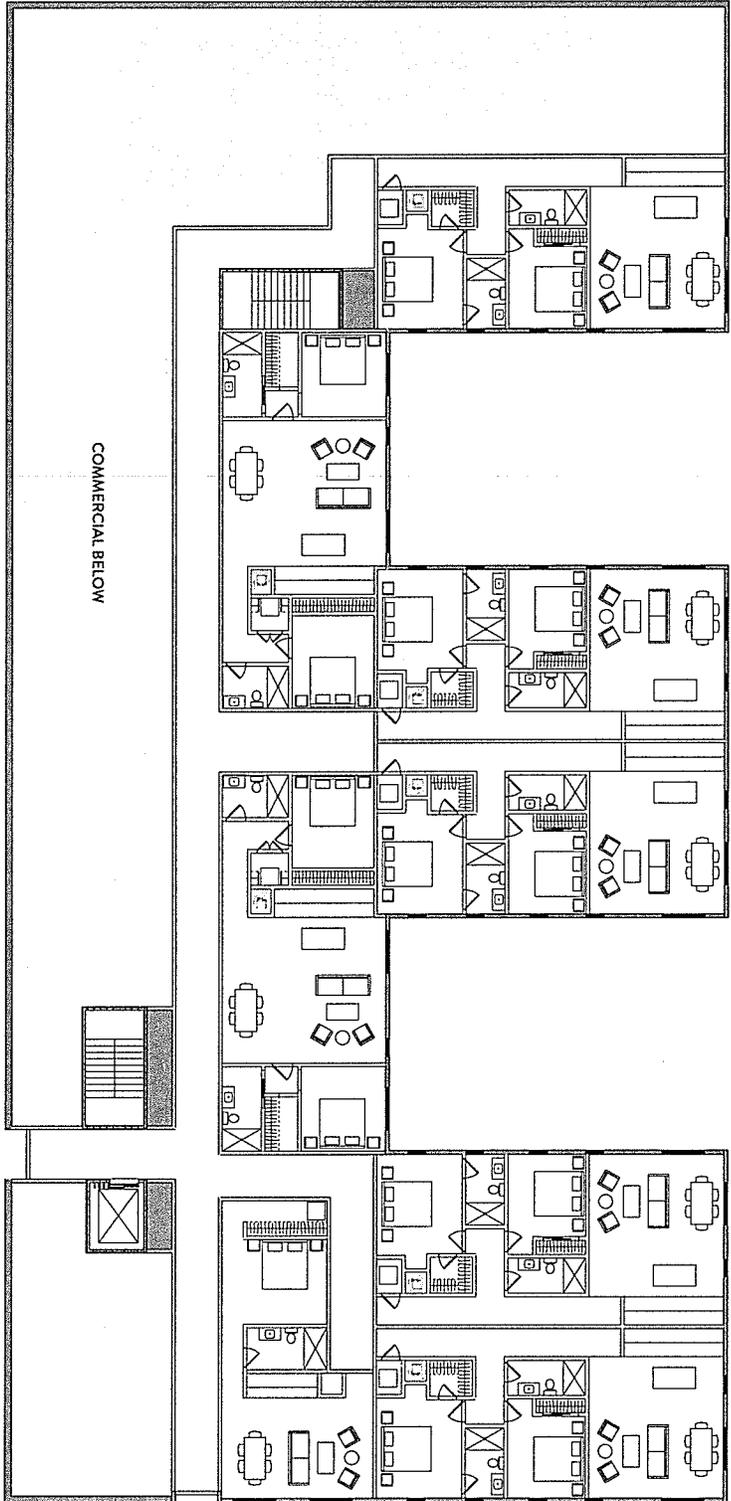


1 Site Plan - Context
 1/32" = 1'-0"
 N

NO.	DATE	DESCRIPTION	BY	CHKD.

1581 MAGAZINE STREET
 SQUARE 149 - GARDEN DISTRICT - NEW ORLEANS, LA 70130

STUDIO WTA
 ARCHITECTS - DESIGN CONSULTANTS
 1119 Poydras Street
 New Orleans, LA 70130
 Tel: 504.581.1111
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COMMERCIAL BELOW

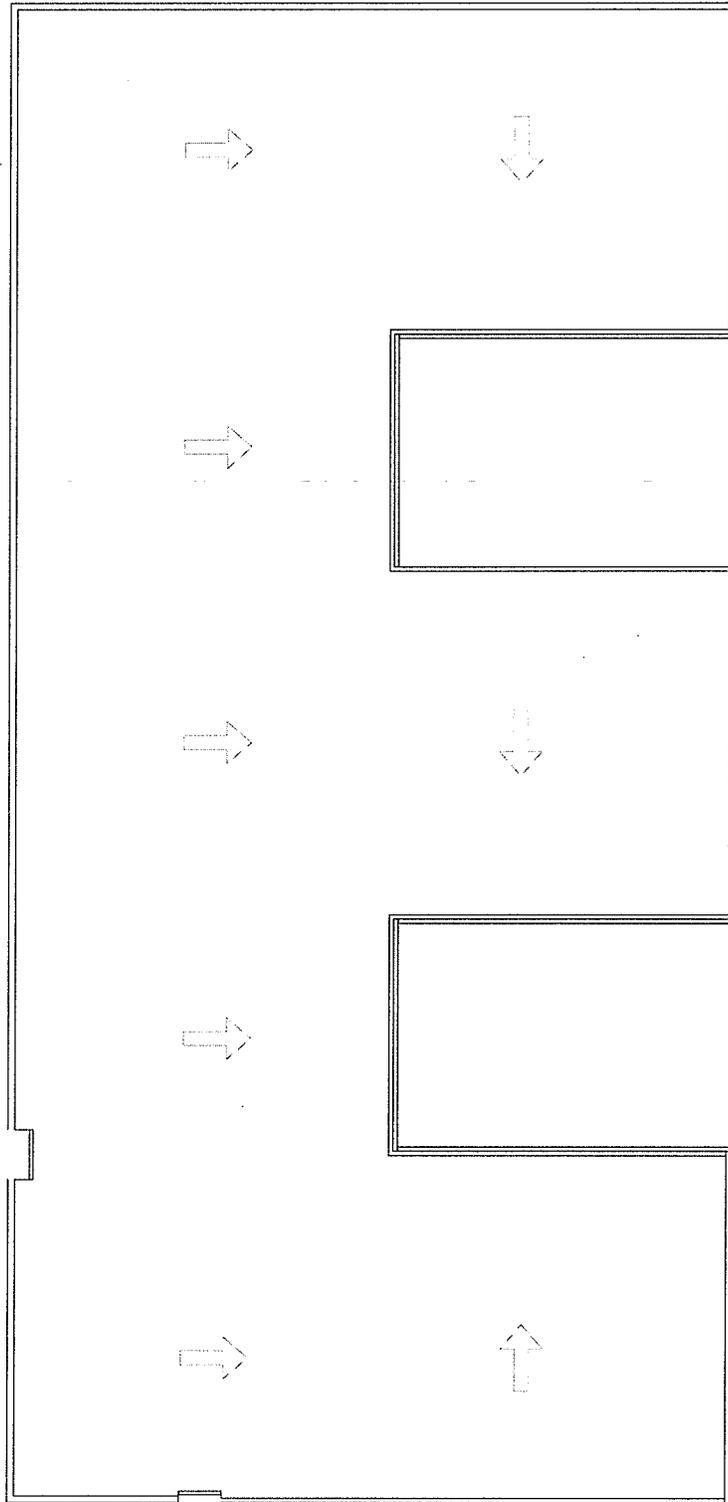
1 First Floor Plan
 1/8" = 1'-0"



A101	DATE	DESCRIPTION	BY	CHK
FIRST FLOOR PLAN				
1581 MAGAZINE STREET				

1581 MAGAZINE STREET
 SQUARE 149 - GARDEN DISTRICT - NEW ORLEANS, LA 70130

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 270 Poydras Street
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1 Roof Plan
1/8" = 1'-0"



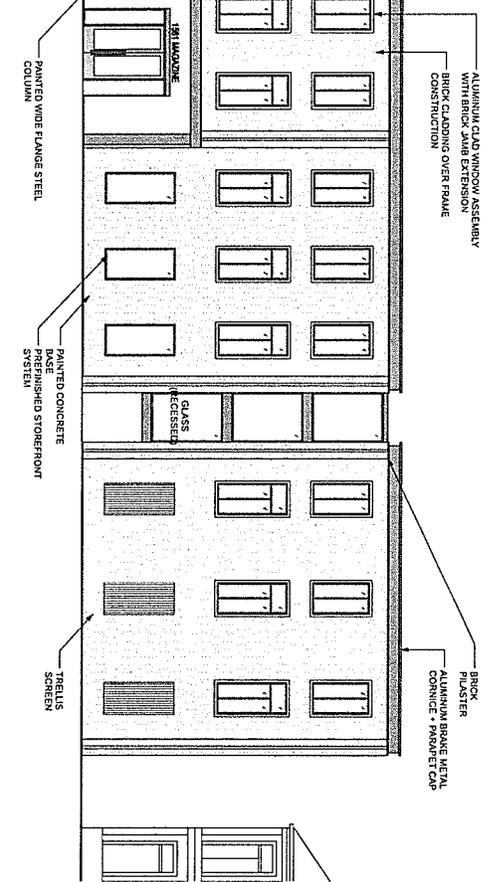
A104	DATE	
	BY	
ROOF PLAN	NO.	
	DATE	
SCHEDULE	NO.	
	DATE	

1581 MAGAZINE STREET
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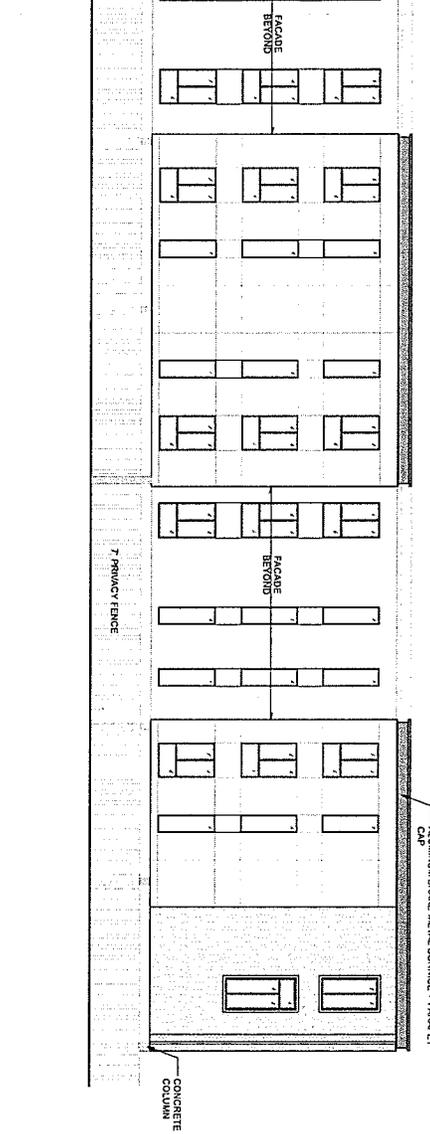
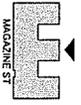
STUDIO **WTA** ARCHITECTS
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 504.581.4224 wta.com

T.O. PARAPET
 45'0"
 3RD FLOOR
 32'6"
 2ND FLOOR
 21'0"
 STEEL FRAMED ANCHORED
 WITH PREFINISHED
 STANDING SEAM SYSTEM
 1ST FLOOR
 9'6"
 GROUND FLOOR
 1'6"

1 Magazine St Elevation
 1/8" = 1'-0"



2 Camp St (side) Elevation
 1/8" = 1'-0"



1581 MAGAZINE STREET

SQUARE 149 - GARDEN DISTRICT - NEW ORLEANS, LA 70130

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