

City Planning Commission Meeting
Tuesday, June 23, 2015

CPC Deadline: 08/07/15
CC Deadline: 09/11/15
Council District: C - Ramsey

PRELIMINARY STAFF REPORT

To: City Planning Commission
Zoning Docket: 055/15

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Date: June 16, 2015

I. GENERAL INFORMATION:

Applicant: City Council Motion M-15-202

Request: This is a request for rezoning within the newly-adopted Comprehensive Zoning Ordinance (CZO) of four (4) parcels from S-RM1 Suburban Multi-Family Residential District to MU-1 Medium Intensity Mixed-Use District and a riverfront area from OS-N Neighborhood Open Space District to an MI Maritime Industrial District.

Location: Parcel 1 includes Pt. Tunisburg-Pt. Cazelar Plt. Parcel No. 2-A or Lot 2A on an undesignated square in the Fifth Municipal District, bounded by Westbend Parkway, Vespasian Street, Herschel Street and Halsey Avenue. The municipal address is 2646 Westbend Parkway. This property is currently zoned as an RM-2 Multiple-Family Residential District and will become an SRM-1 Multi-Family Residential District under the new CZO.¹

Parcel 2 includes Pt. Tunisburg-Pt. Cazelar Plt. Parcel No. 2-B or Lot 2B on an undesignated square in the Fifth Municipal District, bounded by Westbend Parkway, Vespasian Street, Herschel Street and Cobblestone Lane. The municipal address is 2200 Westbend Parkway. This property is currently zoned as an RM-2 Multiple-Family Residential District and will become an SRM-1 Multi-Family Residential District under the new CZO.²

Parcel 3 includes Victory Drive Plaza Parcel B and Sandra Drive Parcel C or Lot B on an undesignated square in the Fifth Municipal District, bounded by Sandra Drive, Murl Street, Vespasian Street and Cypress Acres Drive and Lot C on an undesignated square in the Fifth Municipal District, bounded by Life Center Drive, Murl Street, Vespasian Street and Pace Boulevard. The municipal address is 3010 Sandra Drive. This property is currently zoned as an RM-4 Multiple-Family Residential District and will become an SRM-1 Multi-Family Residential District under the new CZO.³

1 This request will be designated as Parcel 1 throughout this analysis.

2 This request will be designated as Parcel 2 throughout this analysis.

3 This request will be designated as Parcel 3 throughout this analysis.

Parcel 4 includes Cypress Acres Sec. 3 Pt. 5-A Pt. Parcel E-1 or Pt. Parcel 5-A-2 or Parcel 5A-2 or Lot 5A-2-1 on an undesignated square in the Fifth Municipal District, bounded by Cypress Acres Drive, Wall Boulevard, Westbend Parkway, and Vespasian Street. There is no municipal address. This property is currently zoned as an RM-4 Multiple-Family Residential District and will become an SRM-1 Multi-Family Residential District under the new CZO.⁴

Parcel 5 includes the Mississippi River batture area bounded by the levee, the center line of the Mississippi River, a projection of Bermuda Street in a northwesterly direction, and a projection of Whitney Avenue in a northerly direction in the Fifth Municipal District. There are no municipal addresses. This area is currently zoned as a HI Heavy Industrial District and RD-3 Two-Family Residential District and will become an OS-N Neighborhood Open Space District under the new CZO.⁵

Description: The applicant requests the rezoning of four separate parcels:

Parcel 1 consists of approximately eight (8) acres of fenced vacant land that appears to contain substantial demolition debris. This site was previously developed under the current zoning regulations as a Residential Planned Community (RPC).

Parcel 2 contains approximately six and one-half (6.5) acres of land of occupied multi-family residential uses known as the Oakmont apartments.

Parcel 3 contains approximately twelve (12) acres of fenced land occupied by vacant multi-family residential buildings which were developed as a Residential Planned Community (RPC). This site was most recently utilized as part of the Exhibit BE Art installation. Currently, the site is not well-maintained.

Parcel 4 contains approximately six (6) acres of vacant, undeveloped, and wooded land.

Parcel 5 includes vacant land along the Mississippi River on the river-side of the levee. Portions of the site are used for maritime industrial and another vacant portion was formerly used for parking.

The rezoning of parcels 1-4 to MU-1 Medium Intensity Mixed-Use Districts would allow the development of residential, commercial or mixed use structures. The rezoning of parcel 5 to an MI-Maritime Industrial District would accommodate maritime industrial uses along the riverfront.

⁴ This request will be designated as Parcel 4 throughout this analysis.

⁵ This request will be designated as Parcel 5 throughout this analysis.

Why is City Planning Commission action required?

The City Planning Commission is required to make a recommendation on all requests for zoning map amendments prior to City Council action, in accordance with **Article 16, Section 16.2.3.2. *Planning Commission Recommendation*** of the Comprehensive Zoning Ordinance.

II. ANALYSIS

A. What is the zoning of the surrounding areas? What is the existing land use and how are the surrounding areas used?

Under the newly-adopted CZO map, Parcel 1 is bounded on the east by a large S- RS Single Family Residential District. To the west, the parcel is bordered by large office building complexes – both vacant and occupied within MU-2 High Intensity Mixed Use and C-2 General Commercial Districts. To the south is a shopping center within a C-2 General Commercial District. To the north are the Oakmont apartments within an S-RM1 Suburban Multi-Family Residential District.

Under the newly-adopted CZO map, Parcel 2 is bounded on the east by a large S- RS Single Family Residential District. To the west, the parcel is bordered by a large office building complex within MU-2 High Intensity Mixed Use District. To the south, the site is bordered by Parcel 1, a vacant site that formerly contained an apartment building complex. To the north, the parcel is bordered by another S-RM1 Suburban Multi-Family Residential District containing single-family and multi-family residential uses.

Under the newly-adopted CZO map, Parcel 3 is bounded on the east by the S-RD Suburban Two-Family Residential District, which contains townhouses and vacant land. To the west, the parcel is bordered by another S-RM1 Suburban Multi-Family Residential District containing single family residential uses and vacant land. To the south, the parcel is bordered by a mostly-vacant C-2 General Commercial District. To the north, the parcel is bordered by another S-RM1 Suburban Multi-Family Residential District containing mostly vacant land.

Under the newly-adopted CZO map, Parcel 4 is bordered on the east by another S-RM1 Suburban Multi-Family Residential District containing multi-family residences. To the west, the parcel is bordered by an S-RD Suburban Two-Family Residential District, which contains townhouses and single-family residences. To the south, the parcel is bordered by another S-RM1 Suburban Multi-Family Residential District containing multi-family residences. To the north, the parcel is bordered by an OS-N Neighborhood Open Space District that is undeveloped, wooded land.

Under the newly-adopted CZO map, Parcel 5 is bordered on the north by the Mississippi River. The parcel is bordered on the south by an OS-N Neighborhood Open Space District

that contains the levee and a levee-top bike/walking path. To the east, the parcel is bordered by an OS-N Neighborhood Open Space District. To the west, the parcel is bordered by the MU-1 Medium Intensity Mixed Use District which is vacant land extending to the Algiers Point ferry. Much of the land on the river side of the levee may be under water from time to time when the Mississippi River is high.

B. What is the zoning and land use history of the site?

Zoning	Parcel 1	Parcel 2	Parcel 3	Parcel 4	Parcel 5
1929	Vacant	Vacant	Vacant	Vacant	Vacant
1953	B – Two-Family Residential District	L – Heavy Industrial District			
1970	RM-2 Multi-Family Residential District	RM-2 Multi-Family Residential District	RM-4 Multi-Family Residential District	RM-4 Multi-Family Residential District	HI – Heavy Industrial District
Land Use	Parcel 1	Parcel 2	Parcel 3	Parcel 4	Parcel 5
1929	Vacant and Industrial	Vacant and Industrial	Vacant and Industrial	Vacant and Industrial	Vacant, Single and Two-Family Residential
1949	Vacant	Vacant	Vacant	Vacant	Vacant, Single-Family Residential and Industrial
1999	Vacant Land	Single and Two-Family Residential	Vacant Land	Vacant Land	Vacant Land

C. Have there been any recent zoning changes or conditional uses in the area? If so, do these changes indicate any particular pattern or trend?

There have been the following zoning requests in the vicinity of the subject sites in the last five years.

Zoning Docket 101/11 was a request for an amendment to Ordinance No. 24,370 MCS (ZD 123/10, a Conditional Use to permit the sale of alcoholic beverages for consumption off-premises at a gasoline service station) to modify provisos relative to curb cuts, in a B-1 Neighborhood Business District within the UC Urban Corridor Overlay District. The City Planning Commission recommended modified approval of the request, which was

subsequently approved by the City Council. The municipal address is 3054 General De Gaulle Dr. This site is approximately one block distance from Parcel 3.

Zoning Docket 031/13 was a request for a for a Conditional Use to permit the construction of a development exceeding 10,000 square feet within a C-1 General Commercial District, within the General De Gaulle Urban Corridor District. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. The municipal address is 2900 General De Gaulle Dr. This site is approximately one block away from Parcel 3.

Zoning Docket 093/13 was a request for an amendment to conditional use Ordinance No. 21,997 M.C.S. (ZD023-05) which permitted a fast food restaurant with a drive-thru facility, to permit the expansion of the existing drive-thru facility, in a B-2 Neighborhood Business District, within a UC Urban Corridor Overlay District. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. The municipal address is 3250 General De Gaulle Dr. This site is located approximately 1 block distance from Parcels 1 and 3.

Zoning Docket 038/15 for a Conditional Use to permit a retail store on a site over one acre in area in a C-1 General Commercial District and an Urban Corridor District overlay. The City Planning Commission recommended denial of the request and the recommendation has been forwarded to the City Council. The Council has not acted on this request. The municipal address is 2800 General De Gaulle Dr. This site is approximately one block distance from Parcel 3.

These dockets represent zoning actions to change between various commercial uses along the General De Gaulle Drive corridor. They do not particularly represent a trend.

D. Are any major streets involved? What impact will the proposed zoning change have on the transportation system, if any?

Traffic

Parcels #1-4 are located near General De Gaulle Dr. General De Gaulle Dr. is a major two way street, with four lanes of traffic on either side that can easily accommodate an increase in traffic that may result from the redevelopment of Parcels 1 through 4 with mixed use or multi-family uses.

Parcel #5 is located near Morgan Street and Patterson Road, which are two-way streets with one lane of travel in each direction. Morgan Street has a parking lane on each side while Patterson has a parking lane only on one side. Towards the eastern end of Parcel 5, Whitney Avenue intersects with Patterson Street, which runs parallel to the levee. Whitney Ave. is a major two way street with two lanes of traffic and a parking lane on either side that can easily

accommodate and funnel to General De Gaulle Drive any increase in traffic which may result from the proposed zoning change.

Parking

Parcels 1 through 4 should all be able to contain the required parking for mixed use or residential uses on site, as they are each very large sites.

For Parcel 5, there are existing and former parking facilities on the river side of the levee. Depending on the use and design of any future development that may be accommodated by the zoning change, it may be possible to contain much of the required parking on that side of the levee.

E. What is the purpose of the proposed rezoning, and what effect would it have on the adjacent land uses?

The rezoning of parcels 1-4 to MU-1 Medium Intensity Mixed-Use Districts would allow the development of structures with entirely residential, entirely commercial or mixed-use developments. The effect on adjacent uses may be similar to the effect of the existing zoning, which allows for slightly less dense multi-family development. The zoning change could provide developers with additional flexibility to develop mixed use structures with a variety of amenities at a location within walking distance of shopping and public transit. While the purpose of the proposed rezoning may be to accommodate mixed use structures, the MU-1 District would also allow entirely commercial structures. Based on the nearby presence of both multi-family residential developments and general commercial uses, it is unlikely that the zoning change would dramatically alter the character of the community. The community desperately needs revitalization of these sites. Except for the occupied Oakmont apartments, these sites have a negative impact on the community due to their vacancies and poor conditions.

The rezoning of parcel 5 to an MI-Maritime Industrial District would allow maritime industrial uses along the Mississippi Riverfront where they have previously existed. On the portion of the area that is owned by the Port of New Orleans, there may be future interest in developing a more recreational or commercial use that takes advantage of river views. To accomplish that, a commercial and recreational sub-district tailored specifically for this area may need to be developed, similar to the one in Article 16, Section 16.4 of the new CZO that was written for a portion of the Industrial Canal waterfront. Any new development would be subject to off-street parking and loading regulations required under the CZO. Effects on adjacent land uses should be minimal due to the separation of this area by the levee.

F. Can the request be considered a spot zone? If so, does it fall within the Historic Non-Conforming Use Policy?

Spot zoning refers to the creation of a new zoning district for a certain parcel or parcels which has the effect of singling out those parcels and unjustifiably giving them preferential treatment that is not afforded to similarly situated surrounding properties. Generally, zoning changes that rezone large parcels will not be considered to be spot zones because the size of the affected parcels will sometimes justify their being zoned differently from surrounding properties.

The rezoning of Parcels 1-4 would result in the creation of new MU-1 Medium Intensity District for large areas that are greater than the size of a typical city square and are distinct from surrounding properties. Due to these reasons, the request should not be considered spot zones.

The rezoning of parcel 5 would result in the creation of a large MI Maritime Industrial District covering a long stretch of the Mississippi Riverfront area. Due to its size, and the condition that the site is a riverfront area, which is distinct from surrounding neighborhoods, it should not be considered a spot zone.

III. Are the proposed actions supported by or in conflict with the policies and strategies of the *Plan for the 21st Century*?

On the Future Land Use Map of the Plan for the 21st Century, also known as the Master Plan, Parcels 1 - 4 are designated as Residential Multi-Family Post War. The goal, range of uses, and development character for this designation is provided below:

RESIDENTIAL MULTIFAMILY POST-WAR

Goal: Preserve the character and scale of existing suburban multifamily residential areas and encourage new multifamily development at nodes along potential mass transit routes or major city roadways that can support greater densities.

Range of Uses: Mixed single- and two-family units, and multifamily residential structures allowed. Limited neighborhood-serving commercial uses on the ground floor allowed.

Development Character: Maximum of 36 units/acre. Design guidelines and transition to surrounding single-family and low density neighborhoods.

The zoning district applied to these sites under the new Comprehensive Zoning Ordinance is S-RM1 Suburban Multi-Family Residential District. This designation is generally compatible with the existing or previous use of the properties. However, the S-RM1 District does not allow for “neighborhood-serving commercial uses on the ground floor” as described in the Future Land Use Map designation for the site.

The zoning map change proposal to the MU-1 Medium Intensity Mixed Use District is based in the desire to encourage redevelopment of the sites and offer the flexibility of allowing mixed use development. These developments may take the form described in the range of uses of ground floor commercial with residential uses above; however, the MU-1 District would also allow entirely commercial structures as well as some uses that do not strictly serve the immediate area. There is no zoning district available that perfectly matches the development scenario that would allow commercial and multi-family residential, but limit the commercial to the ground floor in a mixed use building. It is possible that additional design standards could be added to achieve this goal if the sites were developed as planned developments or through other zoning tools.

For these sites, the City Planning staff considered the language of the Future Land Use Map category and the purpose of the MU-1 Medium Intensity Mixed Use District. Each is intended to encourage walkability and transitions to lower density residential areas. Each allows multi-family and commercial use. However, the MU-1 District would allow somewhat greater residential densities than permitted by the Residential Multi-Family Post War designation of the Master Plan. The MU-1 District would allow approximately 43.5 dwellings per acre while the Master Plan designation limits it to 36 dwellings per acre. Due to this difference in allowed density, the CPC staff believes that the zoning change would be **inconsistent** with the Master Plan.

In summary, neither the HU-RM1 District nor the MU-1 District is an ideal fit for the Residential Multi-Family Post War Future Land Use Map designation of the Master Plan. The CPC staff believes the solution to allowing more flexible redevelopment options for these sites would be for any development proposal to come in as a Planned Development in accordance with the provisions of Article 5 in the new CZO. Each site would meet the minimum size requirements and Article 5 would provide a mechanism for allowing commercial uses while restricting them to the ground floor as described in the Master Plan. The staff believes another suitable alternative would be the creation of a new zoning classification under the new CZO, which would allow mixed-use developments that would be consistent with the Future Land Use Map (FLUM) designations.

On the Future Land Use Map of the Plan for the 21st Century, also known as the Master Plan, Parcel 5 is designated as Industrial. The goal, range of uses, and development character for this designation is copied below:

INDUSTRIAL

Goal: Retain land to further strengthen port activity, maritime-related activities, manufacturing and other uses that provide jobs and opportunities for New Orleans' residents.

Range of Uses: Heavy manufacturing, maritime uses, water treatment and transfer and large warehousing/distribution facilities.

Development Character: Often located near rail and highway infrastructure, massing and bulk will vary depending on location, however, proper buffers/standards required, particularly when abutting residential neighborhoods.

The proposed zoning map change would correct an erroneous zoning designation applied to the new map that is inconsistent with the Master Plan. Based on a history of maritime industrial uses along the Algiers riverfront on the river side of the levee, an Industrial designation was adopted in the Master Plan. This designation was not properly converted to a consistent zoning designation in the new Comprehensive Zoning Ordinance. The proposed zoning map change to a Maritime Industrial District is **consistent** with the Master Plan.

IV. SUMMARY

The City Council motion proposes a zoning change for four parcels adopted as S-RM1 Suburban Multi-Family Residential District in the new Comprehensive Zoning Ordinance. The proposed MU-1 Medium Intensity Mixed Use District would allow the flexibility of both residential and commercial development options for this area in great need of revitalization. The areas are appropriate for mixed use development due to their locations adjacent to multi-family residential and commercial districts and within a short walk of major streets and transit. The request would not be considered a spot zone because of the large size of each site. However, the proposed zoning change would not be consistent with the Master Plan's Future Land Use Map designation of Residential Multi-Family Post War. A possible short-term solution to accommodate any mixed-use development proposal would be to apply as a Planned Development, which could allow a mix of uses while limiting residential density as well as the intensity and design of commercial uses.

The City Council motion also proposes a zoning change for a Mississippi Riverfront area on the river side of the levee between Bermuda Street and Whitney Avenue. The newly adopted Comprehensive Zoning Ordinance designates this area as OS-N Neighborhood Open Space. However, this area owned in part by the Port of New Orleans has an Industrial Future Land Use Map designation in the Master Plan and was erroneously mapped as an OS-N District. The proposed change would correct the zoning map and authorize uses of the Maritime Industrial District.

V. PRELIMINARY STAFF RECOMMENDATION⁶

The staff recommends **MODIFIED APPROVAL** of request, denying the proposal for a zoning map change from S-RM1 Suburban Multi-Family Residential District to the MU-1 Medium Intensity Mixed Use District for Parcels 1-4 and approving the zoning map change from OS-N Neighborhood Open Space District to MI Maritime Industrial District for Parcel 5.

⁶ Subject to modification by the City Planning Commission

VI. REASONS FOR RECOMMENDATION

1. The proposed change for Parcels 1 through 4 is inconsistent with the Master Plan. The Planned Development mechanism could instead be used to allow mixed use development on the subject parcels in a manner consistent with the Master Plan.
2. The proposed zoning map change to a Maritime Industrial District is consistent with the Master Plan.



