

St. Charles Parish
Department of Planning & Zoning

LAND USE REPORT
CASE NUMBER: PZR 2018-07

GENERAL APPLICATION INFORMATION

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| <p>◆ Name/Address of Applicant
 Steven J. & Anne B. Hafkesbring
 12250 River Road
 St. Rose, LA 70087
 (504)-469-4424; ceoofive@yahoo.com</p> | <p>Application Date: 09/27/18</p> |
| <p>◆ Location of Site
 Lot 14B, Pecan Grove Plantation Subdivision, 12250 River Road, St. Rose</p> | |
| <p>◆ Requested Action
 Change of zoning of the first 550 feet of Lot 14B from O-L, Open Land to C-3, Highway Commercial. The purpose of this rezoning is to permit the operation of a landscaping company. The current O-L zoning does not permit this use.</p> | |

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel**
Approximately 8 acres, with the rezoned portion consisting of approximately 65,500 square feet
- ◆ **Current Zoning and Land Use**
Lot 14B is zoned O-L and developed with an office and accessory structures for a certified farm and landscape company.
- ◆ **Surrounding Zoning and Land Uses**
B-2, Batture-Industrial zoning is across River Road to the front; M-1, Light Manufacturing zoning is adjacent to the rear; R-1A and O-L zoning is adjacent to the east side; O-L zoning is adjacent to the west side.

The Mississippi River levee and batture is adjacent to the front; wooded, undeveloped land is adjacent to the rear; single family residences are adjacent to the east side; a gas pipeline facility is adjacent to the west side.
- ◆ **Future Land Use Recommendation**
Low Density Residential: This category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1A(M). Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.
- ◆ **Traffic Access**
The site is developed with a gravel driveway providing access to River Road.
- ◆ **Utilities**
Standard utilities are available and representatives of the Departments of Waterworks, Public Works/Wastewater and Public Works/Drainage indicate that existing utilities can serve commercial development in this area.

APPLICABLE REGULATIONS

Appendix A. Section VI.

[IV.] C-3. Highway commercial district—Wholesale and retail sales:

1. Use Regulations:
 - a. A building or land shall be used for the following purposes.
 - (1) All uses allowed in the C-2 District.
 - (2) Commercial auditoriums, coliseums or convention halls
 - (3) Retail manufacturing

- (4) Motor vehicle sales and service
 - (5) Wholesale uses
 - (6) Warehouses (less than 10,000 sq. ft.)
 - (7) Bus, railroad, passenger and truck terminals (without video poker gaming facilities)
 - (8) Bottling works
 - (9) Dog pound
 - (10) Building supply
 - (11) Heating and air conditioning service
 - (12) Plumbing shops
 - (13) Motor vehicle repair
 - (14) Glass installation
 - (15) Fabrication of gaskets and packing of soft metal material
 - (16) Creameries
 - (17) Parcel delivery service
 - (18) Reserved.
 - (19) Frozen food lockers
 - (20) Public stables
 - (21) Bulk dairy products (retail)
 - (22) Animal hospitals
 - (23) Gymnasiums
 - (24) Sheet metal shops.
 - (25) Upholstery
 - (26) Other uses of similar intensity
 - (27) Customary accessory uses incidental to the above uses when located on the same lot.
 - b. Special exception uses and structures:
 - (1) Temporary construction facilities for a period of one (1) year upon approval of the Planning Director.
 - c. Special permit uses and structures include the following:
 - (1) Barrooms, night clubs, lounges, and dancehalls upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (2) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (3) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (4) Reserved.
 - (5) Cellular installations and PCS (personal communication service) installations.
 - (6) Reserved.
 - (7) Warehouses (non-hazardous materials) over ten thousand (10,000) square feet.
 - (8) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street.
 - (9) Bingo Halls, Video Bingo Parlors, and Off-Track Betting Establishments upon review of the Planning Commission and Ordinance of the Parish Council.
 - (10) Outdoor storage, when accessory to an otherwise permitted use in the district.
 - 2. Spatial Requirements:
 - a. Minimum lot size: Seven thousand (7,000) square feet, minimum width - seventy (70) feet.
 - b. Minimum yard sizes:
 - (1) Front - twenty (20) feet
 - (2) Side - five (5) feet
 - (3) Rear - ten (10) feet
 - (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.
 - 3. Transportation System: Arterial, local industrial, rail, water.
 - 4. Special Provisions:
 - a. Where any commercial use in a C-3 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones unless the Planning and Zoning Department shall require a greater or lesser buffer strip.
- [V.] Prohibited use: Medical waste storage, treatment or disposal facilities.

Appendix A. Section XV. - Amendment procedure

- A. The Council may amend this Ordinance when amendments are properly introduced as outlined in Section XIV. No such amendment shall be effective unless:
 - 1. The Planning Commission has received a full analysis report from the Planning and Zoning Department on the merits of the proposed amendment and the Commission has held a public hearing on the proposed amendment offering standard public notice according to the Commission rules; and
 - 2. The Council has received a full analysis which includes a recommendation from the Planning and Zoning Department on the merits of the proposed amendment and including a recommendation from the Commission contained within a verbatim transcript of the portion of the Commission meeting relating to the proposed amendment; and
 - 3. The Council has held a public hearing on the proposed amendment offering standard public notice according to the Council rules.

- B. Following review by the Planning and Zoning Department, a public hearing will be held by the Planning and Zoning Commission. The Planning and Zoning Department shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning. The public hearing shall be advertised in the official journal of the parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to all abutting property owners. Following this public hearing, the recommendation of the Planning and Zoning Commission shall be forwarded to the Parish Council by the Planning and Zoning Department.
- C. A Planning Commissioner making a motion which differs from the Planning Staff recommendation may render a written statement in suitable form, for transmittal by the Secretary with the Commission and Staff reports to the Council. In addition, any other member may submit a written opinion on the matter, which shall be transmitted to the Council by the Secretary along with the Commission report.
- D. *Rezoning guidelines and criteria:* Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:
1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.
 2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property. One or more of following examples may be used in evaluating reasonableness:
 - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
 3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure. The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.
- E. *Rezoning approval criteria:* Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:
1. The proposed map amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map. and
 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.
- F. *Withdrawal of applications:*
1. Any application which the applicant wishes to withdraw from a Planning Commission public hearing must be withdrawn by written notice to the Department of Planning and Zoning not later than the Wednesday at noon preceding the Commission meeting, and following such withdrawal will not be accepted for readvertisement for six (6) months, except on majority vote by the Commission.
 2. When application is duly advertised and not withdrawn as set forth above, a public hearing shall be held by the Commission and a report forwarded to the Council along with any application received. Said application may be withdrawn from Council action only by written request to the Council Secretary before Thursday at noon preceding the public hearing. Any such application withdrawn in this manner shall not be accepted for re-advertising for one (1) year.
 3. Any rezoning application withdrawn after Commission action but prior to Council action may be refiled with the Commission in less than one (1) year provided that the Commission approves a written request showing there is evidence not previously considered or extenuating circumstances.
 4. Any rezoning application denied by Council shall be prohibited for applying for the same map amendment for a period of one (1) year from the date of denial.

REZONING GUIDELINE EVALUATION

Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. *The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.* The Future Land Use Map (FLUM) designates this property for Low Density Residential. This FLUM category anticipates residential development compatible with the R-1A, R-1B, and R-1A(M) zoning districts, with neighborhood serving uses such as parks and churches. The purpose of the rezoning is to permit the operation of a landscaping company, a use which does not comply with the FLUM designation.

Additionally, there is no C-3 zoning within the vicinity of the subject site, and the nearest commercial zoning is C-2 approximately 2,500 feet upriver on River Road. The rezoning meets the definition of a spot zone as it “gives to a single lot or a small area privileges not extended to other land in the vicinity and which is not done in furtherance of the comprehensive plan or to serve the best interest of the community”. **The request fails the first guideline.**

2. *The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property.* The site was originally developed as a single family residence which is now used for the operation of a landscaping company. This stretch of River Road is primarily developed with single family residential uses, including both site-built construction and mobile/manufactured homes. The only non-residential development consists of established offices or industrial uses in designated areas. The existence of the non-conforming use on the subject site is not the result of a significant change in the land use pattern of the area making the original or intended use unreasonable. **The request fails the second guideline.**

3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.* Most of the uses permitted in the C-3 zoning district, which includes high intensity commercial uses and some minor manufacturing would be incompatible with the largely residential character of the immediate area. Representatives from Public Works & Wastewater and Waterworks stated they have facilities servicing the area and can accommodate development permitted in the C-3 zoning district. Since uses permitted in C-3 zoning would be incompatible with existing neighborhood character, **the request fails the third guideline.**

ANALYSIS

The applicant requests rezoning of the 550 feet of Lot 14B from O-L to C-3 in order to permit the continued operation of Greenway Services, a landscaping business permitted as a home occupation in 2011 (project 24277). Greenway Services uses heavy equipment and has employees which is not permitted for home occupations. Lawn care and maintenance service businesses are not permitted in the OL zoning district.

The proposed rezoning to C-3 would not meet any of the three rezoning guidelines. C-3 zoning is not compatible with the Low Density Residential Future Land Use designation and meets the definition of a spot zone, the existing zoning and changes in land use pattern did not create an unreasonable use of the site, and while existing infrastructure is capable of supporting uses permitted in the C-3 zoning district, these would be incompatible with neighboring residents.

DEPARTMENT RECOMMENDATION

Denial, due to not meeting any of the rezoning guidelines